

# **Scopwick and Kirkby Green Neighbourhood Plan 2021- 2036**

**A report to North Kesteven District Council**

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Independent Examiner**

**10 October 2022**

## **Executive summary**

I was appointed by North Kesteven District Council on 11 July 2022, with the agreement of Scopwick and Kirkby Green Parish Council, to carry out the independent examination of the Scopwick and Kirkby Green Neighbourhood Plan 2021-2036.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 5 August 2022.

Scopwick and Kirkby Green is a rural Parish in North Kesteven. At the last Census, it had a population of 815, and the Neighbourhood Plan makes appropriate provision for its organic and sustainable growth over the period up to 2036 of around 10%. This is in accordance with the Central Lincolnshire Local Plan, but the NP is also intended to align with the emerging Central Lincolnshire Local Plan Review.

Subject to a number of recommendations (in most cases designed to clarify and simplify the policies and to reduce unnecessary duplication), I have concluded that the Scopwick and Kirkby Green Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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## Introduction

1. This report sets out the findings of my examination of the Scopwick and Kirkby Green Neighbourhood Plan 2021-2036 (the SKGNP), submitted to North Kesteven District Council (NKDC) by the Scopwick and Kirkby Green Parish Council in May 2022. The Neighbourhood Area for these purposes is the same as that of the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated July 2021, and it continues to be the principal element of national planning policy. Detailed advice is provided by online national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” that must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the SKGNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the SKGNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

## Procedural matters

6. I am required to recommend that the Scopwick and Kirkby Green Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted SKGNP
  - the Consultation Statement (May 2022)
  - the Basic Conditions Statement (May 2022)
  - the Strategic Environmental Assessment and Habitats Regulations Assessment Determination Statement (January 2022)
  - the representations made to the SKGNP under Regulation 16

- selected policies of the adopted Central Lincolnshire Local Plan
  - selected policies of the emerging Central Lincolnshire Local Plan Review
  - relevant paragraphs of the NPPF
  - relevant paragraphs of national PPG.
8. I carried out an unaccompanied visit to the Plan area on 5 August 2022, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan. Where necessary, I refer to my visit in more detail elsewhere in this report.
9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering the written representations<sup>1</sup>. In the present case, I considered hearing sessions to be unnecessary. I should add that none of the representations received at the Regulation 16 stage included a request for a hearing.
10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

### **A brief picture of the neighbourhood plan area**

11. The small rural Parish of Scopwick and Kirkby Green lies roughly midway between Lincoln and Sleaford, in North Kesteven. At the 2011 Census, it had a population of 815, occupying 299 dwellings. The larger settlement, Scopwick, is separated from the hamlet of Kirkby Green by about 1.5km of open countryside, but a noticeable characteristic of both is the predominantly linear pattern of the developed areas; in Scopwick's case this is largely parallel to the attractive beck which flows west-east through the Parish, alongside the village green and a number of buildings dating back to the 17<sup>th</sup> Century. There are a few local facilities, including a reasonably frequent weekday bus service which links Lincoln and Sleaford along the B1188.

### **The basic conditions**

12. I am not required to come to a view about the 'soundness' of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065<sup>2</sup> of the relevant PPG. In brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a)
  - contribute to the achievement of sustainable development (Condition d)
  - be in general conformity with the strategic policies in the development plan for the local area (Condition e)
  - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f)
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
  - comply with any other prescribed matters.

<sup>1</sup> Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) <sup>2</sup>

13. The Basic Conditions Statement (BCS) sets out the statutory context for neighbourhood plans, including the role of the basic conditions and other legal requirements. It goes on to detail in particular the way the SKGNP has been prepared in a way which has had regard to national policy and conforms generally with the strategic policies in the current development plan, while also taking account of the emerging Central Lincolnshire Local Plan Review which is currently under way, and to which I make further reference below. Links are also made to a number of other elements of the evidence base which has informed the Plan's preparation.
14. Adopting a straightforward tabular approach, the BCS then sets out a commentary on the relationship between each NP policy and relevant paragraphs of the NPPF, the three components of sustainability, and relevant policies in both the adopted Local Plan and the emerging review. The document also includes reference to compliance with EU Regulations on the environment, as well human rights provisions.
15. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
  - that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
  - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
  - that the plan period must be stated (which in the case of the SKGNP is 2012 to 2036); and  that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).
16. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or enhancing the character or appearance" of any conservation area.
17. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the local planning authority's responsibility to engage with the statutory consultees.
18. An SEA and Habitats Regulations Assessment (HRA) Determination Statement was published by NKDC in January 2022, having prepared a screening report which had concluded that neither a full SEA nor HRA was necessary, for the reasons set out in the report. These conclusions were the subject of consultation with the relevant statutory bodies, with Historic England, Natural England and the Environment Agency all agreeing with the outcome.
19. In the light of this, NKDC conclude that there are unlikely to be any significant environmental effects deriving from proposals in the SKGNP, and thus that a full SEA will not be necessary. Full details of the considerations which support this conclusion are set out in the report, and I have been given no reasons to question any of them.
20. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

