

**DUNSTON NEIGHBOURHOOD PLAN  
EXAMINER'S REPORT**

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## INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Dunston Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish, which had a population of 770 in the 2011 Census.

4. I have been appointed by North Kesteven District Council, in consultation with the Parish Council, to carry out this independent examination.

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.

6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the District Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

## BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination;

The Neighbourhood Plan submitted to the District Council under regulation 15 of the Neighbourhood Planning (General) Regulations 2012  
Dunston Village –Character Assessment July 2015  
Dunston Design Guidance(Draft) 2016

Basic Conditions Statement April 2016  
Consultation Statement March 2016  
Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 from North Kesteven District Council, Natural England

29.416, Historic England 4.5.16., Highways England 1.6.16., Nottinghamshire County Council 25.4.16., Response from David Creasey 24.5.16.

The adopted North Kesteven Local Plan 2007 and the emerging Central Lincolnshire Local Plan

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)

## THE EXAMINATION

8.The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990. (as amended)

9.The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10.As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me that the examination can be carried out without a hearing.

## PROCEDURAL MATTERS

11.It is necessary to determine that the plan complies with the following procedural matters<sup>1</sup>;

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

12.The Parish Council is authorized as the qualifying body<sup>2</sup> to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

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<sup>1</sup> Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> as determined by Section 61G(2) of the Town and Country Planning Act 1990

13. In 2012 the Parish Council applied to the District Council for the designation of the parish as a Neighbourhood Area and it was formally designated on the 18<sup>th</sup> June 2014.

14. The Plan clearly states that it relates to the period 2016-2036.

15. The Plan does not include any provision about development that is “excluded development”<sup>3</sup>, such as minerals, waste disposal and major infrastructure projects.

16. I am satisfied that the plan does not relate to more than one neighbourhood area.

## CONSULTATION

17. The Parish Council have submitted a Consultation Statement which explains they have carried out an extensive programme of consultation as the Plan has progressed. This has involved three community meetings in 2014 to establish broad aims with periodic updates to all households in the Plan area via the “Dunston dossier” newsletter and web site. Two questionnaires were sent in February and July 2015, to all householders and businesses in the Parish to scope detail to develop policies.

18. The statutory 6 week consultation was carried out in February and March 2016. This included a leaflet distributed to all households in the parish inviting comments on the draft Plan, Dunston Character Study and Design Guide at drop-in sessions at the Village Hall on 5 Sundays between January and March 2016. Thirty eight individuals attended these sessions.

19. The Consultation statement lists, in Appendix 6, the public bodies consulted during the “statutory consultation” which includes businesses, service providers, neighbouring District and Parish Councils, land-owners and public bodies with a role in planning matters.

20. The Consultation Statement summarises the responses and illustrates adequately how these have been taken into account.

21. The supporting text to the policies in the Neighbourhood Plan refers where appropriate to the consultation responses in the “Justification and Explanation” sections of the policies.

22. I am satisfied that the consultation exercise has been appropriate and responses have properly been taken into account in the formulation of policies.

## BASIC CONDITIONS

23. It is necessary to decide whether the Neighbourhood Development Plan meets

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<sup>3</sup> as defined in Section 61K, of the Town and Country Planning Act 1990

the “basic conditions” specified in the Act.<sup>4</sup> This element of the examination relates to the contents of the Plan.

23. This Plan meets the basic conditions if :

- a) it has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) 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)

24. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

#### SUSTAINABLE DEVELOPMENT

25. The Plan seeks to give a local dimension to national and local policies concerning sustainable development. It strives to maintain the environmental attributes of this sensitive area, which contains a number of important environmental, and nature conservation assets. The Plan also promotes a social and economic balance to ensure the local community is sustainable by promoting employment opportunities at a scale which will not harm the environmental context and built heritage. The Plan demonstrates recognition of housing needs and within the context of local and national policies and promotes a level and type of housing development which will help to maintain a sustainable community.

26. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

27. I am satisfied that the Plan contributes to sustainable development, as defined in the NPPF.

#### EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

28. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact

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<sup>4</sup> Contained Paragraph 8(2) of Schedule 4B of the Town and Country planning Act 1990 (as amended)

Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

29. The District Council made a Strategic Environmental Assessment (SEA) Screening Determination in December 2015 to January 2106, prior to the final statutory consultation by the Parish Council and concluded that an Environmental Assessment of the emerging Neighbourhood Plan is not required. This was on the basis that Plan is seeking to protect the “character” of the area and is unlikely to result in development that will have a significant environmental impact.

