

COLEBY PARISH NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to North Kesteven District Council
into the examination of the
Coleby Parish Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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10 October 2017

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1.0 Summary

- 1.1 The Coleby Parish Neighbourhood Plan has been prepared to help the parish adapt to change whilst retaining its own unique look and feel.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - Revisions to Policy 3 concerning the Area of Separation and the deletion of the viewpoints across it;
 - The deletion of safeguarding of “green spaces surrounding the village” from Policy 3;
 - The deletion of the proposed Local Green Space at Dovecote Lane from Policy 4;
 - Specifying the playing field and children’s playground as community facilities in Policy 6; and
 - Revisions to the wording of policies and their justifications to make their interpretation and application clearer.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Coleby Parish Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements.

Legislative Background

- 2.4 I have been appointed by North Kesteven District Council with the consent of Coleby Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and North Kesteven District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.5 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.

- 2.6 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development. There are no other neighbourhood plans for the plan area. The Neighbourhood Plan area is co-terminus with the parish of Coleby Parish and was designated by North Kesteven District Council on 1 April 2016 as a Neighbourhood Area. The section headed Legal Requirements in the Basic Conditions Statement confirms these points.
- 2.7 Paragraphs 1.1 of the Neighbourhood Plan and the Legal Requirements of the Basic Conditions Statement state that the lifespan of the Neighbourhood Plan is to be from 2012 to 2036 and this is shown on the front cover of the plan. I understand that these dates have been selected to coincide with the dates of the adopted Central Lincolnshire Local Plan. However it would be more appropriate for the Neighbourhood Plan to be dated from the date it is made.
- 2.8 The neighbourhood plan making process has been led by Coleby Parish Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan has been prepared by the Coleby Parish Neighbourhood Plan Working Group on behalf of Coleby Parish Council.
- 2.9 I am satisfied therefore that the Coleby Parish Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions

- 2.10 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. 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);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition

in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

- 2.11 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.12 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
- 2.13 It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.14 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

- 2.15 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.16 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”

- 2.17 The National Planning Policy Framework 2012 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.18 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises the Central Lincolnshire Local Plan 2012 – 2036 which was adopted on 24 April 2017.
- 2.19 I have considered the Neighbourhood Plan as a whole and each policy in turn to assess whether they are in general conformity with the strategic policies of the adopted Development Plan.
- 2.20 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area contrary to the Local Plan strategy. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.
- 2.21 The Basic Conditions Statement sets out an assessment of how the Neighbourhood Plan policies have had regard to national policy and how it is in general conformity with the strategic policies of the Central Lincolnshire Local Plan 2012 – 2036.
- 2.22 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.23 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.24 A Strategic Environmental Assessment Screening Report was undertaken which included a screening for the Habitats Regulations Assessment. The screening concluded that:

“It is considered unlikely that there will be any significant environmental effects arising from the Coleby Neighbourhood Plan, as submitted at the date of this assessment. As such, based on the contents of draft Coleby Neighbourhood Plan, on which this screening was undertaken, a full SEA does not need to be undertaken for the Coleby Neighbourhood Plan.”

- 2.25 The screening concluded that the Coleby Neighbourhood Plan will not have any effects on European Habitat Sites and will not require an assessment under Articles 6 and 7 of the Habitats Directive.
- 2.26 North Kesteven District Council consulted with the statutory bodies Historic England, Natural England and Environment Agency on the Screening Report for the SEA and HRA in March 2017. They concurred with the conclusions of the screening assessment.
- 2.27 The Qualifying Body has confirmed that an Equality Impact Assessment Report was not prepared, however, they state that great care was taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 2.28 The Qualifying Body confirmed that “*statutory and non-statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. ... The main issues for planning were considered to be the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs for older people and for young people wanting to buy their first home. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages.*”
- 2.29 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.
- 2.30 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 2.31 Article 14 provides that “*The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*” In the Consultation Statement, the Qualifying Body has provided evidence on how the statutory and non-statutory consultations have been carried out and demonstrated that they were undertaken in such a way that all sections of the local community have been given the opportunity to express their views.

