

Osgodby Neighbourhood Development Plan 2017-2036

**A report to West Lindsey District Council on the
Osgodby Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by West Lindsey District Council in January 2018 to carry out the independent examination of the Osgodby Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 29 January 2018.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding its distinctive character. It includes policies for infill housing development in the two principal villages, for the designation of local green spaces and to secure high-quality design.
- 4 The Plan has been underpinned by community support and engagement. The community has been actively engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Osgodby Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
21 February 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Osgodby Neighbourhood Development Plan 2017-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Osgodby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood development plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood development plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WLDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WLDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the screening report was that there were no significant environmental effects as a result of the production

of the Plan. The screening report is usefully included as part of the submission documents.

- 2.7 The required consultation was carried out with the three prescribed bodies. Responses were received from the Environment Agency, Natural England and Historic England.
- 2.8 WLDC also undertook a Habitats Regulations Assessment (HRA) screening exercise on the Plan as part of the wider screening process. It concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement and its appendices
- the Design Character Assessment.
- the Capacity Study
- the Local Green Space Assessment
- the WLDC Screening report
- the representations made to the Plan.
- the Central Lincolnshire Local Plan 2012 to 2036
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 29 January 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WLDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from June to September 2017. The design and content of the Consultation Statement is exemplary.
- 4.3 Section 2 of the Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- Various drop in events in the Village Hall
 - The specific drop in event on potential development sites
 - The specific drop in event on emerging policies
- 4.4 Section 2 of the Statement also sets out the ways in which the local community was engaged as part of the Plan's preparation. They have included the distribution of questionnaires and leaflets to every household, website notices and the use of prominent noticeboards in the two principal villages.
- 4.5 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. Section 3 properly sets out the comments received and how the Plan responded to those representations. The exercise has been undertaken in a very thorough and professional way and is well-presented.
- 4.6 The Plan has attracted a limited number of representations at its submission phase (see 4.8 below). In doing so has received general support from the various statutory bodies. This process reflects the way in which the Plan was produced and how it has responded in a positive fashion to earlier comments.
- 4.7 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF. WLDC has carried out its own assessment of this matter and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 24 January 2018. This exercise generated comments from a range of statutory and local organisations. They are listed below.

- Anglian Water
- Canal and River Trust
- Community Lincs
- CPRE
- Dunholme Parish Council
- Forestry Commission
- Highways England
- Lincolnshire Wildlife Trust
- Middle Rasen Parish Council
- National Grid
- Natural England
- NFU
- Sport England
- Sudbrooke Parish Council
- Welton Parish Council
- Witham Internal Drainage Board
- West Lindsey District Council

4.9 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Osgodby. In 2011, it had a population of 660 persons living in 250 dwellings. It was designated as a neighbourhood area on 10 June 2016.
- 5.2 The villages of Osgodby and Kirkby sit approximately 3km to the north of Market Rasen. They are located to the north and west of the junction between the A1103 (Top Road) and the A46 running to the north of Market Rasen. The wider neighbourhood area extends both to the east and to the west of the villages. It is primarily in agricultural use. It also includes the settlements of Usselby and Kingerby.
- 5.3 The two principal villages are predominantly residential in character. They include a wide range of vernacular buildings that reflect their heritage and culture. Their characteristics are described in significant and helpful detail in the submitted Design Character Assessment.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the central Lincolnshire area up to 2036.
- 5.5 The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy as follows: the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Osgodby and Kirkby are identified as 'Small Villages'.
- 5.6 Policy LP2 also provides a clear context for the development of neighbourhood plan policies. In the context of the settlement hierarchy it identifies that small scale developments should be supported in appropriate locations.
- 5.7 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following CLLP policies have been particularly important in underpinning neighbourhood plan policies:

- LP4 Growth in Villages
- LP5 Delivering Jobs and Prosperity
- LP15 Community Facilities
- LP23 Local Green Spaces and other Important Open Space
- LP24 Creation of New Open Space, Sports and Recreation Facilities
- LP25 The Historic Environment
- LP26 Design and Amenity
- LP55 Development in the Countryside

