

Scopwick and Kirkby Green Neighbourhood Plan

North Kesteven District Council – Regulation 16 Comments

Introduction

This document has been produced in response to the submission version of the Scopwick and Kirkby Green Neighbourhood Plan (SKGNP) which is being consulted upon between 17 June and 29 July 2022.

North Kesteven District Council (NKDC) has provided comments on a number of previous versions of the SKGNP in an aim to help the Neighbourhood Planning Steering Group improve the plan before it was submitted to the Council. It is pleasing to see that many of these earlier suggestions have been implemented and the plan is much improved as a result.

The aim of this document is to provide a view as to whether the submitted plan, and the policies within it, meet the basic conditions as required by legislation. It also provides a view as to whether any of the policies cause concern for implementation, along with recommended improvements that would benefit the delivery of the plan and would assist in making the plan more aligned to national policy.

The Basic Conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- b) the making of the plan contributes to the achievement of sustainable development;
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations; and
- e) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

This report is set out in the order of the content of the SKGNP.

Planning Context

It is important to note the context within which this consultation has taken place from a local planning perspective. At the time of this consultation commencing, the Local Plan had completed its Regulation 19 Consultation and it was submitted to the Secretary of State in the latter stages of this consultation. The examination has therefore commenced on the local plan.

Whilst the Local Plan is at an advanced stage of production, there are outstanding objections to a number of draft policies, site allocations and the plan as a whole. It remains to be seen what the examination will result in and therefore this assessment has only been undertaken against the adopted 2017 Local Plan. However, it should be noted that at the time this neighbourhood plan is being examined, so will the emerging local plan which proposes a significant number of changes to the policy context of the SKGNP. The submission local plan, and its evidence can be viewed at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/>.

Conclusion

Overall, it is considered that the SKGNP contains a number of policies, or parts of policies, which meet the basic conditions but that some further amendments are required in order to ensure that the plan as a whole meets them. It is considered that, subject to the proposed amendments in the below assessment, the plan meets the Basic Conditions as required by the regulations and therefore should proceed to referendum. With these changes the plan is in general conformity with both the adopted Central Lincolnshire Local Plan and it is consistent with national policy.

[Review of the Draft Plan](#)

This section provides a detailed review of the document being consulted on at the pre-submission stage. Where relevant it includes comments about the basic conditions and suggestions for proposed wording changes. For the avoidance of doubt, where no comments are provided against part of a policy, this means there are no significant concerns about it from a basic conditions or deliverability point of view.

Location	Comments	Changes recommended
Objectives	Objective 9 has been amended in response to comments made by NKDC at the Regulation 14 consultation. However, it has been noticed that in that consultation there were two objective 8's and the wrong objective has been amended.	Amend the start of Objective 9 to read, "To ensure that future development minimises its impact on the environment by..." as it did in the Regulation 14 Pre-submission Consultation.
	Objective 10 does not fit with the wider wording of the objectives. Amending the start of the objective to 'To ensure development is not at risk of flooding and does not increase flood risk...'	Amend the start of Objective 10 to read "To ensure development is not at risk of flooding and does not increase flood risk."
Para 42	The wording of this paragraph references the emerging Central Lincolnshire Local Plan, which is unlikely to be adopted when this plan is examined. It is not necessarily something that requires amendment, but it could equally apply to the adopted Local Plan policies LP2, LP4 and LP55.	
Map 2a and 2b	These maps should have a legend to clarify that the development boundary is shown as the red line. Whilst in reality this is clear, it would remove any doubt.	Add a legend to maps 2a and 2b, or amend the map titles to state that the red line is the development boundary.
Map 2b	Map 2b would also benefit from the boundary line being made clearer, potentially through use of a thicker line.	Make the boundary line thicker/more prominent on Map 2b
Policy 1	In point c), given that the significant green gaps are all outside of the development boundary, and this part of the policy only relates to schemes within the boundary, surely their reference here is redundant? This should be removed. Furthermore, the Significant Green Gaps are not shown on Maps 5a and 5b, but 3a and 3b, and priority habitats are shown on Map 5, not 6 (and these are also outside of the settlement boundary).	Delete point 1.c).
	In point 1.f) it should be noted that only major developments are required to incorporate SuDS. This requires amendment to be consistent with national policy.	Part 1.f) of the policy should be amended to read "where required, including sustainable urban drainage systems (SuDS)..."
	In part 3 of the policy there is some ambiguity due to the use of the term "small sites". Whilst it is considered that this is likely intended to be limited to sites that can accommodate only one or two dwellings, the definition of small sites in	Part 3 of the policy should be amended to read "Within the Development Boundaries residential development on infill sites will typically be limited