2.32 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights. I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

2.33 The Basic Conditions Statement has included an assessment of the contribution of the policies towards the three key principles to sustainable development: economic, social and environmental and commented on how each policy will contribute towards delivering sustainable development. Whilst the plan does not include policies on economic development, in view of the size and location of the parish, I am satisfied that the plan will contribute towards the social and environmental aspects of sustainable development.

The Neighbourhood Plan Preparation

2.34 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

2.35 The Consultation Statement sets out an overview of the consultation process that has been undertaken in the course of preparing the Neighbourhood Plan. The preparation of the Neighbourhood Plan commenced in December 2015 with a public meeting. This was followed by:

- Public fora during Parish Council meetings;
- Parish residents meeting on 2 May 2016 to identify factors making Coleby a special place as an input to designing a Residents Survey;
- Residents Survey;
- Questionnaire for primary and secondary school pupils;
- Community organisations were contacted;
- Significant landowners and local businesses were contacted;
- Parish meeting on 8 November 2016 to receive feedback and consider draft policy positions;
- Presentation on draft policies at the January 2017 Parish Council meeting;
- Communication and updates distributed by post and email.

2.36 I have considered the representations and note the concerns raised by some landowners that they were consulted on the Local Green Spaces but not on the Area of Separation. However, I am satisfied that they have been made aware of the preparation of the Neighbourhood Plan and have had the opportunity to express their views on the proposed Local Green Spaces and the Areas of Separation. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

- 3.37 Consultation on the Submission draft Neighbourhood Plan under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 was carried out by North Kesteven District Council between 19 June and 31 July 2017. This resulted in comments from 12 residents and landowners and 4 organisations.

The Examination Process

- 2.38 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.39 I have undertaken this examination by way of written representations. I have considered the representations received during the consultation on the Submission draft plan. I have presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing. I have undertaken an unaccompanied visit to the Plan area.
- 2.40 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment and other background evidence. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.
- 2.41 This report is the outcome of my examination of the Submission Draft Version of the Coleby Parish Neighbourhood Plan 2012 – 2036. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by North Kesteven District Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by North Kesteven District Council.
- 2.42 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - that the plan should proceed to referendum if modified; or
 - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.43 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should

extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

“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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies. I now turn to considering whether

the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 Coleby Parish has a population of 410 in 2011 with 176 households. The Neighbourhood Plan area is located to the south of Lincoln. Coleby village is classified in the Local Plan as a Level 6 “small village” with the rest of the parish being level 7 “hamlet” and Level 8 “countryside”. The parish west of the A607 lies on the Lincolnshire Cliff limestone escarpment and lies within the Lincoln Cliff Landscape Character Area. There are no designated wildlife sites within the parish.
- 3.8 The Coleby Parish Neighbourhood Plan as a whole is clear and well presented. The Plan has sought to provide for the low level of growth set out in the recently adopted Local Plan of 10%, between 2012 and 2036, which equates to 14 additional dwellings.
- 3.9 The Plan seeks to safeguard a wide range of historic and environmental assets, safeguard Local Green Spaces and maintain an Area of Separation between the village and the A607. Landscape quality and views and vistas are to be maintained. Other policies seek to safeguard community facilities and enhance the rights of way network.
- 3.10 Overall the Plan is clear and well presented. The supporting text to each policy explains the reasoning behind the policy and the meaning of specific words. There is also a glossary in Appendix 1.
- 3.11 The only concern with the presentation of the Plan is that the figures are incorrectly numbered in the text. The sites referred to under the policies are shown on a number of different maps. It is recommended that the Neighbourhood Plan should include a composite Policies or Proposals Map to identify the locations referred to in the policies in one place in order to improve the ease of use of the Plan for decision makers.
- 3.12 There is a mixture of bullet points and lettered bullets in the policies. To enable decision makers to refer to the relevant point, it would be helpful if all sub-points were referenced by letters rather than bullet points.
- 3.13 To improve the clarity of the policies, where the intention of the policy is that all criteria are to be met, the punctuation of the penultimate criterion should be finalised with “; and”.

Recommendation 1: Ensure that the policies and supporting text are correctly cross referenced to the relevant map. Prepare a composite Policies or Proposals Map to show the location of the sites referred to in the policies.