- 5.8 It is clear that the submitted Plan has been prepared within what was the evolving context of the Local Plan. In doing so it has relied on up-to-date information and research that has underpinned the emerging Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 29 January 2018.
- 5.10 I drove into the Plan area from the south along Top Road (A1103). I looked at Kingerby Wood in doing so.
- 5.11 I looked initially at the village cores of Kirkby and Osgodby. In particular I looked at the proposed Area of Separation as set out in Policy 3 of the submitted Plan. Walking round both villages I also saw the approach adopted in policies 1 and 2.
- 5.12 I then looked at the various proposed Local Green Spaces in and around the two villages. I saw the well-tended Cemetery and the Playing Field.
- 5.13 I then drove to the west to Kingerby. I saw how it sat in a historic and sylvan setting.
- 5.14 I then drove to the east of Osgodby to see the proposed local green space at Osgodby Wood.
- 5.15 I continued by driving along the A46 to Usselby. I saw much evidence of its character and agricultural origins.
- 5.16 I finished my visit by driving into Market Rasen to understand its geographic relationship with the neighbourhood area.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Osgodby Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the recently adopted Central Lincolnshire Local Plan;
 - proactively driving and supporting sustainable economic development to deliver new homes;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities; and
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area. It includes a policy to identify an Area of Separation between Osgodby and Kirkby. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to its position in the

settlement hierarchy in the CLLP. It includes a policy to safeguard community facilities and it designates a series of local green spaces. Figure 2 of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for the development of infill housing (Policies 1 and 2) and for employment development (Policy 5). In the social role, it includes policies on community facilities (Policy 8) and for local green spaces (Policy 6). In the environmental dimension, the Plan positively seeks to protect the design and character of the neighbourhood area (Policy 4), to safeguard an Area of Separation between Osgodby and Kirkby (Policy 3) and to safeguard its dark skies (Policy 9).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider CLLP/West Lindsey District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the recently-adopted Local Plan. Figure 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the recently-adopted Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. This is particularly the case in respect of Policies 1, 2 and 3. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It carefully includes a series of community aspirations in a separate part of the Plan as advised in Planning Practice Guidance
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-3)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and its subsequent policies. The Plan is beautifully presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by well-chosen photographs and maps. It also ensures that the vision and the objectives for the Plan set the scene for the various policies. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The Plan would be an excellent template for any group about to embark on its own plan-making process.
- 7.9 Section 1 provides very clear context to the neighbourhood planning process. It also provides a useful connection both to national policy and the recently-adopted Local Plan. It sets out the Plan period and identifies the neighbourhood area.
- 7.10 Section 2 provides helpful information about the Plan area including key elements of its history. The remainder of the section provides details about its population, housing stock, car ownership levels and methods of travelling to work. It helpfully describes the

circumstances within which the Plan has been prepared and the process that has been followed over time.

- 7.11 Section 3 sets out a Vision which is underpinned by seven Objectives. Both the vision and the objectives are clearly described and are distinctive to the Plan area.
- 7.12 The Plan then details the various policies which stem from the Vision and its objectives. A series of Community Aspirations are set out at the end of the Plan.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy 1: Residential Development in Osgodby Village

