

BRANSTON AND MERE NEIGHBOURHOOD PLAN

Branston and Mere Neighbourhood Plan Examination
A Report to North Kesteven District Council

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Branston and Mere Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood 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);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Branston and Mere Neighbourhood Plan meets the basic conditions¹ and I recommend to North Kesteven District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Branston and Mere Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Branston and Mere Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Branston and Mere Neighbourhood Plan Steering Group on behalf of Branston and Mere Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by North Kesteven District Council.
- 5 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Branston and Mere Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 7 As confirmed in Paragraph 1.4 on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Branston and Mere Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 It is a requirement that the Neighbourhood Plan relates only to the designated Branston and Mere Neighbourhood Area and that there is no other neighbourhood plan in place in the Branston and Mere Neighbourhood Area.

- 9 This is confirmed in Paragraph 1.3 of the Basic Conditions Statement, as submitted, and meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by North Kesteven District Council, to conduct the examination of the Branston and Mere Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have nine years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Branston and Mere Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as “2020 – 2037” and Paragraph 4.5 on page 6 of the Neighbourhood Plan states that it

“...sets out planning policies from the period 2020-2037.”
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Branston and Mere Neighbourhood Plan.
- 22 However, I wrote to the Qualifying Body in order to clarify a number of matters. At the same time, in line with good practice, I provided the Qualifying Body with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood 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);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 32 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 33 North Kesteven District Council produced a Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Report. This concluded that
- “Having reviewed the environmental characteristics of the BMNP area and vision, objectives and policies...North Kesteven District Council consider it unlikely that there will be any significant environmental effects arising from the BMNP and thus the BMNP can be screened out for further SEA.”*
- 34 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted and all concurred with the conclusion set out in the Screening Report that the Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA).
- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 In the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 37 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 38 North Kesteven District Council produced a Neighbourhood Plan Habitat Regulations Assessment (HRA) Screening Report. This established that there are no relevant Natura 2000 sites within 30km of the Neighbourhood Area and that there are unlikely to be any significant adverse effects on any of the Natura 2000 sites located more than 30km away.
- 39 The Screening Report concluded that
- “...there are unlikely to be any significant effects on a designated Natura 2000 site and therefore further HRA assessment under the Habitats Regulations can be screened out.”*
- 40 Again, all of the statutory bodies were consulted as part of the process and none disagreed with this conclusion.
- 41 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- “It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance⁸).
- 42 Having completed the work that it has, North Kesteven District Council has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 43 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Branston and Mere Neighbourhood Area

Background Documents

- 44 In completing this examination, I have considered various information in addition to the Branston and Mere Neighbourhood Plan.
- 45 Information considered as part of this examination has included, but has not been limited to, the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2021)⁹
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Central Lincolnshire Local Plan (2017) (referred to in this Report as the “*Local Plan*”)
 - Basic Conditions Statement
 - Consultation Statement
 - Representations received
 - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report
- 46 In addition, I spent an unaccompanied day visiting the Branston and Mere Neighbourhood Area.

⁹ On 20th July 2021, during the course of the examination of the Branston and Mere Neighbourhood Plan, the government published a revised version of the National Planning Policy Framework. The Neighbourhood Plan has been examined against this most up to date version of national planning policy.

Branston and Mere Neighbourhood Area

- 47 The boundary of the Branston and Mere Neighbourhood Area is identified on a plan provided on page 8 of the Neighbourhood Plan.
- 48 North Kesteven District Council designated the Branston and Mere Neighbourhood Area on 7th April 2015.
- 49 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 50 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 51 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Branston and Mere Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to North Kesteven District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹⁰.
- 53 On behalf of Branston and Mere Parish Council, a Neighbourhood Plan Steering Group was created to lead on the plan-making and consultation process.
- 54 During 2017, a questionnaire was distributed and completed by well over 500 residents. This was followed by consultation events with local schools and at the village fete, and by a business survey. A version of the draft plan was then displayed at the 2018 Annual Parish Meeting.
- 55 Prior to consulting on the draft plan, the website was updated to provide background information to the draft plan and the consultation process. Also prior to draft plan consultation, an email was sent to a wide range of consultees, informing them of the then upcoming consultation period and to provide details on the variety of methods available for the submission of representations.

¹⁰ Neighbourhood Planning (General) Regulations 2012.