All sub-points should be referenced by letters rather than bullet points.

Where all criteria in a policy are to be met, the punctuation of the penultimate criterion should be finalised with “; and”.

Introductory Sections to the Neighbourhood Plan

- 3.14 The Introduction gives a clear overview of the development plan framework within which the Neighbourhood Plan will fit. It is recommended that the final bullet point is revised to ensure consistency with the wording of national guidance and legislation.

Recommendation 2: revise the third bullet point of paragraph 2 to read

“They should have regard to national planning policies and be in general conformity with the strategic policies of the development plan.”

- 3.15 Paragraph 5 of the Introduction to the Plan incorrectly states that the NPPF is part of the Local Development Plan. A revision is recommended to correct this.

Recommendation 3: revise paragraph 5 of the Introduction to read:

“Together, the Local Plan and the Neighbourhood Plan will make the Development Plan for our area....”

- 3.16 North Kesteven District Council has commented to say that the conservation area boundary is being reviewed and depending on the timing of the plan’s progression, it may not be possible to amend the maps showing the boundary. A revision to paragraph 32 and Figure 19 Heritage Environment is proposed to recognise this. I agree that these revisions would be helpful.

Recommendation 4: revise paragraph 32 by adding the following after Local List:

“The boundary of the conservation area is currently being reviewed by North Kesteven District Council and some minor amendments to the boundary are proposed.” Delete Footnote 5.

Add a note to the same effect to the key to Figure 19 Heritage Environment.

- 3.17 Section 2 sets out a succinct summary of the key data and other information about the parish. Section 3 sets out the key issues for the Neighbourhood Plan and notes that the main driver for preparing the plan was to accommodate the level of housing development required by the Local Plan whilst retaining the special look and feel of the parish.
- 3.18 The Vision reflects the community’s desire to adapt to change whilst retaining the parish’s unique look and feel. Five objectives are set out under four themes of community, natural environment, built environment and housing. Table 1 demonstrates the planning policy approaches that have been developed to deliver the objectives.

4.0 Neighbourhood Plan – The Policies

Strategic Context for Residential Development in Coleby Parish

Policy 1 Location of Development

- 4.1 The policy defines the developed footprint of the village within which development will be supported where it complies with the criteria set out in the policy in addition to those set out in other relevant development plan policies. The developed footprint has been updated from that defined in 2007 Local Plan to take account of recent planning approvals.
- 4.2 Paragraph 57 of the justification refers to the removal of an area of undeveloped land west of the village hall from the developed footprint. However the map on Figure 9 does not show this area excluded. The Qualifying Body has confirmed that the boundary shown on Figure 9 is correct and that the second bullet point in paragraph 57 should be deleted.
- 4.3 The second part of the policy makes provision for additional sites to be brought forward should there be insufficient land within the built up part of the village to meet the level of growth defined in the Local Plan.
- 4.4 Coleby is defined in the Central Lincolnshire Local Plan Policy LP2 as a Tier 6 Small Village where small scale development of a limited nature may be accommodated in appropriate locations and proposals will be considered on their merits but would be limited to around 4 dwellings. Additional sites may be promoted through a neighbourhood plan or where local community support has been clearly demonstrated.
- 4.5 Local Plan Policy LP4 makes provision for a growth of 10% in Small Villages which equates to 14 dwellings in the period 2012 - 2036. There are commitments for 9 dwellings since 2012 resulting in a growth target of 5 dwellings.
- 4.6 The NPPF paragraph 184 states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 4.7 The Coleby Capacity Study updated in January 2017 was prepared by planning consultants to consider the capacity of the plan area to accommodate additional housing development. This is a theoretical study which considered a number of constraints as well as the proximity of potential sites to village services. No account was undertaken of site availability and a call for sites was not undertaken.
- 4.8 Possible opportunities for accommodating residential development were identified in the developed footprint and assessed for their suitability. Brownfield and greenfield opportunities at the edge of the developed footprint of the village were then considered and finally brownfield opportunities in the rest of the parish.

