

Willoughton Neighbourhood Development Plan 2017-2037

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

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Executive Summary

- 1 I was appointed by West Lindsey District Council in January 2019 to carry out the independent examination of the Willoughton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 14 January 2019.
- 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 rural character. It includes a policy for housing development. The key success of the Plan is its very sharp focus on a set of bespoke policies. In combination they seek to promote sensitive new development that fully respects the character and appearance of the village.
- 4 The Plan has been underpinned by community support and engagement. The community has been 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 Willoughton 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
22 February 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Willoughton Neighbourhood Development Plan 2017-2037 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Willoughton Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood 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 (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues. It includes a very comprehensive and distinctive policy on design and character.
- 1.6 Within the context set out above 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.
- 1.7 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
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

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. This is a comprehensive document which provides appropriate reassurance that these important matters have been properly

considered. 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 Character Appraisal.
- the schedule of non-designated heritage assets.
- the Basic Conditions Statement.
- the Consultation Statement.
- the WLDC screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- 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 14 January 2019. 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.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

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 September to November 2017. The design and content of the Statement reflect that of the Plan itself.
- 4.3 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:
- the ‘Introduction to Neighbourhood Planning’ event (September 2016);
 - the public event in the Village Hall (November 2016);
 - the community survey (March/April 2017); and
 - the draft Plan and Character Assessment presentation and cheese and wine evening (November 2017).
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion.
- 4.5 The Plan has attracted a number of representations at its submission phase (see 4.7 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. The comments from the County Council and WLDC on heritage matters have been particularly helpful in confirming the historic importance of the neighbourhood area. The comments from the Environment Agency highlight the importance of developers contacting Severn Trent Water early in the process to establish the available levels of infrastructure capacity.
- 4.6 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 as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 1 October 2018. This exercise generated comments from a range of statutory and local organisations. They are listed below.

- Canal and River Trust
- Environment Agency
- Forestry Commission
- Highways England
- Historic England
- Health and Safety Executive
- Lincolnshire County Council
- Marine Management Organisation
- National Grid
- NFU
- Natural England
- Witham Internal Drainage Board/North East Lindsey Drainage Board
- Nottinghamshire County Council
- Sport England
- West Lindsey District Council

4.8 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 Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The Plan area covers the parish of Willoughton. In 2011, it had a population of 341 persons. It was designated as a neighbourhood area on 18 March 2016.
- 5.2 The village of Willoughton sits in open countryside to the west of the A15 and to the north of the A631. It is predominantly residential in character. It includes a wide range of vernacular buildings that reflect its agricultural heritage and culture. Hemswell Cliff is located approximately 3 km to the south-east of the village. The wider neighbourhood area is rectangular in shape. It extends both to the west and to the east of the village. It is primarily in agricultural use.
- 5.3 Willoughton is heavily influenced by its location in the wider natural landscape. It is one of a series of villages that sit along a landscape escarpment known as The Cliff. Willoughton is one of a series of spring line settlements on the western edge of The Cliff. Willoughton and the other spring line settlements are located at the boundary of two distinctive landscape areas – The Cliff to the east and the open flat expanse of the Till Vale to the west. This topography also influences the layout and character of the village itself. Many of its streets have views up to The Cliff to the east. In addition, many of the traditional buildings have used the local limestone as their principal building material.

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 Willoughton is identified as a ‘Small Village’.
- 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. Policy LP4 identifies that Willoughton should accommodate new growth in the Plan period of 10% of the existing number of dwellings.
- 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

- 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 the context provided by the Local Plan. In doing so it has relied on up-to-date information and research that has underpinned the Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit to the neighbourhood area

- 5.9 I carried out an unaccompanied visit to the Plan area on 14 January 2019.
- 5.10 I drove into the Plan area from the A15 to the east. This highlighted the significance of The Cliff both in the wider landscape and within the neighbourhood area in particular.
- 5.11 I looked initially at the overall character and appearance of the village. I saw its various vernacular buildings. I also looked at the character areas and the rural lanes identified in the Plan. Within this context I was immediately able to understand the importance of a robust application of Policy 3 throughout the Plan period.
- 5.12 I took the opportunity to look round St Andrew's Church and its churchyard. I saw the interesting graves within decorative railings, the new limestone gate piers and the Diamond Jubilee bench.
- 5.13 Thereafter I saw the school along Northfield lane. It was clearly the focus of community, and I saw the afternoon peak of activity as the school day ended. In walking back to Templefield Road I saw the war memorial. I then looked at the village shop and post office and its well-maintained letter box. It added to the characterful appearance of this part of the village.
- 5.14 Throughout my visit I looked at the various proposed Public Open Spaces. They are clearly serving the purpose anticipated by the policy. I saw that they fell into two categories. The land opposite the Village Hall and the Churchyard displayed the characteristics of open spaces within the historic village. In contrast the Playing Field and the Football Field are larger more formal open spaces on the edge of the village itself.
- 5.15 I also looked at the various identified community facilities in Policy 4. The concentration of four of the five identified facilities in the very heart of the village reinforces its sustainability and contributes towards its vitality.