- 56 In addition to digital copies of the draft plan, made available on the Parish and District Council websites, hard copies of the plan and supporting documents were made available at the community Library. Draft plan consultation was also supported by a leaflet drop to local households.
- 57 The draft plan consultation period was held during December 2019 and January 2020. It was supported by a drop in event, along with local advertising, a banner and via social media.
- 58 The Consultation Statement provides evidence to demonstrate that public consultation formed part of the plan-making process, that there were opportunities for people to have a say and that matters raised were considered.
- 59 Taking this and the submitted information into account, I am satisfied that the consultation process complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 60 The introduction on page 2 of the Neighbourhood Plan has been overtaken by events and the recommendations below address this.
- 61 A revised National Planning Policy Framework was published in 2021 and this is also recognised by the recommendations below.
- 62 The basic conditions have been carefully worded and it is important not to paraphrase them in a way that results in a different meaning to that intended. This is a matter addressed in the recommendations below.
- 63 Taking all of the above into account and for clarity, I recommend the following changes to the Introductory Section (prior to the Policies) of the Neighbourhood Plan:

- **Page 2, delete the second and third paragraphs and change first paragraph to “...community. *The Neighbourhood Plan will guide land use planning over the plan period, which runs to 2037.*”**

The Neighbourhood Plan has emerged through public consultation and the community would like to see Branston and Mere develop sensitively and sustainably, with necessary infrastructure keeping pace with growth, over the plan period.”

- **Para 4.1, change to “...National Planning Policy Framework (2021)...”**
- **Para 4.3, typo, “Neighbourhood”**
- **Para 4.3, change to “...each Neighbourhood Plan *must have regard to national policy and be in general conformity with local strategic policy...*”**
- **Para 4.5, for clarity change to “...policies to cover the period 2020-2037.”**
- **Para 4.14, delete final sentence, which has been overtaken by events**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Housing

Policy 1: Additional Residential Development in Branston and Mere

- 64 The Qualifying Body is not the Local Planning Authority and cannot require an applicant to comply with a Neighbourhood Plan Policy “*to its satisfaction.*”
- 65 Further, planning application requirements are a matter of law, laid down nationally and in respect of local requirements, by the Local Planning Authority, which in this case is North Kesteven District Council. It is not within the scope of the Neighbourhood Plan to set out planning application requirements.
- 66 Taking the above into account, Parts 4, 5 and 6 of Policy 1 do not meet the basic conditions and their deletion is recommended below.
- 67 However, notwithstanding the above, Chapter 4, (“*Decision Making,*”) of the National Planning Policy Framework (“*the Framework*”) recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties and that good quality pre-application discussion enables better coordination between public and private sectors and improved outcomes for the community.
- 68 In consideration of the clear aims of the Neighbourhood Plan, I therefore make a recommendation below that takes account of this.
- 69 The Central Lincolnshire Local Plan (referred to as the “*Local Plan*”) Policy LP2 is definitive in respect of Branston being a Large Village within which the Local Plan places no size restriction on development by way of appropriate infilling, intensification or renewal. By way of contrast, Policy 1 seeks to limit development in Branston to 9 dwellings.

- 70 Consequently, the Policy is in conflict with the Local Plan. Furthermore, the Neighbourhood Plan seeks to encourage the provision of affordable housing, but given that there is no requirement for developments of fewer than ten dwellings to provide any affordable homes, it is relevant to point out that Policy 1 could effectively serve to prevent the delivery of affordable housing within Branston.
- 71 Whilst the Qualifying Body considers that “*there are very few areas where you could infill for more than 9 dwellings,*” this is not the same thing as providing evidence to demonstrate that there is no scope for any site to provide for more than 9 dwellings. In any case, if it was the case that there are no sites capable of providing for more than 9 dwellings, then this would act as a limit to development, regardless of any planning policy.
- 72 The first part of the Policy goes on to introduce vague requirements relating to car parking provision, unspecified problems unsupported by substantive evidence and ambiguous amenity impacts. This results in a Policy that appears confusing and imprecise, contrary to national planning guidance, which requires planning policies to be clear and precise¹¹:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.*
- 73 Consequently, Parts 1, 4, 5 and 6 of the Policy do not meet the basic conditions. Further, Part 2 of the Policy is dependent upon Parts 4, 5 and 6 and consequently, it does not meet the basic conditions.
- 74 Policy 1 Part 3 seeks to encourage the provision of private garden space. Such an approach is reflective of the distinctive local character of the Neighbourhood Area, as well as the positive aims of national and local planning policy in respect of protecting residential amenity.
- 75 In setting out the recommendations below, I am mindful that the Local Plan sets out a clear policy framework in respect of development within and at the edge of the District's settlements. Not only would Policy 1 conflict with this, but in doing so, it would introduce significant confusion where none currently exists.