- 4.9 The study identified the potential capacity for around 11 dwellings on infill sites within the developed footprint of the village and 4 dwellings on the edge of the developed footprint.
- 4.10 A representation has been made suggesting consideration should have been given to small sites to the east of the village. It comments that the policy may restrict development below the requirement of 14 dwellings.
- 4.11 I have concluded that the Coleby Capacity Study is a robust study that has demonstrated that there is the potential capacity within the developed footprint to accommodate the remaining housing requirement for the parish as set out in the Local Plan. The Local Plan makes provision for neighbourhood plans to allocate additional housing sites, however the Coleby Neighbourhood Plan has chosen not to do so.
- 4.12 The first part of the policy sets out factors that should be taken into account in assessing development proposals. Criterion IV) refers to views over open countryside. There is a degree of repetition between this criterion and that set out in Policy 3 on the Design and Character of Development and to improve the clarity of the Plan I recommend that reference to views over open countryside be deleted from Policy 1.
- 4.13 The District Council has commented that bullet point c) is not considered practical in all circumstances. The requirement for SuDS is set out in Local Plan Policy LP14. It is considered that SuDS is adequately addressed in the Local Plan Policy and point c) adds no locally specific policy details. It is therefore recommended that point c) be deleted.
- 4.14 The Engineering Services Officer has proposed revisions to Policy 1c) to include reference to the local authorities and Upper Witham Internal Drainage Board and to include a paragraph to say that no development should be in areas at flood risk. I consider that these matters are adequately addressed in the Local Plan policy and there is no need to include them in Policy 1.
- 4.15 The second part of Policy 1 makes provision for additional sites to be brought forward should insufficient land be available in the “built up area”. To be consistent with the terminology in the rest of the policy, it is recommended that part 2 refer to the “developed footprint” instead of the “built up area”. The policy refers to the “Capacity Study”. To improve the clarity of the policy this should be revised to the “Coleby Capacity Study”.
- 4.16 The District Council has proposed a revision to the wording of part 2 to refer to “growth level” rather than “permitted growth” to be consistent with the Local Plan. To make the wording of this part of the policy clearer, it is suggested that “priority” is to be given to development “on” sites rather than “consideration of development sites”. Also it is not necessary to add “in all respects”. I agree with the suggestions proposed.
- 4.17 In response to my question on the subject, the Qualifying Body has confirmed that progress with the development of housing in the village will be reviewed

on an annual basis and if necessary they will consider reviewing the Plan to facilitate development at other locations. It may be helpful for plan users if this commitment were incorporated into the section of the plan entitled “Reviewing the Neighbourhood Plan”.

- 4.18 I am satisfied that subject to the recommended modifications Policy 1 meets the Basic Conditions.

Recommendation 5: revise Policy 1 as follows:

Delete point 1c)

Delete “and views over open countryside within the Parish” from criterion 1aIV).

Revise point 2 to read “Where there is insufficient land within the *developed footprint* of the village to meet the *growth level* of the parish as set out in the Central Lincolnshire Local Plan 2012 – 2036, *priority* should be given to development *on sites within the areas considered appropriate for development in the Coleby Capacity Study and which meet the requirements of the development plan.*”

Correct the punctuation at the end of criterion IV to “; and” and amend the end of point V to “.”

Delete the second bullet point from paragraph 57.

Add the following to paragraph 91: “*Progress with the development of housing in the village will be reviewed on an annual basis and if necessary consideration will be given to reviewing the Plan to facilitate housing development at other locations.*”

Policy 2 Housing

- 4.19 This policy supports the development of housing on small sites up to a maximum of 4 dwellings to provide a net increase of no more than 14 dwellings between the commencement of the Local Plan and 31 December 2036. New housing will be encouraged to provide affordable housing to meet identified local needs and housing for first time buyers and people looking to downsize.
- 4.20 It is considered that the first part of the policy which limits the growth of the plan area to no more than 14 net additional dwellings in the Local Plan period on sites of up to four dwellings accords with Local Plan Policies LP2 and LP4 and national planning policy that neighbourhood plans should not promote less development than the Local Plan.
- 4.21 There is provision under Local Plan Policy LP2 for additional housing to be brought forward where there is community support and paragraph 70 of the justification to Policy 2 notes that this may be utilised to provide additional

homes in the plan area that provide tangible benefits such as affordable housing or smaller homes for first time buyers and downsizers. Additional housing sites may be brought forward under Local Plan Policy LP11 as rural exceptions sites to provide affordable housing, supported where necessary with market housing, where the needs have been demonstrated through a local needs assessment and there is local community support.