30. Natural England have confirmed in a letter of the 29<sup>th</sup> April 2016 that they have no specific comments on the draft plan. The District Council has confirmed that the Plan is not in close proximity to any European designated site. It is not, therefore, considered that an “appropriate assessment” is required in terms of impact on habitats and the Plan complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the associated European directive 92/43/EEC.

31. I am satisfied that there are no human rights issues, which need addressing.

#### CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

32. The “Basic Conditions Statement” provides a detailed analysis of the conformity of the Plan with national and local strategic planning policies. The “Vision” and “Objectives” are analyzed in relation to relevant paragraphs of the National Planning Policy Framework (NPPF) and policies are compared to those in the North Kesteven Local Plan 2007 and the emerging Draft Central Lincolnshire Local Plan.

33. I am satisfied that the Plan is in conformity with national and local policies subject to the recommendations, below.

#### RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

34. I will set out the recommendations separately in bold type and where necessary precede this with an explanation. A number of these recommendations are concerned with establishing clarity in order that the policies and their justification is precise in planning terms and takes into account national policies and is in general conformity local strategic planning policies.

35. It is important that the Plan is readily understood by the public and technical terms are fully explained.

#### RECOMMENDATION 1

***The Plan would benefit from a glossary, which explains technical terms and acronyms.***

36. There is reference in paragraph 1.16 to an environmental assessment review which needs clarification to explain the process with its correct title and a brief reference to the outcome

## **RECOMMENDATION 2**

**Delete the first sentence of paragraph 1.16. Insert a new paragraph 1.16 as follows ;**

***A Strategic Environmental Assessment scoping study was carried out by the District Council in December 2015 and January 2016 which concluded that there were no significant environmental effects resulting from the Plan***

***Form a new paragraph numbered 1.17, consisting of the remainder of existing paragraph 1.16 but insert a new sentence at the beginning of the paragraph as follows;***

***“The Parish Council carried out a statutory 6 week consultation between 24<sup>th</sup> January and 6<sup>th</sup> March 2016.”***

***Renumber the remaining paragraphs in the document.***

37. Paragraphs 1.17-1.18 are unclear in terms of the process and would benefit from re-wording as follows;

## **RECOMMENDATION 3**

**Delete from the last sentence in paragraph 1.17 “ prior to a second review by the Local Planning Authority”.**

**Amend paragraph 1.18 to read.**

***“After a detailed review of all comments on the consultation by the Dunston Neighbourhood Panel, the Plan was amended and submitted to the District Council, as Local Planning Authority. It was then subject to a second consultation on the submission version of the plan and scrutiny by an independent examiner who recommended various modifications. It was then subject to a referendum in the Parish about whether to adopt the plan.***

## **RECOMMENDATION 4**

**Delete “seven” from the last sentence of paragraph 2.5**

**Add a capital letter to “roman ‘ in paragraph 2.9**

## POLICY 1: Appropriate Locations for development

38. The policy sets a sequential order of priority for support of development on brownfield and greenfield land in various locations. It encompasses a range of development including “the alteration or extension of existing buildings and uses”. It is difficult to justify that alterations, extensions or extensions of uses could be considered in a sequential manner as they are inextricably linked to existing buildings and uses. Such developments can be adequately considered under existing national and local policies together with other policies in this Plan. There needs to be reference in the “Justification and Explanation” section of the Plan to these other policies relating to change of use of buildings to other uses.

### RECOMMENDATION 5

***At the start of Policy 1 delete “involving the alteration or extension of existing buildings and uses, or”.***

***Insert at the end of the “justification and Explanation” section ;***

***“Policy 1 relates to new buildings and Policy 2 covers change of use of buildings to residential uses. There are policies in the local plan which relate to change of use to non-residential uses.”***

39. The reference to “brownfield” and “greenfield” land needs to be explained and related to the definitions in the NPPF for the avoidance of any doubt.

### RECOMMENDATION 6

***Add the following to the first bullet in the last paragraph on page 16 so that it reads as follows;***

- ***“ brownfield sites preferred above greenfield,(these are defined in the Glossary)”***

***Add the following to the Glossary referred to in RECOMMENDATION 1***

***“Brownfield land is referred to in the NPPF, paragraph 17, as “previously developed land”. This is defined in the NPPF glossary as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and***



***land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.***

***Greenfield sites are considered as land which does not fall within the above brownfield definition.”***

40. The map referred to in the policy is on page 17 rather than 18. The map should have a key to clearly identify the village boundary and the other notations on it

## **RECOMMENDATION 7**

***In point 1. of Policy 1, the reference to page 18 should be changed to page 17. The map should have a key identifying all the notations.***

41. In part b) iv of Policy 1 there is a reference to “Protected Amenity Area” which needs to be defined in the interests of clarity. Taking into account the references in the policy to other areas requiring “protection” it appears that policy b) iv is referring to extra areas or features which may receive protection, on account of their special designation, for example, as archaeological sites, monuments or listed buildings . This should be clarified further in the policy.

