

Cherry Willingham Neighbourhood Development Plan

Examiner's Clarification Note

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a very clear and distinctive vision for the neighbourhood area. In particular it addresses a series of important issues in a positive and effective fashion.

The layout and presentation of the Plan is excellent. The various maps add to its depth and interest. The differences between the policies and the supporting text is very clear. The combination of text, charts and maps maintains the interest of the reader throughout the document. It inspires confidence that it has been professionally prepared and subject to satisfactory progress through the various statutory stages) can eventually become a part of the development plan in West Lindsey.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy H2

I understand the local significance of the sixth part of the policy. Nevertheless, as I read this component of the policy it appears more as supporting text rather than policy. In addition, it has the clear potential to conflict with WLDC's statutory requirements under the Housing Acts. I am minded to recommend that this part of the policy is repositioned into the supporting text (and as recommended to be modified by WLDC's Hosing Strategy and Supply Manager).

Does the Parish Council have any comments on this proposition?

The Parish Council would comment that where affordable housing is a requirement of policy (eg Policy SP11 of the CLLP), it would be content with amended wording for local connection criteria to align with the current West Lindsey S.106 letting precedent (as suggested by their Housing Strategy and Supply Manager).

However, the Parish Council is unclear as to why such wording may have the potential to conflict with WLDC statutory requirements and would be keen to see such local connection criteria embodied in planning policy if at all possible. This requirement is informed by a desire to ensure that the needs of the Parish are addressed as a priority and to strengthen/safeguard community cohesion.

To this end, it is noted that similar policy wording is embodied in policies contained in other Neighbourhood Plans (eg Horncastle).

Policy E1 2

I looked at the Village Centre closely when I visited the neighbourhood area. Does Policy E1 2 refer specifically to the area between the rear of the shops and the railway line (as identified in paragraph 10.3)?

If this is the case:

- Has the proposal been discussed with the owners of The Parade/the land concerned?
- Is its development viable and practicable?
- What impact would it have on the delivery/layout of the allocated housing site to the immediate north?

Although the text at 10.3 refers to 'start up business units' and specifically relates to the small area to the rear of the shops, this reference is a suggestion bespoke to that type of development. The wider policy objectives are intended to apply to the area as identified on map 9.

Discussions have been held with the principle land owner (Lincolnshire Co-op) although these were general, they focussed on potential for increasing the size of their foodstore at the Parade together with opportunities for environmental enhancement and rationalisation of car parking provision.

Consultation with other retail/business operators in the area was also undertaken through direct questionnaire.

The viability and practicability for business unit development has not been tested. However, there has been no adverse representation to the suggestion and the intention for reference was to highlight the possibility as 'food for thought' only.

Policy HE1

How were the non-designated assets identified and assessed?

An initial list on non-designated assets were submitted by the Cherry Willingham Heritage Society and included building or sites felt by the Heritage Society to be significant. This list was also informed by work carried out some years ago as part of a bid to create a conservation area within the village centre. Additional assets were assessed and added to the list of non-designated assets based on suggestions made during public consultation.

Maps 3/4

Can the maps be produced at a more appropriate scale so that the buildings are more readily identified and can be aligned with respective schedules?

Yes. This will be commissioned accordingly.

Policy OS1

As I read the policy and paragraphs 12.13/12.14 it would primarily apply to the development of the allocated housing sites. Was this your intention in preparing the Plan?

Yes, but not exclusively – 12.13/12.14 could also apply to other possible development arising elsewhere from the allocated housing sites but is most likely to be relevant to the allocated sites.

If so, is the matter already addressed in Policy H1 1d)?

It is, although there perhaps needs to be the additional clarity of explanation as to how the provision of open space to be provided should be informed ie not just by reference to standards, but by assessment of wider requirements, site context and design considerations.

Is it also intended that Policy OS1 would apply to any infill development that may come forward in general, or pursuant to Policy H3 in particular?

It is intended to apply to any infill development that may come forward including that allowed for in 'exceptional circumstances' by Policy LP2 of the CLLP. On review, it is therefore considered that additional reference to clarify could be made in the supporting text.

Policy OS2

The assessment of the proposed local green spaces is very detailed and comprehensive.

Policy R1

In the second condition in the policy how would an 'identified community need' be understood and recognised consistently by the District Council and potential developers?

This point is noted. By reference to the question below, it is considered that such needs should be identified either by reference to evidence/indication of support from the Parish Council or by a proportionate community engagement exercise.

Has the Parish Council identified and published any such community needs?

No formal assessment has been made however several themes emerged from consultation on the Neighbourhood Plan and the earlier Community Led Plan which would provide evidence of the Communities wishes/needs subject to more specific additional community engagement for specific proposals.

Policy CF1

I saw from my visit to the neighbourhood area (and after a conversation with the local postman) that the Post Office (CF12) had recently closed. As such I will need to recommend the removal of this (former) community facility from the policy, Map 10 and paragraph 17.4.

The footnote does not appear in full. Please can you advise me of its contents.

Should read:

'Applicants will be expected to demonstrate, to the Council's satisfaction that all reasonable efforts have been made to sell or let the site or premises for its existing use(s) or another community use at a realistic price for, at least, a 12 month period.'

Community Priorities

The following are not basic condition points. Nevertheless, I will be raising the following advisory matters in my report:

- Are the various projects listed or assessed in any priority order?

No. This was considered, but ability to be responsive to potentially changing circumstances (eg other funding streams, land availability etc) was considered important to aid deliverability.

- Could the site-specific proposals be shown on a map for clarity?

This should be possible and can be commissioned accordingly.

Representations

Does the Parish Council have any comments on the various representations made to the Plan in general, and to the following two in particular?

- West Lindsey District Council (Policy H1 -parts 1&3, Policy H3 part 3, paragraph 9.3)

Policy H1:

Part 1 – No issue with listing the 5 allocations and giving the site’s indicative capacity. However, as this is already a reference in the CLLP as the allocating Development Plan, is it necessary?

Part 3 – The suggestion for requiring masterplans to be in place for the whole areas of sites CL4751/CL4752 and CL1179/CL4433/CL1181 prior to development on any parts of the sites is noted and strongly supported by the Parish Council. This would align with aspirations for delivering better quality developments and aid wider ‘place making’ opportunities.

Policy H3:

With reference to the area known as ‘Little Cherry’, the Parish Council adopts the position taken by the Planning inspector for appeal decision APP/N2535/W/17/3179325.

This concluded that the combined development in the Hawthorn Avenue area (Little Cherry) would amount to a hamlet for the purposes of Policy LP2. This is because it is not listed as a settlement in Policy LP2 and it is separated by fields from any other settlement.

The Parish council has consistently adopted this opinion in making representations to various planning applications and through the evolution of the Neighbourhood Plan, particularly with reference to objectives for place making and delivery of sustainable development outcomes.

Consequently, the Parish Council agrees that such reference should be made in the supporting text.

- JH Walter (paragraph 12.4)

It is not agreed that the reference is incongruous – it is simply intended as a factual representation of existing open space areas within the village, although for factual accuracy it is acknowledged that the text should be re-worded to refer to ‘former’ allotment land.

Protocol for responses

I would be grateful for comments from the Parish Council by 25 October 2018. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Cherry Willingham Neighbourhood Development Plan.
15 October 2018