- 7.14 This policy sets out a criteria-based approach for new residential development in Osgodby village. A largely identical approach is adopted in Policy 2 for Kirkby village.
- 7.15 The policy approach has evolved during the production of the Plan. A call for sites was overtaken by the approach now adopted as it was considered to facilitate a more organic growth of the two villages whilst preserving their characters. The Parish Council commissioned a Capacity Study to identify the extent to which a criteria-based approach could meet the CLLP minimum target for the Plan area. I am satisfied that the approach adopted in the submitted Plan has been carefully considered and is capable of delivering the levels of growth to meet strategic targets. Both Policies 1 and 2 are positively prepared and are designed to facilitate sensitive new residential development
- 7.16 The findings of the Capacity Study are effectively transferred into the submitted Plan. Two policy diagrams have been prepared of the developed footprints of Osgodby and Kirkby. They show (in a darker colour) areas where buildings and their curtilages are adjacent or in close proximity to one another. The resulting uninterrupted line or cluster of darker areas represents the continuous built up form. Lighter coloured area on the map represent the edge of the developed footprint.
- 7.17 Overlying this approach is a distinction between two different types of location. The first is classified as a 'preferred' location. This is identified as a location which is infill or adjacent to the developed footprint and where the development frontage faces or is in close distance to identified road or street frontages. The second is classified as an 'appropriate' location which is infill or adjacent to the developed footprint of the village concerned.
- 7.18 These matters are then translated into the third section of the policy. It establishes a sequential test for the determination of development proposals for new dwellings. It establishes eight categories in a sequential test based on the combination of a greenfield/brownfield distinction, the preferred/appropriate locations distinction and a distinction between infill sites and other sites adjacent to the developed footprint.

- 7.19 The approach adopted results in a detailed policy in a neighbourhood area where new development will be relatively modest. However, on balance I am satisfied that it is appropriately based on evidence in the Capacity Study. In addition, I saw on my visit to the Plan area that the two principal settlements do not have particularly well-defined or sharp edges which might traditionally lend themselves to the definition of settlement boundaries.
- 7.20 One of the basic conditions that I am required to examine the Plan in general, and these policies in particular against is whether they are in general conformity to strategic policies in the development plan. In this instance policies LP2 and LP4 of the CLLP are particularly important. In relation to the former both villages are identified as 'Small Villages'. In these villages development is expected to be small scale of a limited nature in 'appropriate' locations. Proposals are generally expected to be limited to four dwellings in number. Policy LP2 also defines an 'appropriate' location. That definition refers generally to national and local planning policies and to factors relating to the form, character and appearance of the settlement concerned.
- 7.21 Policy LP4 identifies a general growth target of 10% for Small Villages. It also sets out a three-stage sequential test for new development based on a distinction between brownfield and greenfield sites and their relative position in relation to the developed footprint of the settlement concerned as follows:
- Brownfield land or sites within the developed footprint;
 - Brownfield sites at the edge of a settlement; and
 - Greenfield sites at the edge of a settlement (In all cases sites must be in 'appropriate' locations)
- 7.22 WLDC has raised three matters in relation to the conformity between the CLLP policies and policies 1 and 2 of the submitted Plan. I have considered these matters very carefully given that that CLLP is recently adopted, and that a submitted neighbourhood plan needs to be in general conformity with its strategic policies.
- 7.23 The first point of concern is the submitted Plan's use of 'preferred' and 'appropriate' locations. WLDC correctly assert that sites which would come forward on the basis of the submitted Plan's policies would naturally be in 'appropriate' locations. On this basis it suggests that the two terms used in the submitted Plan could lead to confusion as the Plan is implemented through the development management process up to 2036. I find that the language used in the submitted policies does not have the clarity required by the NPPF. I recommend that different expressions are used throughout the policy which acknowledge that all such locations would be 'appropriate' within the context of the CLLP. I am satisfied however that the principle of the proposed hierarchical approach remains.
- 7.24 The second point of concern is the use of 'developed footprint' in the submitted Plan. WLDC contend that Policy Diagrams 1 and 2 do not show developed footprints as defined in the CLLP and that they show obvious gaps. An alternative terminology is suggested to avoid this potential conflict. I recommend a modification accordingly on

this point. It is essential both for clarity throughout the Plan period and to ensure that the Plan meets the basic conditions. I also recommend modifications to the two Diagrams. Whilst I recognise that the insertion of street names may conflict with the interesting shading effects the diagrams are otherwise difficult to navigate and understand geographically.