## **RECOMMENDATION 8**

***Delete criteria iv. of Policy 1 b), insert a new criteria iv. , as follows, “iv. the character, extent, setting and use of any heritage asset or aspect of the natural or built environment which is subject to a special designation offering it protection.***

42. The policy allows an exception for new dwellings in situations where they may be considered essential to the effective function of rural operations. The determination of what may be considered as essential is often disputed in considering planning proposals and reference to “rural operations” is a little vague and needs some elaboration. There is an adequate description of “exceptional” development in saved policy DC2 of the Local Plan and the emerging Local Plan has a draft policy LP55, Part D which explains the type of evidence required to prove that a dwelling is essential. There needs to be an explicit reference to this in the “Justification and Explanation” section.

## **RECOMMENDATION 9**

***Add the following paragraph as the penultimate paragraph of the Justification and Explanation Section (i.e. before the paragraph referred to in Recommendation 5 , above).***

***“Applications for new dwellings will only be acceptable where they are essential to the effective function of rural operations . The current adopted Local Plan refers to these dwellings as required for agricultural and forestry workers’ dwellings and those associated with rural based enterprises. Applications to justify these exceptional circumstances whereby a dwelling will be allowed should be accompanied by evidence such as***

- a. Details of the rural operation that will be supported by the dwelling;***
- b. The need for the dwelling;***
- c. The number of workers (full and part time) that will occupy the dwelling;***
- d. The length of time the enterprise the dwelling will support has been established***

***It is not a justification to seek a dwelling because it is convenient to live close to the rural operations. There has to be a functional need in relation to the carrying out of the rural operations.”***

43.The reference in Policy 1 c) ii to “non-residential building” is vague and open to interpretation. Local plan policy DC6 relating to “Conversion of Buildings in the Countryside to Residential Use” contains relatively extensive criteria regarding the type of buildings and nature of schemes which may be acceptable for conversion of buildings. These criteria are not taken into account and the Plan erroneously does not list policy DC6 as relevant on page 17. The policy is also contrary to policy DC6 as it does not recognise the priority given to re-use by business rather than residential proposals, in consideration of proposals to convert buildings . There is no value in simply repeating the wording of the local plan and it is recommended that this aspect of the policy be deleted in order to conform to basic conditions. It is noted that the emerging local plan contains a similar policy “LP55: Development in Hamlets and the Countryside” which has a range of criteria which need to be met for these conversions to be acceptable.

## **RECOMMENDATION 10**

### **Delete Policy 1 c) ii**

44.The District Council has pointed out that the “Justification and Explanation” section refers to local plan policy H1 which is accepted as out of date and should be removed. This policy refers to housing targets which are no longer considered appropriate.

## **RECOMMENDATION 11**

**Delete reference to “policy H1- Housing” I the list of policies on page 17.**

POLICY 2 : Housing

45. I am satisfied that the housing limits referred to in policy 2 a) are in conformity with the local plan and emerging policies. There is an element of flexibility in the policy to allow for exceptions to this if circumstances can justify it. The District Council consider there is conformity with its local strategic policies.

46. Policy 2 c) indicates that there are appropriate locations for conversion of non-residential buildings defined in Policy 1 but my recommendation 5, removes locational criteria in the policy in relation to the use of non-residential buildings. The proposed policy needs to make reference to the local plan policy DC6 , as referred to above, relating to the various criteria which have to be satisfied in order to allow the principle of the conversion. The references to “no loss of local service provision” and “reduction of employment opportunities” are vague and open to interpretation which may conflict with the more specific criteria in the adopted local plan policy and policy LP55 in the emerging local plan.

47. In order to conform to basic conditions, therefore, the policy relating to conversion or redevelopment of non-residential buildings needs to be re-worded to separate out and endorse the underpinning policy principles established in the local plan. Requirements relating to amenity standards and impact on neighbours can be appropriately retained.

48. The reference to “item b” in the second bullet point of policy 2 c) is wrong as it should be a reference to the preceding bullet point.

