

North Kesteven District Council



Branston and Mere Neighbourhood Plan Decision Statement

I confirm that the Branston and Mere Neighbourhood Plan, as revised by the modifications set out in Appendix 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011. The Plan can therefore proceed to Referendum, which will be held on Thursday 22 September 2022.

As stated within the Councils' Constitution, this decision has been made following consultation with the Lead Executive Board Member and Ward Members.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read "A B McDonough". The signature is written in a cursive style and is positioned to the left of a vertical line.

Andrew McDonough
Economy and Place Director, Head of Service

1. Summary

- 1.1. Following an independent Examination North Kesteven District Council now confirm that the Branston and Mere Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 7 April 2015 North Kesteven District Council resolved to designate the whole of the Parish of Branston and Mere as a Neighbourhood Plan Area in accordance with the Section 61G of Town and Country Planning Act 1990 (as amended by the Localism Act 2011). The designation of a Neighbourhood Area being one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted and formally become a part of the Development Plan and be used in the determination of planning applications by the District Council.
- 2.2 Following the submission of the Branston and Mere Neighbourhood Plan to the District Council, the plan was publicised and representations were invited. The publicity period ended on 14 June 2021.
- 2.3 The District Council appointed an independent examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI to review whether the Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and whether the Branston and Mere Neighbourhood Plan should proceed to referendum.
- 2.4 The examiner's report concludes that subject to a number of recommended modifications that the Branston and Mere Neighbourhood Plan is able to comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified can be submitted for a referendum.
- 2.5 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the District Council has resolved that the modifications are required in order for the Branston and Mere Neighbourhood Plan to meet the "basic conditions" set out in Schedule 4B to the Town and Country Planning Act 1990.

Decision and Reasons

- 2.6 To enhance the clarity of the plan, in line with the recommendations of the Independent Examiner, the group have made a number of minor modifications to the Branston and Mere Neighbourhood Plan. The District Council confirms that these modifications are in accordance with the examiner's recommendations and that the Plan meets the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990. Please see appendix 1.

- 3.2 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want North Kesteven District Council to use the Neighbourhood Plan for Branston and Mere to help it decide planning applications in the neighbourhood area?' will be held in the Parish of Branston and Mere.

- 3.3 The date on which the referendum will take place is agreed as Thursday 22 September 2022.

Appendix 1 - Modifications made to the Branston and Mere Neighbourhood Plan to meet the Examiner's recommended changes

Recommendation number	Part of the Plan	Examiner's recommended change	Council's Decision	Reasons for Council's decision
1.	Introductory Section	<ul style="list-style-type: none"> • Page 2, delete the second and third paragraphs and change first paragraph to "<i>...community. The Neighbourhood Plan will guide land use planning over the plan period, which runs to 2037.</i>" <i>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."</i> • 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 	Modify as recommended.	To comply with the examiner's recommendations.
2.	Policy 1: Additional Residential Development in Branston and Mere	<ul style="list-style-type: none"> • Delete parts 1, 2, 4, 5 and 6 of Policy 1 • For clarity, change part 3 to "<i>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</i>" 	Modify as recommended.	To comply with the examiner's recommendations.

		<p><i>with neighbouring dwellings.”</i></p> <ul style="list-style-type: none"> • Change title of Policy to “<i>Residential Gardens</i>” • Para 7.4, delete first sentence • Delete Paras 8.4 and 8.5 and replace with “<i>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.</i> <p><i>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.”</i></p>		
3.	Policy 2: Housing Type and Mix	<ul style="list-style-type: none"> • Policy 2, change to “<i>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.</i>” 	Modify as recommended.	To comply with the examiner’s recommendations.
4.	Policy 3: Enabling Employment Opportunities	<ul style="list-style-type: none"> • Policy 3, delete parts 2 and 3. Change Part 1) to “<i>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.</i>” • Para 10.6, typo, change “encouraging” to 	Modify as recommended.	To comply with the examiner’s recommendations.

		“encourages”		
5	Policy 4: Development and Design Principles	<ul style="list-style-type: none"> • Delete the wording of Policy 4 and replace with “<i>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.</i> <p><i>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.</i></p> <p><i>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.”</i></p>	Modify as recommended.	To comply with the examiner’s recommendations.
6	Policy 5: All Other Village Amenities (Outside of the Neighbourhood Centres)	<ul style="list-style-type: none"> • Policy 5 part 1, change to “<i>The following buildings are recognised as Village Facilities:...</i>” • Policy 5 part 2, change to “<i>...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.</i>” • Policy 5, part 3, change to “<i>Proposals for new community facilities, including health and</i> 	Modify as recommended.	To comply with the examiner’s recommendations.

		<p><i>education facilities, will be supported.”</i></p> <ul style="list-style-type: none"> • Delete footnote to Policy 5 • Change Policy title to “<i>Village Facilities</i>” 		
7	Policy 6: Neighbourhood Centres	<ul style="list-style-type: none"> • Policy 6, change part 1 to “<i>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.”</i> • Policy 6, retain parts 2 and 3 and delete footnote 	Modify as recommended.	To comply with the examiner’s recommendations.
8	Policy 7: Green Infrastructure	<ul style="list-style-type: none"> • Delete the wording of Policy 7 and replace with “<i>The protection and enhancement of public rights of way and access, including the provision of better facilities for users, will be supported.”</i> • Change title of Policy 7 to “Public Rights of Way” • Delete Map 11 • Delete Para 13.2 	Modify as recommended.	To comply with the examiner’s recommendations.
9	Policy J7: Designated Green Space	<ul style="list-style-type: none"> • Policy 8 delete part 2 and replace with “<i>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.”</i> • 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) 	Modify as recommended.	To comply with the examiner’s recommendations.
10	Policy 9: Redevelopment of the Sports Pavilion	<ul style="list-style-type: none"> • Policy 9, change wording to “<i>The redevelopment or enhancement of the existing Sports Pavilion building at Moor Lane Sports</i> 	Modify as recommended.	To comply with the examiner’s recommendations.

		<i>Field for sports, leisure and community use will be supported.</i>		
11	8. The Neighbourhood Plan: Other Matters	<ul style="list-style-type: none"> • Delete wording of Para 16.1 and replace with “<i>The Parish Council will use the Neighbourhood Plan to frame its representations on submitted planning applications.</i>” • Delete Para 16.2 and replace with “<i>It is the intention of the Parish Council to review the Neighbourhood Plan within five years of it being made.</i>” • Change Para 16.4 to “...following <i>the due process, which will include consultation...</i>” • Update the Contents, Map, paragraph and page numbering to take into account the recommendations contained in this Report 	Modify as recommended.	To comply with the examiner’s recommendations.