## National policy

21. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in the paragraph 041<sup>3</sup> of the relevant PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

## The existing Development Plan for the area

22. The current development plan for the area has two elements: the Central Lincolnshire Local Plan 2012-2036 (the CLLP), and the Lincolnshire County Council Minerals and Waste Plan. The CLLP was adopted by the Central Lincolnshire Joint Strategic Planning Committee in 2017, and replaced local plans prepared for the City of Lincoln and West Lindsey and North Kesteven District Councils.
23. Policy LP2 of the Local Plan focuses on delivering sustainable communities, including the provision of housing and employment opportunities that would meet the area's needs. It establishes a comprehensive settlement hierarchy: Scopwick and Kirkby Green are each within a large category of "small villages" (level 6 in the hierarchy) which, unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, will accommodate "small scale development of a limited nature in appropriate locations". Such proposals will be considered on their merits but would be limited to around four dwellings or 0.1 hectares for employment uses. The CLLP does not allocate any sites for development within such settlements
24. CLLP Policy LP3 sets out the broad distribution of the anticipated growth within the plan area (as between the Lincoln Strategy Area, Gainsborough, Sleaford and the remaining settlements). This last category is expected to accommodate around 12% of the total growth, in a way which reflects the hierarchy set out in Policy LP2. Policy LP4 shows how growth is to be handled in the medium and small villages (levels 5 and 6), with a baseline of 10% being considered appropriate in most cases. Supporting paragraphs and Appendix B explain the way the indicative figures have been arrived at and make it clear that the growth levels do not represent absolute limits. As "small" villages, the appropriate growth rate for Scopwick and Kirkby Green over the Plan period is given as 10% in each case.
25. The CLLP requires a sequential test to be applied when development proposals are being considered for the level 5 and 6 villages, with priority being given to brownfield land or infill sites in "appropriate locations within the developed footprint" (these terms being defined in the Plan), followed by brownfield sites at the edge of a settlement and then greenfield sites, also at the edge of a settlement. In addition, there needs to be clear evidence of local community support for the scheme if (taking into account recent completions, existing permissions and any allocations) it would result in an increase of more than 10% in the total number of dwellings in a village, or if the identified growth level (10% in this case) would be exceeded. Local communities are free to support additional growth by appropriate means, such as via neighbourhood plans.
26. The Central Lincolnshire authorities have launched a review of the CLLP, with the consultation period having run to 9 May this year. NKDC have made it clear that their assessment of the NP

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<sup>3</sup> Ref ID: 41-041-20140306

has been made in the context of the *adopted* CLLP: this is in accordance with basic condition e). However, I bear in mind also the advice at paragraph 009<sup>4</sup> of the relevant PPG which says: “Although a draft neighbourhood plan or order is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

27. I also note that paragraph 2 of the NP states that the evidence base which has informed the CLLP Review “has been used to support this Neighbourhood Plan where relevant”. This is explained in more detail in the BCS which says that it was considered prudent to ensure general conformity with the emerging LP (ie, in addition to the statutory requirement). It notes that Scopwick and Kirkby Green would remain defined as small villages which would be appropriate for limited growth (Policies S1 and S4), but that the 10% cap would no longer apply. This means that planned-for housing would be the sum of any outstanding planning permissions plus any allocations made in either the LP or a neighbourhood plan. The full list of relevant Review LP policies is referenced in BCS Table 3.
28. I was recently the examiner of the Leasingham and Roxholm NP, also in North Kesteven, where the same development plan context applies. In that case, having noted that NKDC had made it clear that their assessment of the plan was only undertaken against the adopted 2017 Local Plan, I said in my report: *“If confirmed after the LP examination, [the new policies] would have implications for the way LRNP policies are expressed, as NKDC point out. However, given their comment that ‘there are outstanding objections to a number of draft policies, site allocations and the [Local] Plan as a whole’, I have concluded that it would not be appropriate for me to attach significant weight to the LP review for the purposes of my examination.”* NKDC have made the same points in relation to the SKGNP, and for the same reasons.
29. The Leasingham and Roxholm NP made no reference to the Local Plan Review (it was, of course, under no obligation to do so), but the SKGNP does, albeit in broad terms. I am satisfied that the decision to have regard to the evidence base which has informed the LP Review presents no difficulties so far as PPG paragraph 009 is concerned.