- 7.25 The third point of concern is the implication of the submitted Plan's sequential approach. It results in some potential greenfield sites (in defined 'preferred' locations) appearing higher in the sequential test order than other brownfield sites. I sought clarification from the Parish Council on this important point. The inconsistency is acknowledged. I was advised that the community's preference make this outcome inevitable. However, the Parish Council advised that the matter was rather academic as the availability of sites in both villages would not naturally fall into the CLLP sequential test approach.
- 7.26 On balance I am satisfied that the submitted Plan's approach on this matter is in general conformity with strategic policies in the CLLP. It reflects the layout and character of the villages concerned and is the outcome of detailed research. In particular the more detailed sequential approach for the two villages set out in the submitted Plan fine tunes an important strategic policy in the CLLP to address local needs and circumstances. It provides distinctive and added value to the Local Plan.
- 7.27 In a more general sense I have reservations about the length and complexity of the two policies. This largely arises from the inclusion of various definitions in the first two parts of the policies and the narrative incorporated in the second part of the policies. This approach does not have the clarity required by the NPPF. I recommend that the various definitions (as recommended for modification) are relocated into the supporting text.

Throughout the policy replace 'preferred' with 'primary' and 'appropriate' with 'secondary'.

Throughout the policy replace 'developed footprint' with 'settlement area'.

Delete the definitions in Sections 1 and 2 of the policy

In section 2 of the policy delete its second sentence and then incorporate its remaining element into Section 1 of the policy

Reposition the definitions in Sections 1 and 2 of the policy (as recommended for modification) into the supporting text at the end of paragraph 7.8.

Throughout the policy replace 'preferred' with 'primary' and 'appropriate' with 'secondary'. Throughout the policy replace 'developed footprint' with 'settlement area' (subject to the recommended modification to paragraph 7.8 as set out below)

Modify Policy Diagrams 1 and 2 by including the names of the principal highways.

Replace paragraph 7.8 with the following text:

'Policies 1 and 2 set out a series of factors against which new residential developments in Osgodby and Kirkby will be assessed during the Plan period. All the various options which may arise would be within an 'appropriate' location as defined in Policy LP2 of the CLLP. Following an analysis of the settlement areas of Osgodby and Kirkby a hierarchy of locations has been developed. They are defined as primary and secondary locations. Considering the ribbon development nature of the two villages the primary locations favour developments that would present a strong relationship between frontages and the main streets of the villages. This approach will help to maintain their distinctive characters during the Plan period.'

Policy 2: Residential Development in Kirkby Village

- 7.28 There are a common set of principles that span between this policy and Policy 1. They are set out in paragraphs 7.14 to 7.26 above.
- 7.29 On this basis the same modifications are also recommended to Policy 2 for the reasons as set out in my commentary on Policy 1.

Policy 3: Area of Separation between Osgodby and Kirkby

- 7.30 The policy identifies an Area of Separation between Kirkby and Osgodby. Paragraph 8.1 of the Plan comments that the physical separation between the two villages adds to their distinctiveness. As paragraph 8.4 indicates this policy continues the rationale developed in Policies 1 and 2 of this Plan.
- 7.31 I am satisfied that the policy has a clear purpose and intent. I looked at the parcels of land concerned when I visited the neighbourhood area. The physical separation between the two settlements is clear and is sufficiently large to justify an Area of Separation.
- 7.32 Through my Clarification Note I sought advice from the Parish Council on the appropriateness of the defined Area on Policy Diagram 3 in general terms, and its relationship to natural and/or field boundaries. The Parish Council explained how its thinking had emerged during the preparation of the neighbourhood plan. In particular it does not feel that a hard boundary for the Area of Separation would be compatible with the flexible boundaries adopted for policies 1 and 2. On balance I am satisfied that the approach adopted will provide the clarity required by the NPPF. Given my assessment of policies 1 and 2 earlier in this report it would be inappropriate for the Plan to adopt inconsistent approaches to these overlapping matters.
- 7.33 The policy itself includes several related matters. Firstly, it identifies the Area of Separation as open countryside (as identified in Policy LP55 of the adopted CLLP). It then comments that development will not be supported where it results in the merging of the development footprints of Osgodby and Kirkby villages or severely reduces the undeveloped gap. In doing so it refers back to the key principles of Policy 1 of the submitted Plan and to Policy LP55 of the CLLP.

