

**SPRIDLINGTON
NEIGHBOURHOOD PLAN
2018-2036**

SUBMISSION PLAN

**A Report to West Lindsey District Council of the
Examination into the Spridlington Neighbourhood Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

Argyle Planning Consultancy LTD

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Summary and Overall Recommendation

0.1 Following my examination of the Spridlington Neighbourhood Plan (SNP), including a site visit to the Neighbourhood Area on 11 June 2019, it is my view that, subject to modifications, the SNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions. One specific matter that has resulted in proposed modifications relates to the allocations and specifically the appropriateness of restricting development to only one unit on each site. Other modifications more often arise from circumstances where the policy does not comply with the National Planning Practice Guidance that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the SNP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the plan, is honoured.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Spridlington in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing and numbering that will be needed as a result of making the modifications. It will also be necessary to ensure all references to the plan making procedure are up to date. I have not necessarily highlighted all such minor consequential changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The SNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Spridlington Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that referendum takes place I also recommend that the Spridlington Neighbourhood Area, which is synonymous with the administrative boundary of the Parish, is taken as the area for the Referendum.

Peter Biggers
28 August 2019
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Spridlington Neighbourhood Plan (referred to as the SNP throughout this report).

1.1.2 The SNP was produced by Spridlington Parish Council (SPC) in consultation with the local planning authority -West Lindsey District Council (WLDC), and interested parties and local stakeholders.

1.1.3 The Spridlington Neighbourhood Area equates to the administrative area of Spridlington Parish.

1.1.4 Spridlington lies within West Lindsey District approximately 7 miles from Lincoln and 8 miles from Market Rasen. At the census in 2011 the parish had a population of around 213 residents living in 88 dwellings. The village of Spridlington forms the heart of the parish and is centred on the church of St Hilary on the southwest corner of the junction of Owmbly Road and Church Hill. Spridlington Hall and its grounds form a further key focal point at the northern end of the village on Owmbly Road. The village has evolved along the north-south route of Owmbly Road, as well as the two main east-west roads of Church Hill/Cliff Road to the west of Owmbly Road and Faldingworth Road to the east, with both roads forming the two main road junctions within the village. Spridlington itself is surrounded on all sides by an open, rural landscape comprising mainly arable fields and some pasture with scattered farm buildings. The topography is generally flat east of the village and more undulating to the west. The north-eastern corner of the parish also incorporates part of the former RAF Faldingworth air base. There is a large water reservoir on the western side of the village centre, south of Cliff Road.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the SNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the SNP would be '**made**' by West Lindsey District Council. In the event of a successful referendum result the SNP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by West Lindsey District Council, with the consent of SPC, following a competitive procurement process, to conduct the examination and provide this report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the SNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 38 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood

Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Regulation 106 (1) of Chapter 8 states that : *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.*

* NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the SNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Spridlington Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing i.e. by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the SNP and I confirm that *all*

representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 11 June 2019 during which I looked at its overall nature, form, character and appearance and at those areas affected by policies and proposals in the Plan in particular. Prior to and subsequent to the site visit I asked a number of factual questions relating to the proposals of the plan of both the District Council and Parish Council as Qualifying Body. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1. Subsequently, I also gave the Parish and District Councils the opportunity to comment on proposed modifications to Policies 1 - 5 involving the allocated sites in view of the fact that the implications of these modifications were potentially significant. I cover the result of this consultation in section 6 of the report below. I am grateful to the District and Parish Councils for responding on these matters promptly.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Spridlington Neighbourhood Plan 2018-2036:

1. National Planning Policy Framework (2018).
2. National Planning Practice Guidance 2014 (as amended)
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act 2011
6. The Neighbourhood Planning Act 2017
7. The Neighbourhood Planning (General) Regulations (2012) (as amended)
8. The Central Lincolnshire Local Plan 2017.
9. Spridlington Neighbourhood Plan Basic Conditions Statement
10. Spridlington Neighbourhood Plan Consultation Statement – Revised June 2019
11. Spridlington Neighbourhood Plan 2018-2036 Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion – Oct 2018
12. Spridlington Neighbourhood Area Designation Report – Dec 2016
13. Parish of Spridlington Character Assessment Oct 2018
14. Spridlington Local Green Space Assessment
15. Spridlington Site Assessment
16. Spridlington Supporting Data

Also:

17. Representations received during the Regulation 16 publicity period post submission 18 January to 15 March 2019.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way

to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 SPC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations, to West Lindsey District Council on 19 December 2018. In light of the fact that the statement did not adequately cover consultation carried out in the early stages of the plan's preparation I requested a revised statement to be submitted. This was provided in June 2019 and has been uploaded to the WLDC webpages on Spridlington Neighbourhood Plan. As the revisions do not constitute changes that would affect third party interests no further consultation is necessary.

3.1.3 Public consultation on the SNP commenced with initial consultations in 2017. The initial consultation was followed by various consultation stages, including:

- The pre submission consultation under Regulation 14 from 9 July 2018 to 19 August 2018.
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan) from 18 January 2019 to Friday 15 March 2019.