- 5.16 I finished my visit by driving around the wider neighbourhood area to understand its character and agricultural origins. In particular I drove to Hemswell Cliff to the south so that I could 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 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 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 Willoughton Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the 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. 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 has a particularly effective policy (and supporting text) on its design requirements for new development. It also includes a policy to safeguard community facilities and it designates a series of public open spaces. 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 that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy for the development of new housing (Policy 2). In the social role, it includes policies on public open spaces (Policy 2) and community facilities (Policy 4). In the environmental dimension, the Plan positively seeks to protect the design and character of the neighbourhood area (Policy 3).

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 adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. Subject to recommended modifications to Policy 1 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 to 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 and 2)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by well-chosen photographs and maps. The photographs on pages 8 and 9 are particularly informative. Those on pages 28 and 29 provide a very clear image of the importance of The Cliff in the local landscape.
- 7.9 The design of the Plan also ensures that the vision and the objectives for the Plan set the scene for the various policies. This approach 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'.
- 7.10 Section 1 provides information about the background to the preparation of the Plan. It helpfully overlaps with the submitted Consultation Statement. The historic context to the village usefully sets the scene for several of the key policies in the Plan.

- 7.11 The SWOT analysis on page 12 is particularly informative. It demonstrates that the Parish Council has a good appreciation of the issues and challenges facing the neighbourhood area.
- 7.12 Section 2 sets out a Vision which is underpinned by community objectives. Both the vision and the objectives are clearly described and are distinctive to the Plan area.
- 7.13 It also provides a Statement of Intent on how the community was consulted throughout the Plan-making process.
- 7.14 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: New Residential development in Willoughton

- 7.15 This policy has an important strategic role within the wider Plan. In summary it addresses the following issues:
- the way in which the Plan responds to the 10% increase in housing stock required for small villages within the context of the adopted CLLP;
 - the basis against which infill proposals will be assessed;
 - the identification of potential housing development sites;
 - the approach towards the conversion of existing buildings to residential use;
 - the design and layout of new residential private garden amenity space;
 - the range and mix of new dwellings; and
 - the desirability of meeting the housing needs of a changing population (both younger and older residents).

- 7.16 Plainly these are a challenging range of issues. They result in a detailed policy. It has three principal components as follows:

A general section – this part of the policy offers support to proposals which are within or immediately adjoining the existing settlement footprint of the village. This part of the policy also addresses garden amenity space issues and the need for developments over 5 dwellings to incorporate a range of houses.

A section on the conversion of rural buildings – this part of the policy sets out a preference for the conversion of buildings rather than their replacement. It also sets out criteria for conversion proposals

A section on the replacement of buildings - this part of the policy follows on from the conversion section. It identifies the circumstances where the replacement of buildings will be supported.

- 7.17 The plan-making process has identified potential suitable sites for residential development. They are detailed in figure 4 and in Appendix 2 of the Plan. The work undertaken is commendably thorough. The Plan is clear that the various sites are not

allocated for residential development. They have been identified as areas of land potentially available for development to accommodate the strategic housing requirement for the neighbourhood area. Paragraph 3.9 comments that there was strong consultation feedback that residents preferred the development of infill and previously developed sites around the village to meet the strategic housing provision requirements.

7.18 The policy raises several overlapping issues which affect both its clarity and its relationship to the strategic policies in the CLLP. I address the issues under the following headings:

- The ability of the policy to deliver the strategic housing requirement for Willoughton;
- The terminology and thresholds used in the policy and their relationship to those in the CLLP;
- The sequential approach towards the development of new dwellings; and
- The application or otherwise of the policy in the countryside beyond the existing settlement footprint of the village

The ability of the policy to deliver the strategic housing requirement for Willoughton

7.19 On the first point there is no doubt that the Plan has sought positively to address the strategic need for new dwellings in the neighbourhood area in general, and in Willoughton in particular. The language used in the policy has a supportive nature. In addition, the Parish Council has actively worked with landowners to identify potential development sites within the village. Paragraph 3.5 explicitly addresses the need to provide a 10% increase in the housing stock over the Plan period.