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 76 Also, along with national policy, the Local Plan establishes a clear approach to providing for residential development in the countryside. As set out, Policy 1 would be in conflict with this.
- 77 In making the recommendations below I note that together, national and local planning policy provide for sustainable development and that the changes to Policy 1, whilst providing for appropriate sustainable development, will not result in any less environmental protection than that which already exists.
- 78 Paragraph 7.4 states that *“the Neighbourhood Plan is required to allocate land for housing and employment growth.”* This is not the case. There is no requirement for the Neighbourhood Plan to allocate any land for development.

79 I recommend:

- **Delete parts 1, 2, 4, 5 and 6 of Policy 1**
- **For clarity, change part 3 to *“New dwellings should provide private garden amenity space. The space provided should be in scale with the dwelling concerned and take account of and reflect local character and topography; and should provide for privacy with neighbouring dwellings.”***
- **Change title of Policy to *“Residential Gardens”***
- **Para 7.4, delete first sentence**
- **Delete Paras 8.4 and 8.5 and replace with *“8.4 Policy 1 seeks to ensure that all new development, regardless of location, is in keeping with local character and that it respects local character.***

8.5 The Parish Council will encourage all applicants for new housing to consult widely with the community from as early a stage as possible. Early engagement has significant potential to deliver improved outcomes for the community and the Parish Council will look to developers to work in a positive and collaborative manner with local people.”

Policy 2: Housing Type and Mix

- 80 The Neighbourhood Plan and its evidence base establish significant community support for the provision of bungalows, starter homes, affordable homes and retirement accommodation, with smaller homes being favoured, *“specifically 2-3 bedrooms being the most desired.”* Conversely, there is *“very little support for flats, 3-storey homes or large executive homes.”*
- 81 Policy 2 aims to reflect this and in this way, it has regard to national policy which recognises the importance of addressing the housing needs of communities (Chapter 5, *“Delivering a sufficient supply of homes”*).
- 82 However, as set out, rather than ensure that all major housing developments provide at least some houses of less than 4 or 4+ bedrooms, the Policy provides scope for the provision of 100% large house schemes. This would be contrary to the purpose of the Policy and to the stated aims of the community. The recommendation below addresses this matter.
- 83 The Qualifying Body has clarified that Policy 2 is meant to apply to major development (10 or more dwellings) only.
- 84 I recommend:
- **Policy 2, change to *“Major residential development (10 or more houses) should deliver a mix of housing tenures and sizes, including smaller homes of 3 or fewer bedrooms. Within major developments, provision of accommodation for first-time buyers, young families and older people will be supported. Affordable housing should be integrated with and indistinguishable from market housing.”***

Enabling Employment Opportunities

Policy 3: Enabling Employment Opportunities

85 Policy 3 seeks to provide a policy framework within which appropriate rural businesses can establish and grow within the Neighbourhood Area.

86 The overall intent of the Policy has regard to national policy, which promotes

"...the development and diversification of agricultural and other land-based rural businesses..."

(Paragraph 84, the Framework)

87 However, rather than promoting employment development, the first part of Policy 3 is worded in a negative manner, whereby development "*will only be supported subject to.*" The Policy then sets out ambiguous requirements, including references to "*appropriate,*" "*unreasonable,*" "*integrity,*" "*unacceptable,*" without providing information that would serve to make it

"...evident how a decision maker should react to development proposals."

(Paragraph 16, the Framework)

88 The recommendations below retain the protection sought in respect of local character and amenity, whilst reflecting the Policy intentions set out in the supporting text.

89 Applicants for development cannot force communities to support development. Members of a community might have all kinds of different views and different reasons to either support, not support, or not express any opinions regarding a development proposal and it is inappropriate for land use planning policies to make "*community support,*" whatever that might be, a pre-requisite for planning permission.

90 The final part of Policy 3 seeks to place a restriction on the redevelopment of rural buildings which goes well beyond the requirements of any national or local planning policy; and which results in significant conflict with the more positive and flexible approach of existing policy in respect of the re-use of rural buildings. No substantive evidence has been provided the conflict between this part of the Policy and adopted policy.