- 7.34 Having looked at the proposed Area of Separation and the supporting text I have concluded that the submitted policy is more complicated than is required to fulfil its primary purpose. There is no need for a neighbourhood plan to repeat the provisions of a Local Plan policy (in this case Policy LP55). Equally given the nuanced approach adopted in policies 1 and 2 of the submitted Plan there is not the clear difference between the settlements concerned and the countryside. In any event the policy seeks to define a very specific 'Area of Separation' rather than simply define the countryside between the two settlements.
- 7.35 Taking these matters into account I recommend a modification to the policy. It recasts its format into a simpler fashion which explicitly identifies an Area of Separation and defines the limited range of development that would be acceptable in its area. I also recommend consequential changes to the supporting text.

Replace the policy to read:

'The Neighbourhood Plan identifies an Area of Separation between Osgodby and Kirkby as shown on Policy Diagram 3.

Any development proposals should ensure the retention of the open character of the Area of Separation between the two villages. Developments that would reduce the effectiveness of the Area of Separation will not be supported.'

Replace paragraph 8.5 to read:

Policy 3 sets out a policy approach with overlapping elements. It identifies an Area of Separation within the context set out in paragraph 8.4 of this Plan. Policy LP 55 of the recently-adopted Central Lincolnshire Local Plan provides a clear context for the types of development that would be acceptable outside rural settlements. In particular it identifies the circumstances in which new development may be acceptable in the countryside. Most of the circumstances identified in that policy are not directly applicable to the defined Area of Separation. However certain non-residential developments and proposals for agricultural diversification may be acceptable based on the details of applications concerned. In this context the final part of the policy sets out to ensure that any such proposals are assessed on the basis of their impact on the effectiveness of the identified Area of Separation.

Policy 4: Design and Character of Development

- 7.36 This policy sets out the Plan's standards for new development. It does so in a comprehensive fashion. It introduces a useful cross-relationship to the Design Character Appraisal. This is included as part of the wider bundle of documents associated with the submitted plan. In principle the thrust of the policy is well-developed within the context of national policy. One of the twelve core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy

(paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.37 The first part of the policy requires that any development proposals complement the character of the village in which they are located and take into account a wide range of factors. These include scale, form and massing, the materials to be used and the ways in which boundaries between the public and private realm are defined. In terms of the details I recommend a modification to the introduction to the policy so that it is absolutely clear that any development should complement that character of the village in which it is located. The associated Character Appraisal makes a clear distinction between its four main settlements and the surrounding rural areas.
- 7.38 The second part of the policy refers to the need to address flood risk issues and the adoption of best practice in sustainable urban drainage. I recommend a modification to the latter part of this section of the policy. Sustainable urban drainage should be required where it is necessary and to appropriate standards. The need to deliver such drainage to best practice standard (however defined) is unreasonable.
- 7.39 The third part of the policy refers to off road car parking. I recommend modifications to its wording to bring the clarity required by the NPPF. As drafted it includes several subjective comments about a 'family' car and 'leaving enough room for the driver to comfortably get in and out of the vehicle'. I also recommend associated modifications to paragraph 9.5. These are detailed matters which WLDC will be able to assess on a case-by-case basis.
- 7.40 The final section of the policy supports proposals that would meet the higher access standards of Part M of the Building Regulations. It reflects the approach adopted in policy LP10 of the Local Plan. Whilst the nature of policies 1 and 2 of the neighbourhood plan will naturally limit the scale of new development in the Plan area it is appropriate that the neighbourhood plan policy follows the approach taken in the CLLP. I recommend accordingly. The outcome is that the fourth part of the policy requires compliance with development standards rather than support being offered to unspecified higher access standards.