7.20 In its representation WLDC suggests that the supporting text could usefully include the residual figure for new residential development in the Plan period. Plainly this would bring clarity to the Plan. As submitted the casual reader of the Plan would have no indication of the scale of the task involved. I recommend accordingly.

7.21 The approach that the Parish Council has taken to the delivery of the residual housing figure is set out in paragraph 7.19 above. Plainly given that the Plan has chosen not to include housing allocations the delivery of the strategic figure has less assurance than might otherwise be the case. In its response to my clarification note questions on this matter the Parish Council advised that the sites identified on Figure 4 are those sites that it believes meet the criteria for ‘appropriate locations’ and are located within or directly adjoining the existing settlement footprint of the village. The sites were made available by landowners and were subject to consultation with the community. They are possible locations to accommodate some of the required sixteen new homes over the Plan period. However, it is also expected that not all of these will be developed due to issues with heritage and access. On this basis none of the sites are proposed as allocations.

- 7.22 I am satisfied that the approach taken in the submitted Plan is appropriate and meets the basic conditions. There is no specific need for a neighbourhood plan to allocate sites for residential development. In the circumstances of the Plan-making process the Parish Council has demonstrated that there is every likelihood that development on some of the various sites will come forward within the Plan period to meet its strategic housing requirement. In addition, the cumulative number of houses within the various sites has the ability to exceed the minimum residual figure. Nevertheless, I recommend that this matter is explicitly referenced in Section 8 of the Plan which addresses monitoring.

The terminology and thresholds used in the policy and their relationship to those in the CLLP

- 7.23 The Plan adopts an approach that seeks to marry the work carried out as part of its submitted Character Appraisal with that used in the adopted CLLP. Given both the comprehensive nature and the integrity of the former this is understandable. Plainly the challenge for the future implementation of the development management process in the neighbourhood area is the relationship between the different components of the development plan. Whilst a neighbourhood plan does not need to follow slavishly the language used in a local plan it does need to be in general conformity with its strategic policies. This is particularly so where the local plan (here the CLLP) is recently adopted. I will approach the terminology and threshold issues within this context. WLDC has also raised these issues in its representation. Plainly this is an important matter both in its own right in general, and in terms of the implementation of the policy through the development management process in particular. In relation to these issues WLDC raised specific concerns in its representation about the submitted Plan's settlement footprint boundary, the wording of Policy 1 and why potential housing sites had not been allocated.
- 7.24 The CLLP uses the terminology 'in appropriate locations' and 'within the developed footprint' to define where new residential development should come forward. In relation to small villages such as Willoughton the key considerations are that:
- new residential development will be small scale development of a limited nature in appropriate locations; and
 - proposals will be considered on their merits but would be limited to around 4 dwellings.
- 7.25 The submitted Plan proposes that new development should be on sites within 'the existing settlement footprint of the village'. I sought advice from the Parish Council on the approach that it had taken on this matter. I was advised that the Parish Council considered that the term 'settlement footprint' effectively means the 'developed footprint' and would be happy for the references to settlement footprint to be changed to reflect the CLLP terminology. It considers that the sites identified in figure 4 of the Neighbourhood Plan reflect the definition of 'appropriate locations' as identified within the CLLP. The sites identified retain the core shape and form of the settlement, do not significantly harm the settlement's character and appearance; and do not significantly

harm the character and appearance of the surrounding countryside or the rural setting of the settlement. These three criteria are those set out in the explanatory note to 'appropriate locations' in the CLLP.