- 4.22 Two representations have been made commenting on the need for affordable housing and the lack of any proposals for its provision in the plan. I am satisfied that there is a suitable Local Plan policy to provide for rural exceptions housing should the need for affordable housing be demonstrated.
- 4.23 It is considered that Policy 2 part 1b is deliverable by making use of the strategic policies provided that there is community support for development proposals.
- 4.24 The District Council has commented that the term “between the commencement of the Local Plan and 31st December 2036” is ambiguous and potentially does not match the Local Plan timeframes. A suggested revision is proposed of “during the Central Lincolnshire Local Plan period of 2012-2036.” I agree that this would be clearer.
- 4.25 The second part of the policy sets out criteria relevant to the conversion or redevelopment of non-residential buildings to provide housing. The third bullet point refers to there being “no loss of valued facilities and services”. There is no explanation in the justification as to how this term is to be applied by decisionmakers. The matter is in any case addressed in Policy 6 and it is recommended that it be deleted from Policy 2.
- 4.26 The third part of the policy requires necessary infrastructure or its improvement to be in place before the dwelling is first occupied unless an alternative timescale is agreed.
- 4.27 Local Plan Policy LP12 sets out the strategic policy to ensure that new development is supported by, and has good access to, all necessary infrastructure.
- 4.28 One representation has been made stating that further infill development will increase problems with on street parking and future development should be along Dovecote Lane.
- 4.29 I am satisfied that subject to the recommended modifications Policy 2 meets the Basic Conditions.

Recommendation 6: revise Policy 2 as follows:

Revise part 1a) to read “.....*during the Central Lincolnshire Local Plan period of 2012-2036.*”

Delete the third criterion of part 2.

Policy 3 Design and Character of Development

- 4.30 The policy requires development proposals to have regard to the Coleby Character Assessment and identifies six criteria of particular importance. These include maintaining the “Area of Separation”, ensuring that identified views and vistas are maintained wherever possible and responding to and enhancing the setting of Local Green Spaces and other valued green spaces such as green verges and green spaces surrounding the village.
- 4.31 Local Plan Policy LP17 on landscape, townscape and views seeks to protect and enhance the intrinsic value of the area’s landscape and townscape, including the setting of settlements. Proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.
- 4.32 Point 3 of Policy 3 is worded so that development would be supported where it maintains the Area of Separation and does not detract from the open undeveloped character of the area. The boundary of the Area is shown on Figure 11. It is considered that this wording would in effect be a restrictive policy preventing any built development within this area. NPPF guidance is that such blanket restrictions should be supported by robust evidence.
- 4.33 Twelve representations have been made objecting to the designation of the Area of Separation or for the inclusion of land to the west of the footpath within the area. One objects to the inclusion of the three viewpoints over the fields from the A607.
- 4.34 Paragraph 76 of the justification describes the area as a buffer zone separating the village from the busy A607, being an important feature of the village’s setting and contributing to its character. The area also contains the village playing field and playground.
- 4.35 I accept that there has been support from the community during the preparation of the plan for the retention of the open land to the east of the village. This area forms the setting of the settlement from its eastern approaches and is easily accessed from the main road network. The Capacity Study noted only that there were “*landscape and village setting constraints*” in this area without describing them or their significance.
- 4.36 However it is considered that community support for a policy, of and by itself, does not constitute robust evidence to justify placing a blanket restriction on this area of land that would preclude any development that would detract from its open and undeveloped character.