### **The consultation exercise (Regulation 14)**

30. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
31. The Consultation Statement is dated May 2022. It is a full account of who was consulted about the Plan and how that was done; it summarises the main issues and concerns of those involved; and sets out how those matters were taken into account during the Plan’s preparation. I have noted a very high level of support for all the Plan’s policies from those local residents who responded at the Regulation 14 stage of the exercise.
32. There is no need for me to comment on any aspects of this process: suffice to say that I am satisfied that the statutory requirements have been fully complied with. I would also add that the Council and their volunteer colleagues are to be congratulated for getting the Plan to the

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<sup>4</sup> Ref ID: 41-009-20190509



submission stage in a timely manner despite the difficulties posed by the Covid 19 pandemic.

### **General observations about the Plan**

33. The Plan has been prepared by the Parish Council's Neighbourhood Plan Group (the NPG). The document itself is attractively produced and easy to navigate: the policies are clearly demarcated from the rest of the text by being placed in grey coloured boxes; the paragraphs are numbered; and the many maps are produced to a high standard. Use is also made of charts, tables and photographs as appropriate.
34. After a brief introduction from the Chair of the Parish Council, an explanation of the role of the Plan in the decision-making process and a summary of the evidence base, part 3 explains why there was felt to be a need for the Plan and adds that the community supports in principle the plan providing for up to 33 new dwellings during its lifetime (20 more than would have been the case otherwise). Part 4 summarises the consultation process (expanded in part 9), and part 6 sets out the physical and social context for the Plan's preparation, while reiterating the general desire to work with the grain of the emerging Local Plan, especially where it provides for sustainable growth at levels supported by the local community.
35. The vision guiding the Plan is set out in part 7: "In 15 years' time Scopwick and Kirkby Green Parish will still be a historic, rural and peaceful place with easy and immediate access to the countryside. The residents' well-being will be valued as will the open spaces within the villages and the countryside around it that are integral to its character. It will be a more environmentally friendly place to live. Development in the Parish will be small in scale and will be supported where it is sympathetic to the character of the Parish and necessary to meet local housing need and to secure social and economic prosperity for the community, its services and facilities". This is expanded upon in Part 8, which lists 13 "community objectives" said to reflect the greatest concern of local residents and which have become the primary focus of the Plan.
36. Part 10 discusses the implications of the Plan's sustainable growth strategy for establishing where development should generally take place. It notes the hierarchy set out in the Local Plan and its detailed definition of the "developed footprint" of a settlement (the LP does not include maps showing "village envelopes"). Paragraph 45 explains that the SKGNP takes this as its starting point, but that the proposed housing allocations in the Plan are also taken into account in order to create "development boundaries" for both Scopwick and Kirkby Green (maps 2a and 2b). Paragraphs 46 and 47 helpfully explain the methodology used in establishing these boundaries. ***For extra clarity, I recommend that the maps include a note in the key to say that the boundaries are indicated by the red lines.***
37. This material leads into the policies themselves, each of which is prefaced by a crisp and focused introduction. The document finishes with a comment about implementation, monitoring and review, followed by a set of 12 appendices.

### **Representations received (Regulation 16)**

38. I will deal with the principal comments of NKDC under the relevant policy headings. I am content for the Parish Council to respond to the more editorial points from NKDC as they see fit.
39. Other than the Environment Agency (to whose comments I refer under Policy 1), none of the statutory consultees and other public bodies who responded (Historic England, Natural England, National Highways, National Grid, the Forestry Commission, the Coal Authority, the

Witham Drainage Board and the NHS Lincolnshire Integrated Care Group) had any issues with the Plan.