- 7.26 I also sought clarity from the Parish Council on the extent to which it had sought to define the existing settlement footprint of the village. I was advised that the settlement footprint arises from the work undertaken from the Willoughton character assessment and the map on page 14 of the Assessment. The Parish Council acknowledged that this boundary reflects more of the built form in relation to the character of the village and not necessary to the points identified within the "developed footprint" definition in the CLLP Policy LP2. The Parish Council believe the CLLP 'developed footprint' definition would struggle to enable the delivery of the remaining 16 houses in what would represent a very restrictive boundary. Therefore, Policy 1 of the Neighbourhood Plan uses the terminology 'within or directly adjoining the existing settlement footprint' to enable some flexibility especially where some sites may only be able to accommodate one dwelling due to any identified constraints or due to its design.
- 7.27 I have considered these matters very carefully. On balance, I am satisfied that the Plan should continue to use the term 'settlement footprint' and that it meets the basic conditions. It has been included in the Plan as a well-informed response to the work carried out on the Character Appraisal. In addition, I agree with the Parish Council that the inherent design and layout of the village does not readily lend itself to the definition of a developed footprint as anticipated in the CLLP. Nevertheless, the approach taken in the submitted Plan would result in development taking place which would accord with the three criteria included in the definition of 'appropriate locations' in the CLLP. However, I recommend that the supporting text is modified to provide clarity on this matter in general, and to the relationship between the 'settlement footprint' and 'appropriate locations'. I recommend that the first part of the policy is modified by way of the introduction of criteria that would ensure that the strategic requirements in the CLLP are met by such developments.
- 7.28 The supporting text of the submitted Plan proposes that new development should be of 4 or less units. Plainly this figure is similar but not identical to that in the adopted CLLP. The matter is also further addressed in the policy which applies different standards for proposed developments of more than five dwellings. The matter is further complicated as some of the potential development sites identified in the Plan would be likely to deliver 5 or more dwellings. This part of the policy also attempts to relate housing needs to those identified in paragraphs 3.10 to 3.12. However, it does so in an unclear fashion.
- 7.29 I recommend a series of modifications to address these various issues. In summary they:
- to insert the CLLP threshold of four dwellings into the first part of the policy;
 - to ensure consistency between the text in paragraph 3.7 and the approach in the CLLP;

- to provide a context for the potential for developments of five dwellings and above and their relationship to the guidance in the CLLP around ‘appropriate locations’;
- to ensure that this context relates only to the sites assessed as potential sites in the plan-making process;
- to provide this context within the framework provided by the first part of the policy;
- to relocate the garden amenity space issue to the end of the policy; and
- to provide clarity on the needs of the ‘changing population’ in the neighbourhood area by specifying the identified needs for dwellings for younger families and for older persons as identified in paragraph 3.12.

The sequential approach towards the development of new dwellings

- 7.30 As submitted the policy has taken a deliberate approach that does not directly address the delivery of the residual housing requirement. Nevertheless, it identifies a series of potential options which include general infill development, the redevelopment of previously developed sites, the development of the sites identified in Appendix 2 and through the conversion/replacement of existing buildings. WLDC has suggested that the policy would be more robust if it was to identify directly some of these options. In addition, the policy itself considers that the conversion of existing rural buildings (Section 2) should be considered before replacing them with new buildings (Section 3).
- 7.31 The point made by WLDC has merit. However, it is not necessary to ensure that the policy meets the basic conditions. Nonetheless I recommend a modification to the supporting text so that it makes a direct connection between housing delivery and the various development options.
- 7.32 I sought clarification from the Parish Council on the conversion/replacement issue. I was advised that the Parish Council believe it is important for potential developers to identify initially whether an existing building could be reused for its intended use before demolition can take place. This reflects the historic nature of many of the properties in the village. I recommend a modification to address this important issue. Its effect is to combine Sections 2 and 3 with adjustments to the wording used to reflect the sequential approach intended.

The application or otherwise of the policy in the countryside beyond the existing settlement footprint of the village

- 7.33 The policy has an understandable focus on the village itself. This point has been raised by WLDC. Plainly much of the neighbourhood area is outside the village itself.
- 7.34 I sought advice from the Parish Council on this matter. I was advised that the approach it took when considering the wording of the policy was to bring a focus on the village. I was also advised that it considered that CLLP Policy LP55 effectively deals with the general countryside and development. I am satisfied that the approach taken is

appropriate and meets the basic conditions. In particular there is no need for a neighbourhood plan to repeat local plan policies. However, in the interests of clarity I recommend the inclusion of an additional element into the policy to address the countryside issue. This is particularly important given the breadth and scope of Policy LP55. I also recommend a consequential modification to the supporting text.