In the opening part of the policy insert 'in which they are located' after 'village'.

In the second part of the policy replace 'will be required' with 'should', 'adequate' with 'appropriate' and 'adoption of best.....Drainage' with 'the adoption of sustainable urban drainage relevant to the site where such techniques are necessary to ensure adequate drainage'

Replace the third part of the policy with:

'Development proposals should provide appropriate access and off-street car parking to development plan standards'

**Replace the fourth part of the policy with:
Development proposals should comply with the requirements of Policy LP10 of the Central Lincolnshire Local Plan where appropriate.**

In paragraph 9.5 delete the part of the fourth sentence after the colon (the latter...vehicle). At the end of the modified paragraph add:

The third part of the policy refers to development plan standards for access and car parking. At the time of the 'making' of this Plan those standards were set out in Policy LP11 of the Central Lincolnshire Local Plan and its associated paragraph 4.7.11.

Policy 5: Local Employment

- 7.41 This policy sets out the Plan's ambitions for the promotion of new employment development. At its heart is a recognition that employment uses add to the social and economic well-being of the Plan area. They also include a desire to promote further remote working and working from home.
- 7.42 These approaches are reflected in the structure of the policy. Its first part offers support to homeworking subject to appropriate criteria. The second part supports the development of new employment uses, again subject to appropriate environmental criteria. The third part of the policy sets out a proportionate and balanced approach towards retaining existing employment uses and preventing their conversion to other uses.
- 7.43 I recommend that the first part of the policy is modified so that it reflects that several aspects of working from home are unlikely to require planning permission. Otherwise the policy is very-well constructed and meets the basic conditions.

**Insert the following additional wording at the start of the first element of the policy:
'Insofar as planning permission is required'**

Policy 6: Local Green Spaces

- 7.44 This policy designates a series of green spaces as local green spaces. Paragraph 11.3 sets out very clearly the relationship of this policy to paragraphs 76 to 78 of the NPPF.
- 7.45 A Local Green Space Assessment was submitted with the Plan. It describes the tests set out in paragraphs 76-78 of the NPPF for LGS designation and applies them to the various sites proposed for this designation. I sought clarity from the Parish Council as the proposed local green spaces (LGS) do not fully correspond with the details in the LGS Assessment. In particular proposed LGS vii (Osgodby Woods) is not detailed in the Assessment. I also sought clarification about which settlements the Parish Council considered that LGS 1 and 2 are in 'reasonably close proximity'.
- 7.46 I was advised that the Assessment had not been updated to take account of certain sites which had not been pursued in the submission version. The version which should

have been submitted had included an assessment of proposed LGS vii. I was also advised that due to the rural nature of the parish any open space had been regarded as in reasonably close proximity to the community it serves. This principle extended to proposed LGS i and ii.

- 7.47 I have some sympathy for the approach adopted by the Parish Council. Nevertheless, the parish has many similarities with other rural areas both in the District and elsewhere in England. In these locations a matter of fact interpretation of ‘reasonably close proximity’ has been applied to the distance from the main settlement or settlements to the proposed LGS. Having looked at the relationship between Osgodby and Kirkby and the proposed LGSi (Kingerby Wood), and LGSvii (Osgodby Wood) I am not satisfied that they are in close proximity to any of the settlements in the Plan area. In addition, at around 40 acres in size Kingerby Wood cannot reasonably be considered to be ‘local in character and not an extensive tract of land’. Paragraph 77 of the NPPF is very clear that LGS designation will not be appropriate for most green areas or open space. On this basis I recommend that the two proposed LGSs set out above are deleted from the policy. I also recommend consequential changes to the supporting text.
- 7.48 I recognise that the approach adopted has been pursued in good faith and that this recommendation will come as a disappointment to the Parish Council. However, it should not be taken as any suggestion that the two sites concerned are appropriate for built development. They are located well away from settlements and it is unlikely that any planning applications on the two sites for built development would be considered as sustainable development in NPPF terms.
- 7.49 The other sites comfortably meet the three criteria set out for LGS designation in the NPPF.
- 7.50 The policy itself largely respects the format that follows on from the approach adopted in paragraph 78 of the NPPF. However, in order to bring the clarity required by the NPPF I recommend modifications to the policy. In particular the recommended modifications remove unnecessary supporting text and explanation.