	paragraph 143 of the plan and the somewhat loose wording here, result in it not being clear enough.	to sites that can accommodate no more than one or two dwellings.”
Policy 2	The wording of part 2 of this policy requires amendment to be consistent with national policy and clear for decision makers. Firstly, the use of the term “will only be considered” is suggestive that an application will not be validated which is not appropriate. Secondly, would alternative locations mean sites outside of the settlement boundary or just within it?	Amend the wording of part 2 to read “Any development proposal within a Significant Green Gap not satisfying part 1 of this policy will only be acceptable where the benefits of development significantly and demonstrably outweigh the adverse impacts.”
	In part 3 of the policy it refers to the view cones, with a footnote clarifying that these are the blue shaded areas on the maps, but on maps 4a and 4b there are two different tones of blue/grey. Furthermore, View 4 does not have a cone as it is a linear view (it is noted that this was in response to comments from NKDC, but to be consistent with the wider policy it does require a cone to be provided). This is therefore unclear as to where this policy would apply. Furthermore, in order to be aligned to national policy it should also allow for adequate mitigation to be put in place for development within these cones as development could potentially be screened or could improve a view by virtue of good design.	It must be made clear where this part of the policy will apply, either through making the view cones a single colour and making sure there is a cone for View 4 (and this can be a narrow cone to reflect the linear nature of the view) or by changing the wording of the policy. Provided this policy is made clearer it also needs to be adjusted to allow for appropriate mitigation and good design/schemes which can enhance the views. To do this the last sentence can be reworded as “Development proposals within a Key View should not obstruct or diminish the view. Development proposals that enhance the view will be supported subject to other policies in the development plan.”
	Part 4 of the policy seems to be trying to do too much, resulting in a lack of clarity and applicants needing to demonstrate their scheme’s compliance with guidance which is largely irrelevant. The SKGNP group have commissioned a design code which takes account of the wider landscape character assessment. As such it seems logical to strip this part of the policy right back to refer only to this design code.	Amend part 4 of the policy to read “Development proposals should incorporate all relevant design principles in the Scopwick and Kirkby Green Design Code 2020 including taking into account relevant built and landscape characteristics.”
	In part 5 the wording doesn’t scan correctly and needs to be amended.	Part 5 of the policy should have “...and will be supported” deleted from the end.
	In part 7 it should be clear that this only relates to proposals at the edge of the village.	Amend the start of part 7 to read “Development at the edge of the development boundary should...”

Para 72	The reference to the Environment Bill should be updated to reflect it is now an Act.	Replace “Environment Bill enacted in November 2021” with “Environment Act 2021”.
Policy 3	The 10% uplift in biodiversity mentioned in part 1 of the policy is not expected to be enacted until late 2023 and as such this requirement is a little premature and needs to be amended in order to be compliant with legislation.	Amend part 1 of the policy to read “As appropriate to their scale, nature and location development proposals should deliver biodiversity gain in line with the latest legislative requirements.”
	In part 1d) SuDS are no longer known as sustainable urban drainage schemes.	Remove the word “urban” in part 1.d).
	Part 2 of the policy refers to the six Tree Planting Principles and it is noted that these are included in paragraph 69. It may be helpful to reference this location in the policy to make it clear for readers where to find these principles.	
Para 75	In the second line “mean” should presumably be “meet”.	Correct the typo in para 75 from “mean” to “meet”.
Policy 4	This policy is considered to meet the basic conditions and is consistent with national policy.	
Policy 5	In the policy title and the policy itself reference is made to non-vehicular routes. However, in the supporting text it suggests that this relates to both walking and cycling routes, with the latter being a vehicle. As such the wording requires some minor amendment to provide clarity.	Replace the term “non-vehicular” with “walking and cycling” in both the policy title and the policy.
	In part 1.a) of the policy it is not clear what would constitute a non-vehicular route detracting from the landscape character. Does this mean any resurfacing works or is it relating to lighting or other urbanising features? It would be much clearer if this could be defined.	Add more detail to part 1.a) of the policy to clarify what would represent a detraction from the landscape character.
	In point 1b) “locally protected habitats” should be just protected habitats.	In part 1.b) remove the word “locally”.
Policy 6	This policy is considered to be unnecessary duplication of national and local plan policy, whilst at the same time presenting a less precise position, which could serve to undermine current policy. Additionally, statements such as that in part 6 of the policy do not serve any purpose. Furthermore, much of the policy cannot be applied to non-major development and statutory sewerage and water providers do not comment on non-major development proposals. Given these issues it is recommended that this policy be deleted.	Policy 6 should be deleted.