In the first part of the policy insert ‘of a limited nature of around 4 dwellings’ between ‘development’ and ‘including’. After ‘this Neighbourhood Plan’ add:

‘and where the resulting development would:

- **retain the core shape and form of the village;**
- **not significantly harm the settlement’s character and appearance as described in the Character Assessment; and**
- **not significantly harm the character and appearance of the surrounding countryside or the rural setting of Willoughton in general and its listed buildings, scheduled ancient monuments and the Area of Great Landscape Value in particular.’**

At the end of the first paragraph of the policy add the following as a new paragraph:

‘Proposals for new residential development of any of the potential sites included in Appendix 2 of the Plan (and as shown in Figure 4) and which that would deliver 5 or more dwellings will be supported where the resulting development would:

- **retain the core shape and form of the village;**
- **not significantly harm the settlement’s character and appearance as described in the Character Assessment;**
- **not significantly harm the character and appearance of the surrounding countryside or the rural setting of Willoughton in general and its listed buildings, scheduled ancient monuments and the Area of Great Landscape Value in particular; and**
- **include an appropriate mix of dwellings to cater for younger families and older persons**

Delete ‘More specifically.... following’ and the General part of the policy

Combine parts 2 and 3 of the policy and retitle/renumber as ‘Conversion of existing buildings (2)’.

Replace the opening element of part 2 of the policy (as submitted) with:

‘Proposals for new residential development within or directly adjoining the existing settlement footprint of Willoughton that involve the conversion of existing buildings to residential use will be supported where they can demonstrate:’

In the criteria in part 2 (as submitted) add:

‘c) the resulting development is in accordance with the dwelling number size thresholds set out in the first part of the policy’

In the third part of the policy (as submitted):

- **replace ‘Proposals’ with ‘Residential development proposals’**
- **insert ‘only’ between ‘shall’ and ‘be’**

In the criteria in part 3 (as submitted) add:

‘c) the resulting development is in accordance with the dwelling number size thresholds set out in the first part of the policy’

At the end of the policy add:

‘Private Garden Space

3. In all cases proposed new dwellings should provide appropriate garden amenity space to meet household recreation needs. The space provided should be in scale with the dwelling concerned, reflect the character of the surrounding area and be appropriate in relation to the local topography and to secure privacy between adjacent dwellings.

Residential development in the countryside

4. Proposals for new residential development in the countryside beyond the existing settlement footprint of Willoughton will be determined against Policy LP55 of the Central Lincolnshire Local Plan and any successor policies which may arise within the Plan period.’

At the end of paragraph 8.2 add:

‘In particular the Plan will monitor the delivery of new dwellings to meet the residual strategic housing requirement as set for the neighbourhood area in the adopted Central Lincolnshire Local Plan. Where necessary appropriate action will be taken to review the Plan policies.’

At the end of the second sentence of paragraph 3.5 add:

‘In August 2018 the delivery of an additional 16 houses was outstanding.’

At the end of paragraph 3.6 add:

‘On this basis the policy sets out a range of options for the delivery of the strategic housing target for the village. These include the development of the potential sites identified in Appendix 2 (and shown in Figure 4) together with infill sites and the conversion of existing buildings. The policy has been designed primarily to operate within and adjoining to the existing settlement footprint. However, its final section addresses development which may arise in the countryside.’

In the first sentence of paragraph 3.7 replace ‘of 4 or less units’ with ‘of around 4 dwellings.’

At the end of paragraph 3.7 add:

‘The Plan uses the terminology of ‘the existing settlement footprint of the village’ to reflect the work undertaken as part of the plan-making process in the Character Assessment. Its effect is very similar to ‘the developed footprint’ used in the Central Lincolnshire Local Plan. It has regard to the inherent design and layout of the village

which does not readily lend itself to the definition of a developed footprint as anticipated in the Local Plan. Nevertheless, the approach taken in the submitted Plan has been designed to ensure that development taking place would accord with the three criteria included in the definition of ‘appropriate locations’ in the Local Plan.’

At the end of paragraph 3.9 add:

‘The policy also supports the conversion of existing buildings to residential use. Due to the historic nature of much of the existing building stock in the village the redevelopment of existing buildings for residential purposes will only be supported in specific identified circumstances.’