40. I have read a series of submissions by “Resident 1” (not identified in the documentation I received). These take the form of five “comments”, the majority of which suggest that the Parish Council’s Neighbourhood Plan Group failed to adequately allow sufficient consultation or active engagement in the preparation of the Plan. Several examples of these alleged failures are provided, in some cases with a suggestion that they were wilful or deliberate. I am invited by the resident to comment on these claims, and even to refer the matter to the appropriate Minister. A specific concern relates to the way that certain land-use proposals were considered following the “call for sites” exercise.
41. These matters are beyond my terms of reference. Whether or not the Plan was prepared fully in accordance with best practice in all respects is perhaps another question, but it is not one for me to comment on. I have in any event noted that the complainant does not suggest that the alleged flaws amount to a failure of the Plan to meet any of the basic conditions, which it is my remit to consider, and which I am clear are not significantly engaged by the representations made.

### The policies

42. Unless otherwise stated, I have concluded that (so long as my specific recommendations are accepted) each of the Plan’s policies satisfies the basic conditions. I have therefore not made that point under each policy heading.

### Policy 1: Sustainable development, limited infill and the development boundary

43. This policy sets the overall framework for establishing the preferred location of any new development. Sub-policy 1 is effectively a presumption in favour of development within the defined boundaries shown on maps 2a and 2b, subject to six sustainability requirements. To summarise them, these are meeting the Plan’s identified housing needs; being compatible with the character of the area concerned (regard being had to the Scopwick and Kirkby Green Design Code 2020); safeguarding the Plan’s identified green gaps and areas of ecological importance; protecting heritage or conservation assets; the promotion of walking, cycling and use of public transport; and the use of sustainable drainage systems. Sub-policy 2 simply states that outside the development boundaries, planning applications “will be considered against wider policies in the Development Plan”; and sub-policy 3 would limit the development of infill sites to small plots that can accommodate one or two dwellings (further commentary being provided at paragraph 50, which includes a quotation from the Design Guide).
44. I consider that a small proviso should be inserted into the opening of the policy, to allow for the fact that not all of the criteria listed will be relevant in every case. ***I recommend that Policy 1 open with the words “Where relevant to the scale, nature and location of the proposal, development within the Development Boundaries defined on map 2a and map 2b.....”.*** NKDC suggest that since the proposed green gaps and sites of nature conservation value<sup>5</sup> all lie outside the development boundaries, they should not be covered by the policy. ***I agree and recommend that criterion 1c) be deleted.*** To make the significance of sub-policy 2 clear to readers, ***I further recommend it be revised slightly to read: “Outside the Development Boundaries, proposals that require planning permission will be considered against wider policies in the Development Plan including, as appropriate, the policies of this***

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<sup>5</sup> NKDC point out that the maps showing these features are incorrectly numbered

## ***Neighbourhood Plan***

45. The Environment Agency asked for certain changes to be made to the policy in order to better reflect national policy in relation to flood risk. To a considerable extent, incorporating these changes would do little more than duplicate policy which already exists at both national and local level (a consideration which leads me in due course to recommend the deletion of Policy 6, which is also the subject of comment from the Environment Agency). However, given the significance of the flooding issue here, I see no strong reason to reject the Agency's requests.
46. I therefore **recommend**:
- ***the addition of new sub-policy (presumably sub-policy 4) in Policy 1 to read: "All new development should be of a design which is adaptable and resilient to current and future flood risk and should, where appropriate, have regard to the sequential test approach to development, as required by the NPPF"***
  - ***that the words "surface water" be deleted from sub-policy 1f) to ensure that it relates to all types of flood risk.***
47. NKDC suggest a need to clarify the reference to "small sites" in sub-policy 3, given the use of the term in the section of the Plan dealing with rural exception sites. ***I agree and recommend that sub-policy 3 be reworded as follows: "Within the Development Boundaries, residential development on infill sites will typically be limited to those that can accommodate no more than one or two dwellings"***.

## **Policy 2: Protecting the landscape character**

48. This policy seeks to protect the landscape of the Parish in a number of ways, including by preserving undeveloped land which contributes to a sense of openness, as well as key views into the countryside or of heritage assets; requiring development to respect the prevailing landscape character; avoiding rigid building lines; and encouraging boundary treatment which is appropriate to its location.
49. NKDC make a number of observations about this policy. None of these have any impact so far as the basic conditions are concerned; however, I suggest two in particular should be the subject of recommendations. The first relates to the fact that, as it stands, sub-policy 2 suggests that proposals would only be *considered* if certain criteria are met (which would be an inappropriate stance for the planning authority to take); and the second suggests a need for sub-policy 4 to be simplified.
50. I accept both points and **recommend, firstly, that sub-policy 2 be deleted and replaced with the following: "Exceptions to the approach set out in Policy 2(1) above will only be considered favourably where the benefits of development significantly and demonstrably outweigh the adverse impacts"**. (The Plan does not include any justification for also requiring evidence to be provided that "no suitable alternative location is available", and I have not thought it necessary to retain that element of the policy).
51. Secondly, ***I recommend that sub-policy 4 be deleted and replaced with: "Development proposals should show how they have had regard to the relevant design principles set out in the Scopwick and Kirkby Green Design Code 2020"***.