Replace the policy with the following:

‘The following parcels of land as shown on Policy Maps [insert revised numbers] are designated as Local Green Spaces:

- **The Chase**
- **Cemetery**
- **Osgodby Village Green**
- **Cotehill Wood**
- **Playing Fields**

New development will not be supported on land designated as Local Green Space except in very special circumstances.’

Delete Policy Map 6.

Remove Kingerby Wood from Map 4.

Delete the third sentence of paragraph 11.1.

In paragraph 11.4 replace Policy Map 4 with the consequential, revised numbers.

Delete the final two sentences of paragraph 11.4.

Replace paragraph 11.5 to read:

The policy sets out a very restrictive approach towards development on the designated local green spaces. This approach mirrors that set out in paragraph 78 of the NPPF.

Policy 7: Green Infrastructure

- 7.51 This policy takes a very general approach. It seeks to safeguard a wide range of green infrastructure. Paragraph 12.1 indicates that this includes green spaces, footpaths, bridleways and natural ecosystems. Some of these features are identified on Policy Map 7 (incorrectly identified as Map 5 in the supporting text).
- 7.52 The policy has two related parts. The first supports new development that would contribute to the enhancement and management of the existing green infrastructure in the neighbourhood area. The second takes the opposite view to development that would result in a detrimental effect on the purpose or function of the green infrastructure.
- 7.53 The policy meets the basic conditions. Nevertheless, I recommend a modification to correct the error in the Map numbering.

In paragraph 12.1 replace Map 5 with Map 7

Policy 8: Community Facilities

- 7.54 This policy reflects the importance of the range of community facilities to the sustainability of the neighbourhood area. Paragraph 13.1 recognises that some of the community facilities are of general benefit and some meet specific social and recreational needs.
- 7.55 The policy has three sections. The first identifies the community facilities that are affected by the policy. They are helpfully highlighted on Policy Maps 8 and 9. The second sets out to resist proposals for the conversion or change of use of these facilities to other uses. The third indicates that support will not be given to other proposals which would have a detrimental impact on existing community facilities.
- 7.56 The policy is well-constructed. It recognises the sense of community in the neighbourhood area and the powerful role of the various community facilities. I recommend two modifications to the policy. The first is in the first part of the policy and provides absolute clarity on the range and status of the community facilities affected by this policy. The second is in the second part of the policy. As submitted the policy would inadvertently prevent an existing community facility from being used for an alternative community facility in circumstances where planning permission would be

required. Other in these two areas the policy meets the basic conditions. In particular it is in general conformity with Policy LP15 of the CLLP.

In the first part of the policy replace ‘have been identified’ with ‘are identified’

In the second part of the policy replace ‘to different uses’ with ‘to non-community uses’

Policy 9: Dark Sky Policy

- 7.57 The policy sets out to safeguard the dark skies enjoyed in the neighbourhood area. Paragraph 14.1 comments that the streets in Osgodby and Kirkby are not lit. As a result, they enjoy very dark skies and a very bright view of stars on clear nights.
- 7.58 The policy sets out to continue this approach. At its heart is that lighting schemes would not be supported unless they are accompanied by a Lighting Assessment.
- 7.59 I am satisfied that the overarching principle of avoiding external lighting schemes on new developments is appropriate to the neighbourhood area. Nevertheless, as submitted the policy is negatively-worded. In particular it does not set out clearly that its overall approach is to encourage development to come forward without intrusive, external lighting proposals. I recommend a modification to address this matter.