Policy 2: Public Open Space

- 7.35 The policy identifies four public open spaces in the village. Whilst they vary in size and use, I saw that they contribute in their different way to the character and openness of the village.
- 7.36 The policy has three related parts. The first two seek to preserve, and where possible enhance the identified open spaces and to restore underused or poorly maintained spaces. The third part identifies key design principles to be addressed when new green spaces are proposed or where developments propose new connections to existing open spaces. This part of the policy is based around the need for new development to respond to a series of design principles. The policy requires that developments ‘shall consider’ the identified principles. I recommend that this approach is replaced with ‘should accord’. As submitted a developer could consider the design principles and then decide not to incorporate them into the proposal.
- 7.37 The policy is supported and underpinned by excellent supporting text and associated photographs. Within this part of the Plan and Figure 6 the public open spaces are numbered as LGS1-LGS4. I recommend that the numbering system is replaced by POS1-POS4. Whilst this may seem unnecessary at first glance the use of LGS1-4 has the ability to suggest that the four sites are being proposed as local green space (as detailed in paragraphs 76-78 of the NPPF). This is neither the intention of the submitted Plan nor has an analysis for the sites against the NPPF criteria been undertaken.
- 7.38 Otherwise the policy meets the basic conditions. The implementation of the policy will make a significant contribution towards the achievement of the social and the environmental dimensions of sustainable development in the neighbourhood area.

In the third part of the policy replace ‘shall consider’ with ‘should accord’.

In the supporting text in section 4 and in Figure 6 of the Plan replace the numbering system LGS1-LGS4 with POS1-POS4.

Policy 3: Design and Development Principles

- 7.39 This policy has a clear focus on design and development principles. It demonstrates clear connections with the submitted Character Assessment. The Assessment work includes comprehensive details on the various identified character areas in the village. The nature and integrity of this work is first-class. The commissioning of this work reflects the importance which the wider community attaches to the character and appearance of the village.
- 7.40 The policy approach is a highly effective local response to national policy. Indeed one of the 12 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).
- 7.41 I recommend a series of detailed modifications to ensure that the policy has the clarity required by the NPPF. They are as follows:

General Policy wording

The policy is based around the need for new development to respond to a series of design principles. The policy requires that developments ‘shall consider’ the identified principles. I recommend that this approach is replaced with ‘should accord’. As submitted a developer could consider the design principles and then decide not to incorporate them into the proposal. I also recommend a modification to the second part of the policy so that its language is compatible with that used in the first part (as recommended to be modified)

Rural Lanes

WLDC correctly comment that the rural lane photographs on page 36 are not identified and/or related to the lanes as shown on Figure 8. I recommend accordingly.

WLDC also comments that the relevant criterion on rural lanes in the policy could be strengthened so as to safeguard this important feature of the environment of the village. As I highlighted earlier in this my report it is not my role to improve a submitted Plan as and when the opportunity arises. Nevertheless, as submitted the criterion does not have the clarity required by the NPPF and I recommend a modification to ensure that it meets the basic conditions.

- 7.42 Otherwise the policy meets the basic conditions. The implementation of the policy will make a very significant contribution towards the achievement of the environmental dimension of sustainable development in the neighbourhood area. It is precisely the type of policy that can and should come forward in a neighbourhood plan. In particular it is very distinctive to the neighbourhood area.

In the first part of the policy developments replace ‘shall consider’ with ‘should accord’.

In the second part of the policy replace ‘shall not be supported’ with ‘will not be supported’.

Replace criterion h) with:

‘The rural lanes as identified on figure 8 shall be protected from unsympathetic development which would have an adverse impact on the character area concerned. New development in the identified rural lanes should preserve and where possible enhance their rural appearance and green verges’.

Provide a connection between the photographs on page 36 and the identified rural lanes as shown in Figure 8.

Policy 4: Preserving our Community Services and Facilities

7.43 The policy appropriately supports proposals for the enhancement, improvement and extension of existing community facilities. There are five identified facilities as shown in both paragraph 6.4 and figure 11 of the Plan. The second part of the policy resists development that would result in the loss of sites or premises in use for community facilities unless one of four criteria are met.

7.44 For absolute clarity I recommend that the community facilities are listed in the policy itself. Otherwise it meets the basic conditions. The implementation of the policy will make a significant contribution towards the achievement of the social dimension of sustainable development in the neighbourhood area.

At the beginning of the first paragraph of the policy add:

‘The following are identified as community services and facilities in the neighbourhood area:

- **the Public House**
- **the Shop and Post office**
- **the Primary School**
- **the Village Hall**
- **St Andrew’s Church’**

Replace ‘as identified on figure 11’ with ‘as shown on figure 11’

Community Aspirations

7.45 The Plan identifies three community aspirations. They have naturally arisen as part of the plan-making process. They are not land use issues. In the event that the Plan is made they will not form part of the development plan.

7.46 The three aspirations are highway improvements, improved Broadband access and tourism development. In their different ways the three aspirations are all appropriate and distinctive to the neighbourhood area.

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 2037. 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 Willoughton 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 Willoughton 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 18 March 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
22 February 2019