- 4.37 The strategic policies limit the future growth of the village and Policy 1 part 2, as modified, prioritises development on sites identified in the Capacity Study. Furthermore there is provision for assessing proposals under Local Plan Policy LP17 which identifies the importance of maintaining the setting of settlements. The Area of Separation is outside the developed footprint and any development in the area would have to be justified as requiring a rural setting under NPPF paragraphs 28 or 55.
- 4.38 The Local Authority has suggested revisions to the wording of bullet point three to reflect the intentions of the strategic policy to safeguard the setting of the settlement. They propose that Figure 8 should also be deleted so as not to show a specific area and to ensure that the policy refers to the concept of maintaining the gap. The proposed revision would mean that the impact of each development proposal on the setting of the settlement would be considered and the policy would not therefore impose a blanket restriction on development in the area between the village and the A607.
- 4.39 I have also considered the significance of the views over the Area of Separation. These amount to views over flat, open farmland through gaps in the hedgerows and are similar to many that motorists would see along the main road. I consider that those to the east of the village over the Area of Separation have limited significance in landscape terms and should be deleted from Figure 12.
- 4.40 In contrast, the long distance views from the ridge at the western edge of the village are splendid. Those within the village are from the main junctions along the roads and lanes towards key buildings and features.
- 4.41 The final bullet point refers to the setting of Local Green Space and other valued green spaces such as verges and green spaces surrounding the village. I have considered the suitability of the proposed Local Green Spaces under Policy 4. The importance of the verges throughout the village was clear from my walk around the village and is recognised in the Coleby Character Assessment. However the village is surrounded by farmland and paddocks and it is unclear what the term “green spaces around the village” refers to. I have asked the Qualifying Body for an explanation and they have suggested revising it to “*green verges, routes into the village and open countryside surrounding the village.*”
- 4.42 I consider that both the terms “*green spaces surrounding the village*” and the suggested alternative “*routes into the village and open countryside surrounding the village*” are both vague and imprecise and not capable of being interpreted consistently by decision makers.
- 4.43 I am therefore recommending that the phrase be deleted. The District Council has also commented that this term is ambiguous and would not be clear for the decision maker.
- 4.44 The District Council has commented on the final sentence in paragraph 75 of the justification which refers to Design and Access Statements. These are

now only required for “Major Development” or development of 10 or more dwellings and it is anticipated that this scale of development is not likely to occur in Coleby. An amendment is proposed to delete reference to Design and Access Statements to avoid any ambiguity about the application of the policy. I agree that this would ensure that the policy is interpreted consistently by decision makers.

- 4.45 The Qualifying Body has stated that the recreation ground is owned and maintained in perpetuity by the Parish Council. Its importance is referred to in paragraph 84 and as a consequence I have recommended that the playing field and playground should be included as Community Facilities and the boundaries shown on the map to Policy 6.
- 4.46 I am satisfied that subject to the recommended modifications, Policy 3 meets the Basic Conditions.

Recommendation 7: Revise Policy 3 as follows:

Revise the third bullet point to read: “*Would not result, either in isolation or cumulatively with any other development proposals, in the area of separation between the village and the A607 being unacceptably reduced either physically or visually;*”

Delete Figure 11 Area of Separation.

Delete the four viewpoints over farmland to the east of the village from Figure 12.

Delete “and green spaces surrounding the village” from the final bullet point.

Revise the final sentence of paragraph 75 to read “....evidence base for this design policy and planning applications *should be accompanied by sufficient information to explain how the Character Assessment has been taken into account*”

Policy 4 Local Green Space

- 4.47 Policy 4 proposes the designation of seven Local Green Spaces. The justification for the designation is set out in the Local Green Spaces Assessment.
- 4.48 NPPF paragraphs 76 -78 sets out the provision for making Local Green Space designations, the assessment criteria and the policy approach to managing such spaces. Local Plan Policy LP23 sets out the strategic policy approach to managing Local Green Spaces and Important Open Spaces.
- 4.49 Seven representations have been made to the designation of the proposed green spaces off Dovecote Lane stating that the land is currently part of a

paddock which has no special qualities and is privately owned with no public access.