Insert the following new paragraph at the start of the policy:

‘New development should be designed without the provision of external lighting.’

Replace the opening part of the submitted policy with the following:

‘Any proposals for external lighting associated with new development or other external lighting that needs planning permission will only be supported where they are accompanied by a Lighting Assessment that:’

- 7.60 The Plan includes a series of non-land use community aspirations. These are presented in their own right and to benefit from the local element of CIL funding in the event that the Plan is ‘made’. Whilst these aspirations are not necessarily aligned for examination against the basic conditions in the same way as the submitted policies I comment as follows:

Improvements to pedestrian safety

- 7.61 This aspiration has three parts: a footpath along Sand Lane, an extension of the footpath on the northern side of Low Road and the construction of a bicycle shelter at the eastern end of Low Road. All these matters are distinctive to the Plan area and reflect its character and identified vision and objectives.

Improvements to the Primary School

- 7.62 The School is an essential part of the community. Some of the aspirations may or may not require planning permission. They are matters which WLDC and Lincolnshire County Council will resolve on a case by case basis. Nevertheless, proposals for the School will be distinctive to the Plan area and reflect its character and identified vision and objectives.

Churchwarden's land at the northern end of Lincoln Lane

- 7.63 This aspiration proposes to secure the ownership or tenancy of the land and to develop it as a community facility. It is distinctive to the neighbourhood area and reflects its character and the identified vision and objectives in the Plan. However, I recommend that the heading to this matter (above paragraph 16.6) is modified so that it refers to the land in question. As currently drafted it could be confused with the designated Local Green Spaces as identified in Policy 6 of the Plan.

Replace 'Improvements to the Local Green Spaces' with 'Churchwarden's land at the northern end of Lincoln Lane'

Design Character Appraisal

- 7.64 The Plan is accompanied by a Design Character Appraisal. WLDC and the Parish Council have asked that it is examined as part of the wider Plan. I am content that this course of action is appropriate as the Appraisal has been part of the wider consultation process on the submitted Plan (see Section 4 of this report). In any event it is an essential part of Policy 4 of the Plan.
- 7.65 The Appraisal sets out a very balanced and professional approach by identifying the existing character of the Plan area which new development should respect. It helpfully has separate sections for the different settlements in the Plan area. To this extent it properly takes into account their different characteristics and vernacular detailing.
- 7.66 Having reviewed all the submission documents I am satisfied that the approach adopted is entirely appropriate. The principal settlements in the Plan area have the characteristics and appearances that warrant such an approach. As I have mentioned earlier Policy 4 of the Plan adopts an approach which has regard to the NPPF.
- 7.67 I recommend a series of modifications to the Introduction of the Design Character Appraisal. In summary these provide the necessary clarity on the purpose of the Appraisal and its relationship to Policy 4. The recommended modifications will provide the necessary clarity to WLDC in the discharge of its development management responsibilities throughout the Plan period.

**In the Introduction (page 3):
Delete the first paragraph.**

At the end of the third paragraph add:

'It should be read with the contents of Policy 4 of the Osgodby Neighbourhood Development Plan. That policy sets out the Plan's expectations for the design of new development and requires that they take account of the nature and character of existing development in the Plan area as described in this Appraisal'

Other matters

- 7.68 My recommended modifications to Policy 6 will affect the numbering of the various Policy Diagrams/Maps. It would be appropriate for the Parish Council to make consequential changes to the numbering of these important elements both within the Plan itself and within the context of the Table of Figures.
- 7.69 The Plan makes different references both to a 'Neighbourhood Plan' and a 'Neighbourhood Development Plan' in in text and in the headings to various documents. For consistency and clarity all references should be to the Osgodby Neighbourhood Development Plan.

Throughout the various documents modify references to the Plan to read 'Osgodby Neighbourhood Development Plan'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Osgodby Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to West Lindsey District Council that subject to the incorporation of the modifications set out in this report that the Osgodby Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 10 June 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
21 February 2018