Paras 118, 119 and Table 6	These paragraphs and table do not relate particularly to the policy and the statement that, given house prices are higher, means that development should exhibit high quality of design is unfounded. Good design can and should be at the heart of all development.	Delete paragraph 118 and 119 and Table 6.
Para 128	This paragraph references Policy 7 (6)(7)(8), but Policy 7 only has 7 constituent parts.	Amend paragraph 128 to “Parts 5, 6 and 7 of Policy 7...”
Policy 7	Part 5 of the policy offers little over and above part 6 and as such its purpose in the policy is unclear.	Either delete part 5 of the policy or merge it with part 6.
	In part 7 of the policy there is concern about supporting the retrofit of renewable energy on designated or non-designated heritage assets. It is likely that few will be acceptable in practice and, as such, the wording should be made slightly more restrictive so that proposals will only be supported where their significance is sustained or enhanced. This would also be more aligned to the NPPF.	Amend part 7 to read “The retrofit of designated and non-designated heritage assets to reduce energy demand and generate renewable energy will only be supported where the significance of the heritage asset, including its setting, is sustained or enhanced.”
Policy 8a	<p>Whilst it is recognised that this policy sets out some of the findings of the Housing Needs Assessment undertaken for the parish, it is unclear how it should be used for decision takers. Affordable housing is given adequate coverage in Policy LP11 of the adopted Local Plan.</p> <p>Part 1 of the policy is just a statement of need in the area, but doesn’t say what should be done with this in making decisions on applications.</p> <p>In part 2, there is no issue with requiring affordable housing schemes to be consistent with design requirements and to integrate with the area, but it is unclear how a scheme can be consistent with the standard of private and public spaces – is this referring to another policy specifically.</p>	Given the uncertainty in this policy it is recommended that it is deleted.
Policy 8b	Whilst there are no fundamental concerns about this policy, it may be beneficial to add a sequential approach to sites to prioritise sites immediately abutting the village prior to more isolated sites being considered.	
Policy 8c	Whilst the overall aim of parts 1 and 2 of this policy is understood – seeking to prioritise 2-3 bed dwellings, with any exceptions requiring justification – the wording should be amended to improve clarity and better align it to national policy and the development plan, including providing more flexibility to allow for exceptions.	Parts 1 and 2 of the policy should be merged and reworded as follows, “Development proposals that include new dwellings should seek to contribute to the local housing need for 2 or 3 bed dwellings wherever possible. Any proposal not including the provision of one or more 2 or 3