- 4.50 The Local Green Space assessment states that the two Dovecote Lane sites are those proposed in the planning application for development on the site. However, I have concerns about the proposed designation as the development has not yet commenced or the green areas laid out. Their provision and future maintenance has been set out in conditions on the planning permission for the development of adjacent land.
- 4.51 At this stage, the sites are to be provided as part of the development of new housing and will be secured as open space by planning conditions. However as the sites have not yet been laid out it is not possible to confirm that the proposed sites will satisfy the criteria for designation as Local Green Space.
- 4.52 I am satisfied that the sites proposed except for those on Dovecote Lane satisfy the NPPF criteria.
- 4.53 The second part of the Policy 4 states that development proposals that would affect the function of the Local Green Space will not be permitted other than in very special circumstances.
- 4.54 I am satisfied that subject to the recommended modification, Policy 4 meets the Basic Conditions.

Recommendation 8: Revise Policy 4 as follows:

Delete “Dovecote Lane” from Policy 4 and the Figure 13.

Policy 5 Access to the Countryside

- 4.55 Policy 5 seeks the improvement of existing footpaths and rights of way in connection with new development, where appropriate and feasible. The second part of the policy states that development that will result in an unacceptable impact on footpaths and rights of way will not be supported.
- 4.56 The policy recognises that there may be scope to seek contributions from new development towards the improvement of footpaths and rights of way. It is considered that there is sufficient flexibility in the wording of the policy.
- 4.57 However it is not clear what an “unacceptable impact” on a footpath may entail. It is recommended that an example be included in the justification to explain the term.
- 4.58 In response to a question on the subject, the Qualifying Body has suggested that the policy be revised to read “adverse impact” and the following sentence be added to the justification: *“Adverse impacts on footpaths and rights of way are changes that will reduce public enjoyment and amenity value such as*

visual appearance, surface quality, accessibility, quality and legibility of signage, wildlife habitats and natural features, quality of furniture and infrastructures (e.g. benches, kissing gates, stiles)."

- 4.59 It is considered that some of the matters suggested are maintenance issues and are unlikely to arise as a result of new development proposals; these are more likely to result in the closure or diversion of footpaths or re-routing of paths that reduce accessibility or the loss of adjacent landscape and wildlife features.
- 4.60 I am satisfied that subject to the recommended modifications, Policy 5 meets the Basic Conditions.

Recommendation 9: revise Policy 5 point 2 as follows:

Replace “any unacceptable impact” with “an unacceptable adverse impact”.

Add the following as a new paragraph in the justification: “*Unacceptable adverse impacts on footpaths and rights of way are changes that will reduce public enjoyment and amenity value such as the closure of footpaths or re-routing of paths that reduce accessibility or the loss of adjacent landscape and wildlife features.*”

Policy 6 Community Facilities

- 4.61 Policy 6 supports the development and improvement of community facilities. It requires proposals that would result in the loss of a facility to be adequately justified.
- 4.62 Local Plan Policy LP15 sets out criteria to be used in assessing development proposals that would result in the loss of a community facility.
- 4.63 The third part of the policy relates the policy to community facilities shown on the map. The District Council has commented that paragraph 84 also lists the recreation ground and informal facilities such as paths and open spaces.
- 4.64 To clarify the interpretation of the policy it is recommended that paragraph 84 should be consistent with the sites shown on the map referred to in part 3 of the policy. Footpaths are covered by Policy 5 and other open spaces are covered by Policy 4. The recreation ground is not shown on the map under Policy 6 neither is it identified as a Local Green Space. I have asked the Qualifying Body whether they wish to include the recreation ground on the map of facilities under this policy.
- 4.65 The Qualifying Body has responded to my question on the matter to state that to improve the clarity of the wording of the policy, the village hall, playing field and children’s playground should each be identified as Community Facilities and shown on Figure 17.

- 4.66 Part 3 of the policy also refers to the possibility of other community facilities arising during the lifetime of the plan. It is considered that this is not a policy statement and would be more appropriate to include it under paragraph 84.
- 4.67 I am satisfied that subject to the recommended modifications, Policy 6 meets the Basic Conditions.

Recommendation 10: revise Policy 6 as follows:

Delete “and it is recognised that other Community Facilities may arise during the lifetime of this Plan” from part 3 of Policy 6 and include in at the end of paragraph 84.

Revise paragraph 84 as follows: replace “recreation ground” with “*playing field and children’s playground*” and delete “and also the informal facilities such as paths and open spaces”.