### Policy 3: Protecting and enhancing biodiversity

52. Part 12 of the Plan introduces this topic by linking it to table 5 of the Design Code, before describing the importance of trees and hedgerows (a matter which is dealt with in some detail in Review CLLP Policy 65) and dry ditches and ponds. The policy itself lists a number of actions and requirements which together would contribute towards the objective set out in the Environment Act 2021<sup>6</sup> for development proposals to provide at least 10% biodiversity net gain (BNG).
53. This target was in the Government's 25-year Environment Plan, published in 2018; however, the BNG requirement itself, which will take the form of an automatic new condition on planning permissions, will not come into force until late 2023 at the earliest. ***I recommend that the phrase "in line with the applicable legislative requirements" be added to the end of the first sentence of the policy.***

### Policy 4: Designation of Local Green Spaces

54. NPPF paragraphs 101-2 say that the designation of land as Local Green Space (LGS) allows communities to identify and protect green areas of particular importance to them. Such designations should only be used where the green space is:
- in reasonably close proximity to the community it serves;
  - 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
  - local in character and is not an extensive tract of land.
55. Paragraph 73 of the Plan sets out to include reference to these criteria, but these do not actually appear – ***I recommend that this be corrected.***
56. Two maps show the locations of four LGS proposals in Scopwick and one in Kirkby Green. The policy itself states that development on them "will not be permitted other than in very special circumstances in accordance with national policy.", but this is a quotation from an earlier version of the NPPF, and should be amended accordingly. Paragraph 103 of the current Framework (2021) states that "policies for managing development within a Local Green Space should be consistent with those for Green Belts". ***I recommend that the policy be amended to quote NPPF paragraph 103 verbatim, and that to aid public understanding the following be included in the supporting material to the policy:***

***"The National Planning Policy Framework states that***

***(a) inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147); and***

***(b) when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"***

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<sup>6</sup> The policy at present refers to the Bill

<sup>7</sup> Source: LGA/Planning Advisory Service

*(para 148).*

57. I am satisfied that these amendments would have no effect on the intention behind Policy 4 itself.

#### **Policy 5: Conservation and enhancement of non-vehicular routes**

58. This is a generally expressed policy designed to encourage the improvement or extension of cycle and pedestrian routes across the Parish; where the opportunities arise this will be achieved as part of the consideration of development proposals. Appendix A gives details of routes being explored locally, including connections between the village and Metheringham (which has a railway station).

#### **Policy 6: Flood risk and drainage**

59. Policy 6 reflects the particular vulnerability of this area to flooding, the details of which are explained in section 15 of the Plan. Reference is made to NPPF paragraph 161, which requires plans to apply a sequential risk based approach to the location of development. Other elements of the supporting material refer to the use of sustainable drainage systems and summarise general drainage issues in the Parish. The policy itself has six parts which include seeking to ensure that new development does not add to existing problems; takes the opportunity for flood management and mitigation to enhance biodiversity etc; requires evidence of sewerage capacity; and maximises water efficiency.
60. NKDC consider that the policy represents unnecessary duplication both of national and Local Plan policies, while also introducing less precision. In addition, they say that much of it would only apply to major development, adding to doubts about its utility. Having looked at the scope of Policy 6 in the light of NPPF paragraphs 153, 154 and 167 and CLLP Policy LP14, I agree with NKDC on the point, ***and recommend that the policy be deleted.*** However, given the importance of the issue locally, and to aid public understanding, ***I further recommend that consequential changes are made to the supporting material, including a summary of the national and local policy framework and an explanation of how planning applications would be required to have regard to both.***

#### **Policy 7: Achieving high-quality design**

61. This is a comprehensive policy which covers a wide range of design considerations. It includes a requirement that appropriate regard should be had to other sources of guidance, including the National Design Guide and the Scopwick and Kirkby Green Design Code (which contains a detailed understanding of three character areas for the Parish) to provide the local context. Paragraphs 116-117 of the Plan describe the main design considerations which flow from this, and the policy itself contains an expectation that development proposals will reinforce the character of the area. It covers landscaping and boundary treatments; the use of appropriate materials; the creation of well-integrated spaces; safe access and parking; and a range of opportunities to reduce carbon emissions and make better use of resources.
62. NKDC suggest a minor rewording to sub-policy 7, such that it would 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 retained or enhanced" [my emphases]. This is a slightly better fit with national policy, ***and I recommend that it be adopted.***