91 Taking all of the above into account, I recommend:

- **Policy 3, delete parts 2 and 3. Change Part 1) to “Proposals for tourism, leisure and farm diversification will be supported subject to development respecting the landscape and character of the surrounding area, residential amenity and highway safety.”**
- **Para 10.6, typo, change “encouraging” to “encourages”**

Development and Design Principles

Policy 4 Development and Design Principles

92 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” (Paragraph 126, the Framework)

93 Local Plan Policy LP26 (*“Design and Amenity”*) promotes good design and states that

“All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.”

94 In specifying that all development must achieve high quality design, Local Plan Policy LP26 is careful to emphasise that the detailed requirements of the Policy should be demonstrated *“to a degree proportional to the proposal.”* This is an important qualification as clearly, a household extension cannot be expected to deliver the same design outcomes as a major development.

95 In the above regard, I am mindful that national policy is explicit in stating that

“...information requirements for applications for planning permission...should be kept to the minimum needed to make decisions...Local planning authorities should only request information that is relevant, necessary and material to the application in question.”
(Paragraph 44, the Framework)

96 In general terms, Policy 4 seeks to promote high quality design throughout the Neighbourhood Area and in this way, it has regard to national policy and is in general conformity with local strategic policy.

- 97 North Kesteven District Council has recommended inclusion of reference to the requirements of the Branston Conservation Area Appraisal (CAA). In this respect, I note that the CAA is an important adopted appraisal, containing relevant and detailed information and I recommend including a Policy reference to it below. However, in making this recommendation, I am mindful that the CAA provides information and guidance rather than land use policy *requirements*.
- 98 However, as set out, the Policy requires all development to be accompanied by information regardless of relevance, need or materiality, contrary to national policy and this is a factor addressed in the recommendations below.
- 99 The Policy goes on to require all development to “*safeguard important views*.” The views shown on Map 7 are based on the “*key views*” identified in the Branston Village Appraisal document with an arrow, a photograph and a brief sentence.
- 100 Whilst it is clear that Map 7 shows locally valued views, Policy 4’s aim of “*safeguarding*” these could be read as effectively seeking to prevent any development that has any impact at all on them. Such an approach goes much further than any national or local planning policy – for example, Green Belt policy provides for a wide range of development, rather than simply “*safeguarding*” land.
- 101 Views can change hourly to seasonally and one person’s interpretation of a view might be significantly different to another’s. There is an absence of substantive information to justify the onerous approach of Policy 4 in this regard. However, whilst addressing this, the recommendations below recognise the importance of key views in the Neighbourhood Area.
- 102 The final part of Policy 4 is vague. There is no indication of what might comprise “*adequate*” parking. As such, this part of the Policy does not meet the basic conditions.

103 I recommend:

- **Delete the wording of Policy 4 and replace with “*Development in the Neighbourhood Area must achieve high quality design. Development proposals should respect and seek to complement local character, having regard to the Branston Conservation Area Appraisal and to the attributes of the relevant character area’s set out in the Branston Village Appraisal.*”**

Development should seek to retain existing mature hedging and established trees. Where removal is unavoidable, existing mature trees or hedging should be replaced elsewhere on the site with native species.

Development must take account of and respect the important views identified on Map 7; and development at the edge of Branston Village should take opportunities to be “softened” by native landscaping and/or the inclusion of public open space that complements the character of the surrounding countryside.”

Policy 5: All Other Village Amenities (Outside of the Neighbourhood Centres)

104 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" requires planning policies to:

"...guard against the unnecessary loss of valued facilities...ensure that...facilities and services...are retained for the benefit of the community."

(Paragraph 93, the Framework)

105 Whilst referred to as "*amenities,*" Policy 5 seeks to prevent the loss of community facilities and in this respect, the Policy has regard to the Framework.

106 As worded, Part 2 of the Policy goes beyond the powers of the Neighbourhood Plan by placing a direct requirement on the Local Planning Authority and includes a vague reference ("*little evidence*") which is not concise and consequently, could be widely interpreted.

107 Development Plan policies must be considered as a whole and consequently, there is no need to include a cross reference to other Policies in Policy 5.

108 I recommend:

- **Policy 5 part 1, change to "*The following buildings are recognised as Village Facilities:...*"**
- **Policy 5 part 2, change to "*...village facility will not be supported unless: a) alternative provision of an equivalent or improved facility, will be provided within an accessible location elsewhere within the Neighbourhood Area; or b) It can be demonstrated, further to at least 6 months open marketing, that there is no longer a need or demand for the facility.*"**
- **Policy 5, part 3, change to "*Proposals for new community facilities, including health and education facilities, will be supported.*"**
- **Delete footnote to Policy 5**
- **Change Policy title to "*Village Facilities*"**

Policy 6: Neighbourhood Centres

109 In order to provide the services that communities need, the Framework requires planning policies to:

“...ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.”
(Paragraph 93, the Framework)

110 Policy 6 seeks to achieve this, having regard to national policy. As set out, the first part of the Policy places a requirement on the Local Planning Authority, which goes beyond the capabilities of the Neighbourhood Plan.