## **RECOMMENDATION 12**

**In policy 2 add numbers to the various elements of the policy and re-word it as follows ;**

**Insert number “1.” before “In appropriate locations.....etc.”, retain a) and b) as 1a) and 1 b)**

**Delete all of policy 2 c) and insert in policy 2 a new criteria numbered as 2 a) which states ; “Conversion or redevelopment of non-residential buildings to provide housing must be in conformity with local plan policies relating to their conversion and the following criteria ;**

- **The development will provide a reasonable standard of amenity( for example, privacy and daylight) for those who will live in the building(s);**
- **There will be no adverse impacts on the amenities, as described in the bullet point above, that occupiers of neighbouring premises may reasonably expect to enjoy;**

49. The reference at the end of Policy 2 to exceptional situations which may allow for a development that would exceed the 10% growth threshold is acceptable as it provides an element of flexibility. However, it needs the further caveat that this will have to be balanced in terms of local plan considerations at the time in order to comply with the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that planning decisions are made in accordance with the development plan, including the Neighbourhood Plan and the Local Plan unless material considerations indicate otherwise

### **RECOMMENDATION 13**

***Add to the end of the last paragraph of Policy 2 Housing the following ; “and there are adequate material considerations to justify any development contrary to the development plan.***

50. In the “Justification and Explanation” section under the North Kesteven Local Plan section, there is a reference to Policy H1 which should be deleted to be consistent with the comments by the District Council in relation to policy 1. that this policy is “out-of-date”.

### **RECOMMENDATION 14**

**Delete the bullet point referring to “H1- Housing“ from the list of policies referred to under the North Kesteven Local Plan heading.**

51. There is a reference in the supporting text to the Ministerial statement of March 2014 regarding the threshold for affordable housing contributions. This statement is correct but it is worth emphasizing that a recent Court of Appeal decision has reaffirmed this threshold level after a previous successful legal challenge against it. This will help to explain the reasons the draft local plan policy LP11 threshold is superseded.

### **RECOMMENDATION 15**

***In the paragraph headed Policy LP11: Affordable Housing on page 22 insert the following as the penultimate sentence; This advice and threshold level was reinstated by the government following its successful challenge in the Court of Appeal in May 2016 to a previous High Court judgment which ruled the original Ministerial Statement was unlawful.***

### Analysis of public representations on Housing Policies

52. This concerns the comments by David Creasey in relation to the final publicity stage of the Plan, immediately prior to this examination.

53. In comment 1 of his submission, he points out that there is an inherent contradiction in the Plan which states that Dunston is a “relatively compact village and there is already a fine balance between houses and garden space. There is no space to accommodate even 6 dwellings and maintain the character of the village. This is particularly disadvantageous to young people who need access to dwellings either to purchase on the open market or as affordable units. It is claimed the limit of 10 dwellings as a threshold for triggering affordable housing contributions is “not supportive of the government’s real intentions.”

54. It is not considered these comments warrant any modifications to the proposed policies. The Plan proposes a sequential approach to housing, which allows housing outside of the village curtilage, if necessary, to meet housing targets. The 10% limit in growth during the Plan is consistent with the adopted local plan and the emerging Central Lincolnshire Local Plan. There is an element of flexibility built in to consider exceptionally proposals that may exceed the 10% growth threshold. These policies strike a consistent balance between the strategic provision of housing in accordance with infrastructure provision and the level of service available in the Plan area and the need to protect the rural character of the village and its surroundings.

55. The Plan is consistent with the government guidance, recently re-confirmed as referred to above in a paragraph 51, that there is a limit of 10 or more dwellings for the provision of affordable housing contributions.

56. In comment 2, of his submission, Mr. Creasey states the Plan’s Vision in paragraph 4.1 and Objectives in paragraph 5.1 are illogical in seeking to accommodate “a few new homes and new businesses”. He states that the village does not have enough sites, infrastructure or population to accommodate new homes and businesses. It is not considered these concerns are substantive, as the Plan, in accordance with strategic policies, does not envisage large-scale new development, requiring extensive infrastructure beyond the scope of the village, but wishes to encourage it where it does not diminish village character and local amenities.

57. Mr. Creasey also proposes in his comments 2 and 3, a site apparently in his ownership immediately to the the south/southeastern side of the village, which could provide 30 houses as envisaged in the Plan. He submits that this comprehensive development would provide certain delivery of 30 houses, which would be less intrusive on the character of the village than the smaller piecemeal developments within the village as proposed and represents economies of scale. Furthermore, it is submitted that the site is on the edge of the village with ready access to facilities and will not compromise Plan policies to restrict dependence on the car as a mode of transport.