## Policy 8a: Provision of affordable housing

63. CLLP Policy LP11 deals with affordable housing, recognising that not all the identified needs of the area will be satisfied through the mechanism of the planning system. Part (a) of the policy says that affordable housing will be sought on all qualifying development sites of 11 dwellings or more, or on smaller schemes where the total floorspace exceeds 1,000 sq.m. In the rural areas, the level to be negotiated is set at 20%. The policy also sets out the delivery mechanisms, including how the tenure mix is to be settled. There is also reference to the need for affordable housing to “integrate seamlessly into the site layout amongst the private housing”. A further element of the policy sets out the approach to “rural exception” sites.
64. The preamble to SKGNP Policy 8a explains the importance of having a balanced and inclusive community in pursuing the objective of achieving sustainable growth. This requires ensuring a supply of a variety of house types and tenures. The NPG commissioned AECOM to prepare a Housing Needs Assessment: this concluded that, based on the profile of the existing housing stock and the demographics (including average income levels) of the Parish’s residents, the greatest need is for 3-bedroom dwellings. AECOM also calculated that 11 dwellings for affordable ownership could be justified.
65. I see nothing in the policy itself which adds anything to CLLP Policy LP11. The first part simply points to the need and the available mechanisms for meeting it, and the second deals with the issue of integration. ***I recommend that the policy be deleted*** – but as with other examples of duplication to which I have drawn attention, there would be no difficulty in the supporting material to the policy being retained in some form, with a fuller explanation of the settled local planning context than that briefly recorded in paragraph 139.

## Policy 8b: Rural exception site

66. The introduction to this policy recognises the limited scope for increasing the stock of affordable housing as part of market schemes and explains the potential role of “rural exception” policies in making a contribution in that respect. As noted above, this provision forms part of CLLP Policy LP11. Paragraph 142 of the NP acknowledges the fact that CLLP Review Policy S21<sup>8</sup> would support the allocation of affordable housing sites in neighbourhood plans, in addition to the rural exception option; however, it adds that the Parish Council did not want to delay progress on the rest of the NP and so have not identified a specific site in the Parish at this stage.
67. Policy 8b sets out the criteria guiding the type and scale of an acceptable scheme to provide affordable housing, which would be subject to evidence of clear community support. It allows for the possibility of including a limited amount of market housing in such a scheme, in appropriate circumstances. NKDC suggest adding the need for a sequential approach to site selection (CLLP Policy LP4): I agree that this would be useful and ***recommend the inclusion of a third sub-policy, reading: “Proposals under this policy must have regard to the sequential test governing site location, as set out in Local Plan Policy LP4”. In addition, reference to this requirement (and what it means) should be included in paragraph 143.***

## Policy 8c: A mix of housing types

68. The AECOM assessment noted an increase in older age groups in the period between 2001 and 2011, reflecting evidence from the 2015 Strategic Housing Market Assessment for Central Lincolnshire generally, which identified a need for smaller dwellings. Policy 8c requires a

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<sup>8</sup> the online version of the Review LP shows this policy to be S22, not S21

majority of new dwellings within the SKGNP area to be 2-3 bed, of differing tenures, the objective being to help both older people who wish to downsize, and younger families. All dwellings are required to meet national standards for space and accessibility, according with the principle of “homes for life”.

69. NKDC suggest some amendments to the policy to improve clarity and to incorporate some flexibility to allow for exceptions. I agree with their comments and **recommend that sub-policies 1 and 2 be deleted and replaced with a single one: “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: Specialist accommodation for the elderly**

70. The preamble to this policy refers to AECOM’s conclusion that there will be a significant increase in households in the over-65 age group, and that there will be a growing need for housing which is able to provide a degree of support. The policy focuses on the former Limes residential care home on Main Street in Scopwick, which at the time of the Plan’s preparation was subject to discussions about its future, and the Plan supports the principle of its redevelopment, again as a residential care home. NKDC have some reservations about the provisos included in the policy; I share these, although I consider that their suggested rewording goes beyond what is necessary in a land-use policy. **I recommend a simplified policy wording: “The redevelopment of The Limes as a residential care home is supported in principle”.**
71. I would also note here that paragraph 161 of the Plan states: “NPP 8d requires evidence that revenue funding can be secured to maintain the long-term viability of these types of schemes” – which it does not. In any event, this would be a difficult thing to justify as a condition on a planning permission. **I recommend that paragraph 161 be deleted.**