		bed dwelling should be justified by a clear demonstration of why such provision will not be appropriate at the site taking into account character and the site context or through a viability appraisal which clearly indicates that it would render the development unviable.”
Policy 8d	It would be helpful if the policy title were on the following page with the rest of the policy.	
	It is unclear how this policy will be effective. As a commercial venture, surely such a development would not occur if there were no need. Furthermore, requiring support from health and social care services may introduce an unreasonable amount of uncertainty for any developer – for example the services may not have concerns but not specifically support the scheme.	This policy should be amended to “The redevelopment of the Limes as a residential care home is supported in principle. Early engagement with statutory social and health care bodies is recommended to ensure that the scheme will maximise the meeting of needs.”
Policy 9	Seeking to improve pre-application engagement (as is sought in 1.a of this policy) is generally supported, but it is unclear why it is only this policy where such engagement is being specifically sought. This arguably sets a higher bar for proposals for new community facilities than for other uses.	
	The term ‘equally accessible’ in part 2 of the policy is imprecise. Instead it should be judged as being in an accessible location for residents.	It is recommended that the end of part 2 is amended to read “...provided in an accessible location to residents of the parish.”
	Part 3 is a very specific requirement, and it is uncertain whether it would be acceptable in all circumstances, but in principle there is no objection to this policy being included.	
Policy 10	It is not clear how the Local Planning Authority can require superfast broadband speed to be provided in development when it may not be available locally so could be outside of a developers control.	Amend part 1 of the policy so that it ensures adequate ducting for broadband to be provided to the street location, connecting to any superfast connections that may be available.
	The wording of part 2 of the policy suggests that masts will only be supported where they are within the Significant Green Gaps or where they will not detract from the Key Views. This is based on suggested wording from NKDC at the previous consultation, but it needs to be amended slightly to be more precise and reflect what the SKGNP group want to achieve.	Part 2 of the policy should be amended to “The erection of 4G and 5G masts will only be supported in locations outside of the Conservation Area, Local Green Spaces, Significant Green Gaps or where they will not detract from the Key Views. Masts and

		associated infrastructure should be located to minimize impacts on landscape character.”
Para 177	This is very specific and it is questioned if it is deliverable in practice. It is recommended that this paragraph is deleted. The use of the word erosion is also unclear as it is suggestive of the actual erosion of the materials in the buildings – it is not clear if this is what was meant.	Delete paragraph 177.
Policy 11	Point 1 of the policy is not policy as such, and referencing nominated (not confirmed) structures is not appropriate for policy as worded. It largely duplicates what is said in paragraph 176. It also offers no guidance for decision makers on how it should be used. This policy should relate specifically to identified non-designated heritage assets on the local list, which then will hopefully include the three additional structures if they meet the criteria.	Part 1 of this policy should be deleted.
Policy 12	There are some heritage assets which could be covered by this policy. Therefore, in order to ensure that this policy is consistent with local plan and national policy, reference should be made to heritage assets.	Add a new point 3 as follows: “Any proposal to convert a redundant agricultural building which is a designated or non-designated heritage asset will only be supported where it will protect the significance of the asset and, where possible, better reveals the significance of the asset.”
Policy 13a	In part 1.e) it would be preferable if the number of 2-3 bed dwellings could be clarified – is it a proportion of the homes to be provided or all of them? Whilst it is noted that there is a cross reference to policy 8c, this point should be clarified here.	Part 1.e) should be amended to read “e) the dwellings include a proportion of 2 or 3 bed homes...” If this proportion can be specifically set and has been agreed with the promoter, this would be ideal.
Policy 13b	There are no remaining concerns about this allocation.	
Policy 13c	There are no remaining concerns about this allocation.	
Policy 13d	The numbering in this policy requires amendment with 2-4, being amended to a-c.	Bullet points 2, 3, and 4 should be replaced with a, b, and c.
Policy 13e	In order to avoid conflict between this allocation and the key view at this site in Policy 2, some additional wording should be provided in part 1.a) either to focus development to the west of the site, or to be clear that the visual links to the countryside should be uninterrupted.	Part 1.a) of the policy should be amended to read “a) the layout provides clear, uninterrupted visual links from Main Street to the open countryside to the north;”
	In part 2 of the policy it references Policy 8c “small dwellings and bungalows”. However, bungalows are not referenced in Policy 8c.	The end of the last sentence in part 2 of the policy should be amended to “...and policy 8c (mix of housing types).”

	The third part of the policy is bulleted 7. This should be 3.	The third bullet should be amended from 7 to 3.
Policy 13f	Part 1.f) of the policy does not make sense as written and needs to be amended.	Amend part 1.f) of the policy to read “f) development will not cause harm to the setting of the listed buildings to the east of the site.”