58. In his comment 4, Mr. Creasey states there are good rail links to the national network via Lincoln, which will be improved in the near future, and there are a number of surrounding villages offering a range of services. Mr. Creasey therefore considers development of his site can be supported by local infrastructure and

represents sustainable development. In comment 5 he considers the Plan does not grasp the need for change and “ignores” the emerging local plan.

59. Mr. Creasey is essentially disputing that the sequential approach should be applied and that the village can be extended beyond its existing “curtilage” into the countryside before infilling is exhausted. Policies 1 and 2 ultimately allow for development on the edge of the village, but in accordance with national and local policies are advocating a sequential approach whereby any available sites in the village are developed first in order to minimize encroachment on the countryside and utilize appropriate brownfield sites first. This is in accordance with national and local policies as explained in the Justification and Explanation sections of both policies 1 and 2. There is flexibility in Policy 2 to bring forward development on this land if an exceptional case can be justified.

60. Development on this site out of sequence with the policy criteria could extend the village into the countryside unnecessarily and I am satisfied that Policies 1 and 2 are justified in terms of Mr. Creasey’s comments.

#### POLICY 3: Design and Character of Developments

61. The Design Guide and the Village and Parish Character Assessment are credible documents which help to highlight those aspects of the built environment and landscape character which are notable and need to be considered in any assessment of planning proposals.

62. The reference to the requirements for Design and Access Statements to provide sufficient information to assess proposals in relation to the Design Guide, relates more to the process of validation of planning applications and specific information requirements which Planning Authorities set out in separate procedural advice. It is not appropriate that these requirements are referred to in planning policies. It is however acceptable for there to be reference to this requirement in the supporting text.

#### **RECOMMENDATION 16**

***Delete the last paragraph of Policy 3 and include it within the Justification and Explanation Section as the last paragraph in the “Local Issues” section.***

#### POLICY 4 Dunston’s Natural Environment

63. This policy is in accordance with local and national policies to protect the natural environment and is considered in accordance with basic conditions.

## POLICY 5 Movement and Transport

64. This policy is considered in accordance with local and national policies and is considered in accordance with basic conditions.

## Policy 6 Community Facilities

65. This policy is in accordance with national and local planning policy apart from its omission of the need to consider the viability of existing community facilities which it wishes to protect. The Plan omits a reference to local plan policy R3 "Safeguarding Facilities" which includes criteria whereby loss of community facilities will only be permitted, as follows ;

- “1. There are adequate alternative facilities locally;
2. Equivalent facilities have been, or are to be, provided elsewhere in the area; or
3. The existing use is not viable in the longer term.”

66. The emerging local plan similarly proposes similar criteria.

67. In order to comply with basic conditions, it is important that local plan policy R3 is referred to and reflected in the words of the proposed Policy 6 in the Plan.

## RECOMMENDATION 17

***Add to the end of second paragraph of Policy 6 “or it is demonstrated that the facility of business is not economically viable or is not used by the community to a significant degree.”***

***Insert as the last paragraph in the Justification and Explanation Section***

***“Applicants will normally be expected to demonstrate that a business or facility is no longer economically viable (and cannot be expected to return to viability in the foreseeable future) and that all reasonable efforts have been made to find a purchaser, tenant or operator willing to continue the business/facility (or one with a similar value to the local community) without success.”***

## POLICY 7 Local Employment

68. The policy does not make explicit reference to the criteria in local plan policies E4 , E5 and E6 relating to proposals involving employment . These are relatively explicit about locations and circumstances in which proposals may be acceptable, particularly outside the settlement boundary. There is reference to the relevant local plan policies in the supporting text but this does not embody their requirements in the Plan’s policy with sufficient clarity.

## **RECOMMENDATION 18**

**Insert a new criteria a) as follows : a) it conforms to local plan policies .  
Renumber existing criteria a) and b) as b) and c) respectively.**

### **SUMMARY**

69.I have completed an independent examination of the Neighbourhood Development Plan.

70.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

71.I have recommended some modifications to the wording of the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plan policies.

72.Subject to these modifications I am satisfied that the plan meets the basic conditions, as follows :

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e)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)

73. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

74. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

75.There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

76.I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by North Kesteven District Council.

76. I am therefore pleased to recommend that the Dunston Neighbourhood



Development Plan as modified by my recommendations should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.