#### **Policy 9: Enhancing the provision of community facilities**

72. Policy 9 supports improvements to community facilities, subject to certain pre-conditions, while at the same time the loss of any of the seven assets listed in table 7 will be resisted unless certain conditions are met. One of these is that any compensating replacement facility should be in a location which is “equally accessible” to the one being lost, the implications of which are not clear. **I recommend that the last line of sub-policy 2 be amended to read: *...provided in a location that is easily accessible to local residents.*”**

#### **Policy 10: Improving broadband and mobile connectivity**

73. The first part of this policy requires all new residential development to be served by a superfast broadband connection. I agree with NKDC’s concern about the planning authority’s ability to insist on this, and **therefore that sub-policy 1 should be amended to read: “All new residential development should be provided with appropriate street ducting to allow connection to any superfast broadband service which may become available”.**
74. NKDC have noted that, as worded, sub-policy 2 might suggest that mobile phone masts will be supported within the significant green gaps: this was clearly not the intention, and the matter can be rectified by the deletion of the word “within”. **I recommend that this be done.**

## Policy 11: Protecting heritage assets

75. Policy 11 sets out an intention to supplement the protection afforded to the designated heritage assets within the Parish, which include its 22 listed buildings and the Scopwick Conservation Area. Appendix E to the Plan is a list of assets which are not so designated, but which are considered to warrant a level of protection – for the most part these have been inherited from the Local List published in 1987, but it includes two more (the Clapper Bridge over Scopwick Beck between Brookside and Church of Holy Cross, and the Lychgate to Scopwick graveyard) that the Parish Council wishes to promote.
76. Part 1 of the policy itself says that “one additional structure, the Clapper bridge over Scopwick Beck between Brookside and the Lychgate at Scopwick graveyard has been added to the list”. Moreover, NKDC’s comments on Policy 11 as worded suggests that it is proposed to add *three* structures to the list. Having asked for clarification from the Councils, I now understand that the NP is intended to support the Parish Council’s case for the inclusion of two structures (the bridge and the lychgate) to the Local List. I have also noted NKDC’s comment on the value of sub-policy 1 as it stands, since it is primarily a statement of fact which is already set out in paragraph 176.
77. ***I therefore recommend that sub-policy 1 of Policy 11 be deleted and that paragraph 176 be amended to read: “NKDC are currently reviewing buildings on their Local List. These are buildings or structures that have local historical and/or architectural significance. Appendix E reproduces the current list and also suggests the addition of two further structures (the Clapper Bridge over Scopwick Beck between Brookside and Church of Holy Cross, and the Lychgate to Scopwick graveyard). In the Parish Council’s view, these structures satisfy criteria provided by NKDC<sup>62</sup>, but they have not yet been added to the Local List”.***

## Policy 12: Conversion of redundant agricultural buildings

78. This policy supports the re-use of redundant agricultural buildings (especially where this could lead to the creation of smaller dwellings or workshops), subject to certain criteria. NKDC point out that some of these buildings might be heritage assets and suggest this is reflected in the policy. I agree, and since this is not fully covered by Policy 11, ***recommend that a further sub-policy be added to read: “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.”***

## Policies 13a – 13f: Site allocations

79. This policy has six separate components, although each has the same purpose, namely, to identify clearly the parcels of land (five in Scopwick and one in Kirkby Green) which the Plan allocates for residential development, for the most part market housing. This list is the result of work by AECOM to critically assess the 31 sites which resulted from the initial “call for sites” exercise, the details of which are in a separate report, and at Appendices F(1) and (2) of the Plan. The final selection was the subject of local consultation, guided by six further criteria. The proposed development boundaries (map 2a and 2b) have been drawn to include those sites which emerged at the end of the process.
80. The allocations in question each have a separate set of site-specific requirements attached to them as sub-policies, preceded by a short commentary and a clear map at a large scale. Apart from two relatively minor observations by NKDC in relation to the wording of one of them, no representations were received in relation to these sub-policies. They are:



- Policy 13a: Land north of Heath Road
- Policy 13b: Land north of Vicarage Lane
- Policy 13c: Land south of 8-12 Brookside and 2 Almonds Green
- Policy 13d: 6 Brookside
- Policy 13e: Land behind Scopwick Methodist Church
- Policy 13f: Land north of Main Street, Kirkby Green