111 I recommend:

- **Policy 6, change part 1 to *“Proposals requiring planning permission to change the ground floor use of retail uses must be supported by evidence, further to at least 6 months open marketing, that the premises are unviable for retail use.”***
- **Policy 6, retain parts 2 and 3 and delete footnote**

Green Infrastructure

Policy 7: Green Infrastructure

112 As set out, Policy 7 identifies practically the whole of Branston village as an area of Green Infrastructure that needs to be preserved and where possible, enhanced. Such an approach effectively serves to prevent any household extension and severely limits any prospects for development elsewhere. As such, Policy 7 does not contribute to the achievement of sustainable development.

113 The Policy goes on to restrict any support for footpath improvements to those improvements that provide “*better accessibility and connections to other parts of the village;*” and rather than supporting all new public connections, places a requirement on any such links to be well-lit. As well as running the risk of supporting the introduction of lighting in inappropriate locations, this is a contrary approach to national policy, which is more positive in stating that, rather than be restrictive, planning policies should simply seek to:

“...protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...”

(Paragraph 100, the Framework)

114 Taking the above into account, I recommend:

- **Delete the wording of Policy 7 and replace with “*The protection and enhancement of public rights of way and access, including the provision of better facilities for users, will be supported.*”**
- **Change title of Policy 7 to “Public Rights of Way”**
- **Delete Map 11**
- **Delete Para 13.2**

Policy J7: Designated Green Spaces

115 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

116 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

117 Given the importance of the designation, Local Green Space boundaries must be clearly identifiable. Whilst Maps 12 and 13 show the general location of proposed areas of Local Green Space, it is not possible to clearly determine detailed boundaries. This is a matter addressed in the recommendations below.

118 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

119 The Neighbourhood Plan and the supporting information submitted alongside it provide evidence to demonstrate that each of the seven proposed areas of Local Green Space pass the national policy tests.

120 Further to all of the above, I am mindful that national policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts and this is a matter addressed in the recommendations below.

121 I recommend:

- **Policy 8 delete part 2 and replace with “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts as set out in national policy.*”**
- **Provide an additional (or replacement) Map or Maps, clearly identifying the precise boundaries of each Local Green Space, (with the purpose of ensuring that the detailed boundaries are beyond future dispute)**

Redevelopment of the Sports Pavilion

Policy 9: Redevelopment of the Sports Pavilion

122 Whilst Policy 9 seeks to provide a supportive framework for the redevelopment of the sports pavilion, it is worded in a negative way and includes a vague reference to other development that could give rise to support for inappropriate uses.

123 Taking this into account and subject to the recommendations below, the Policy has regard to the Framework's requirement for policies to:

"...plan positively for the provision and use of shared spaces, community facilities (such as...sports venues..."
(Paragraph 93, the Framework)

124 I recommend:

- **Policy 9, change wording to "*The redevelopment or enhancement of the existing Sports Pavilion building at Moor Lane Sports Field for sports, leisure and community use will be supported.*"**

8. The Neighbourhood Plan: Other Matters

125 For clarity and accuracy, I recommend:

- **Delete wording of Para 16.1 and replace with “*The Parish Council will use the Neighbourhood Plan to frame its representations on submitted planning applications.*”**
- **Delete Para 16.2 and replace with “*It is the intention of the Parish Council to review the Neighbourhood Plan within five years of it being made.*”**
- **Change Para 16.4 to “*...following the due process, which will include consultation...*”**

126 The recommendations made in this Report will have a subsequent impact on Contents, including Map, paragraph and page numbering.

127 I recommend:

- **Update the Contents, Map, paragraph and page numbering to take into account the recommendations contained in this Report**

9. Referendum

128 I recommend to North Kesteven District Council that, subject to the recommended modifications, **the Branston and Mere Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

129 I am required to consider whether the Referendum Area should be extended beyond the Branston and Mere Neighbourhood Area.

130 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

131 Consequently, I recommend that the Plan should proceed to a Referendum based on the Branston and Mere Neighbourhood Area approved on the 7th April 2015.

Nigel McGurk, December 2021
Erimax – Land, Planning and Communities



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