Show the playing field and children’s playground as Community Facilities on Figure 17.

5.0 Referendum

- 5.1 The Coleby Parish Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to North Kesteven District Council that the Coleby Parish Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the North Kesteven District Council on 1 April 2016.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Coleby Parish Neighbourhood Plan Submission Draft Version 2012 - 2036
- Coleby Parish Neighbourhood Plan Basic Conditions Statement
- Coleby Parish Neighbourhood Plan Consultation Statement and Appendices
- Coleby Neighbourhood Plan SEA Screening Report
- Coleby Character Assessment
- Coleby Local Green Spaces Assessment
- Coleby Capacity Study
- Coleby and Our People Statistics
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Central Lincolnshire Local Plan 2017

7.0 Summary of Recommendations

Recommendation 1: Ensure that the policies and supporting text are correctly cross referenced to the relevant map. Prepare a composite Policies or Proposals Map to show the location of the sites referred to in the policies.

All sub-points should be referenced by letters rather than bullet points.

Where all criteria in a policy are to be met, the punctuation of the penultimate criterion should be finalised with “; and”.

Recommendation 2: revise the third bullet point of paragraph 2 to read

“They should have regard to national planning policies and be in general conformity with the strategic policies of the development plan.”

Recommendation 3: revise paragraph 5 of the Introduction to read:

“Together, the Local Plan and the Neighbourhood Plan will make the Development Plan for our area....”

Recommendation 4: revise paragraph 32 by adding the following after Local List:

“The boundary of the conservation area is currently being reviewed by North Kesteven District Council and some minor amendments to the boundary are proposed.” Delete Footnote 5.

Add a note to the same effect to the key to Figure 19 Heritage Environment.

Recommendation 5: revise Policy 1 as follows:

Delete point 1c)

Delete “and views over open countryside within the Parish” from criterion 1aIV).

Revise point 2 to read “Where there is insufficient land within the *developed footprint* of the village to meet the *growth level* of the parish as set out in the Central Lincolnshire Local Plan 2012 – 2036, *priority* should be given to development *on* sites within the areas considered appropriate for development in the Coleby Capacity Study and which meet the requirements of the development plan.”

Correct the punctuation at the end of criterion IV to “; and” and amend the end of point V to “.”

Delete the second bullet point from paragraph 57.

Add the following to paragraph 91: *“Progress with the development of housing in the village will be reviewed on an annual basis and if*

necessary consideration will be given to reviewing the Plan to facilitate housing development at other locations.”

Recommendation 6: revise Policy 2 as follows:

Revise part 1a) to read “.....during the Central Lincolnshire Local Plan period of 2012-2036.”

Delete the third criterion of part 2.

Recommendation 7: Revise Policy 3 as follows:

Revise the third bullet point to read: “Would not result, either in isolation or cumulatively with any other development proposals, in the area of separation between the village and the A607 being unacceptably reduced either physically or visually;”

Delete Figure 11 Area of Separation.

Delete the four viewpoints over farmland to the east of the village from Figure 12.

Delete “and green spaces surrounding the village” from the final bullet point.

Revise the final sentence of paragraph 75 to read “....evidence base for this design policy and planning applications *should be accompanied by sufficient information to explain how the Character Assessment has been taken into account*”

Recommendation 8: Revise Policy 4 as follows:

Delete “Dovecote Lane” from Policy 4 and the Figure 13.

Recommendation 9: revise Policy 5 point 2 as follows:

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Add the following as a new paragraph in the justification: “Unacceptable adverse impacts on footpaths and rights of way are changes that will reduce public enjoyment and amenity value such as the closure of footpaths or re-routeing of paths that reduce accessibility or the loss of adjacent landscape and wildlife features.”

Recommendation 10: revise Policy 6 as follows:

Delete “and it is recognised that other Community Facilities may arise during the lifetime of this Plan” from part 3 of Policy 6 and include in at the end of paragraph 84.

Revise paragraph 84 as follows: replace “recreation ground” with “*playing field and children’s playground*” and delete “and also the informal facilities such as paths and open spaces”.

Show the playing field and children’s playground as Community Facilities on Figure 17.