81. NKDC point to the potential conflict at site 13e, which is also the location of a key view, protected under Policy 2 (location 4 on map 4a). The existing sub-policy 1a), which requires the layout of any development to provide “visual links from Main Street to the open countryside to the north”, clearly draws attention to the issue, but ***I recommend that the phrase “in accordance with the requirements of Policy 2” be added to it to give it greater strength.***
82. NKDC note that sub-policy 2 inaccurately references Policy 8c by suggesting that it mentions bungalows. ***In order to deal with this, I recommend a slight rewording of the last phrase of sub-policy 2 such that it reads “...and Policy 8c (mix of housing types)”.***

### **Implementation**

83. After the policies themselves, there is a short section explaining how they will be taken into account as part of the decision-making process, alongside the other policy influences.

### **Monitoring and review**

84. The Plan proper concludes with a brief commitment by the Parish Council to monitor its impact, adding that if there is evidence that any policy is having unintended consequences or is ineffective, then it will be reviewed. In any event, the NPG and the Council expect there will be an overall review of the Plan five years after it has been made.

### **Appendices**

85. There follow a series of comprehensive appendices, all of which assist in providing important background to the Plan’s broad objectives and individual policies. These cover community projects (properly separated from land-use policies); the criteria adopted for identifying significant green gaps, together with photographs of each of them; a weblink to the Design Code; photographs of the key views; non-designated heritage assets; the site assessment locations with a commentary on each; community activities; the ground water protection zones; and the assessment of local green spaces against the NPPF criteria, accompanied by photographs.

### **Conclusions on the basic conditions**

86. I am satisfied that the Scopwick and Kirkby Green Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.



## **Formal recommendation**

87. I have concluded that, provided that the recommendations set out above are followed, the Scopwick and Kirkby Green Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman BA DipTP MRTPI  
Independent Examiner

10 October 2022

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
36	Maps 2a and 2b	<input type="checkbox"/> include a note in the map keys to say that boundaries are indicated by the red lines
44	Policy 1	<input type="checkbox"/> reword the opening of the policy as suggested <input type="checkbox"/> delete criteria 1c) <input type="checkbox"/> reword sub-policy 2 as suggested
46	Policy 1	<input type="checkbox"/> make the three changes to the policy suggested by the Environment Agency with regard to flooding
47	Policy 1	<input type="checkbox"/> reword sub-policy 3 as suggested
50	Policy 2	<input type="checkbox"/> delete sub-policy 2 and replace as suggested
51	Policy 2	<input type="checkbox"/> delete sub-policy 4 and replace as suggested
53	Policy 3	<input type="checkbox"/> add suggested text to the end of the first sentence of the policy
55	Policy 4	<input type="checkbox"/> amend paragraph 73 of the plan to include the NPPF criteria for designating LGS
56	Policy 4	<input type="checkbox"/> amend the policy to quote NPPF para 103 verbatim <input type="checkbox"/> include the suggested additional text in the supporting material to the policy
60	Policy 6	<input type="checkbox"/> delete the policy <input type="checkbox"/> make consequential changes to the supporting material on flooding and drainage, including a summary of national and local policy and how applications will be required to have regard to both
62	Policy 7	<input type="checkbox"/> reword sub-policy 7 as suggested by NKDC
65	Policy 8a	<input type="checkbox"/> delete the policy
67	Policy 8b	<input type="checkbox"/> add a third sub-policy as suggested and include reference to its content in paragraph 143 of the plan
69	Policy 8c	<input type="checkbox"/> delete sub-policies 1 and 2 and replace with a single sub-policy as suggested
70	Policy 8d	<input type="checkbox"/> reword the policy as suggested
71	Policy 8d/para 161	<input type="checkbox"/> delete paragraph 161 of the plan
72	Policy 9	<input type="checkbox"/> amend the last line of sub-policy 2 as suggested
73	Policy 10	<input type="checkbox"/> amend sub-policy 1 as suggested

74	Policy 10	<input type="checkbox"/> delete the word 'within' from sub-policy 2
77	Policy 11	<input type="checkbox"/> delete sub-policy 1 and amend paragraph 176 of the plan as suggested
78	Policy 12	<input type="checkbox"/> add an additional sub-policy as suggested
81	Policy 13e	<input type="checkbox"/> reword sub-policy 1a as suggested
82	Policy 13e	<input type="checkbox"/> reword sub-policy 2 as suggested

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