The regulation 16 stage resulted in consultation responses from 15 respondents. Most made no specific comments and only 3 raise specific matters which will be addressed as part of the examination. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Spridlington Neighbourhood Plan Consultation

3.2.1 The SNP Neighbourhood Planning Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved newsletters, the website - <http://parishes.lincolnshire.gov.uk/Spridlington/index.asp> together with the District Council Website, press releases, flyers circulated to households and email drops as well as a presence at community events and questionnaires. Copies of the Pre Submission Draft and Submission Plan were uploaded to the websites and links provided via email as well as being available locally in hard copy.

3.2.2 The initial consultation stage of the plan, sounding out the community on the plan and the issues that should be addressed started in February 2017 and ran through to October 2017. Residents (including young people) and businesses were invited to submit comments and ideas through questionnaires on the issues facing Spridlington and how they could be resolved. The questionnaire to adult residents achieved a 77% response and the young persons' questionnaire a 46 % response. Drop-in sessions were held to explain the results.

3.2.3 Based on the feedback from this early stage work and a call for sites in 2018 the steering group developed the vision and objectives for the plan and consulted on this and proposed allocations in April 2018 at two drop-in sessions including distribution of

further questionnaires. 57 people attended and 51 questionnaires were completed.

3.2.4 The revised Consultation Statement sets out the detail of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.5 The pre-submission consultation on the plan as required by Regulation 14 involved a 6 week period from 9 July 2018 to 19 August 2018. The SNP was made available online on the Spridlington Parish and West Lindsey websites and links to the plan provided via email. Hard copies were made available in the local area and circulars were sent to every household in the neighbourhood area. Further drop-in sessions were arranged in August 2018 where the plan was available for reading and there were opportunities to speak to Steering Group Members. Statutory consultees and other key community stakeholders, including landowners and businesses, were consulted by email with a link to the plan or by letter. 25 responses were received including 7 from residents and 18 from statutory consultees.

3.2.6 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.7 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the revised Consultation Statement provided to me in June 2019 and its appendices I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The interest and participation by residents in the plan has been facilitated throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided sufficient opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are:

4.1 Qualifying Body

4.1.1 Spridlington Parish Council, as the duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan Area

4.2.1 The Spridlington Neighbourhood Area, as designated, coincides with the administrative boundaries of Spridlington Parish.

4.2.2 An application was made by the SPC on 15 November 2016 to designate the Spridlington Neighbourhood Area. This was approved by West Lindsey District Council on 20 December 2016 following a 4 week consultation period between 17 November and 15 December 2016.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3 Plan Period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The SNP clearly states on its title page and in the introductory section at paragraph 1.3 that it covers the period from 2018– 2036.

4.3.2 The plan period equates with the end date of the Central Lincolnshire Local Plan which sets out the strategic policies with which the SNP must be in general conformity. The intended time period satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded Development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The SNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and Use of Land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the SNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land. Some community projects are set out at the end of the plan in section 9 to deal with matters the community has raised which cannot be addressed through the formal neighbourhood plan. This section is not examined here.

4.6 Plan Publication Following Submission

4.6.1 West Lindsey District Council (WLDC) undertook a final validation check of the SNP on submission in December 2018 and was satisfied that the Plan could proceed to be publicised under Reg 16 and proceed to this independent examination.

5. The Basic Conditions

5.1 National Policy and Advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published on 24 July 2018 with further revisions in February 2019. For continuity purposes however and for neighbourhood plans already in the system the NPPF states at paragraph 214 that “*the policies in the previous Framework (dated 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*”. Whilst the Spridlington Plan was submitted on 19 December 2018 the submission version and indeed the Basic Conditions statement have been prepared on the basis of the revised Framework 2018. It would be illogical to consider the plan at this stage against the previous 2012 version of the Framework and therefore I have based my consideration of the extent to which the SNP meets Basic Condition No 1 in section 6 below against the NPPF 2018.

5.1.2 The NPPF 2018 explains that neighbourhood plans should set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.

5.1.4 The NPPF indicates that plans should contain policies that are clearly written and unambiguous so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF and as the submitted plan has taken account of the revised Framework 2018, for the purposes of this examination, I have considered the advice of the PPG as at the time of submission in December 2018.

5.2 Sustainable Development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However an SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case SPC has only carried out a very brief tabulation reviewing how the plan meets the 3 main sustainability references in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the SNP policies, which would have been the more usual procedure. The tabulation assessment in the Basic Conditions Statement and the assessment of policies against the development plan that follows in the Basic Conditions Statement do indicate that the policies will comply with sustainability principles in the NPPF and development plan.

5.2.4 However in view of the limited assessment that has been carried out I will consider detailed points regarding the plan's ability to meet Basic Condition No 2 in section 6 below.

5.3 General Conformity with the Development Plan

5.3.1 At the time the preparation of the SNP commenced and up to submission, the adopted development plan for the Neighbourhood Area was the *Central Lincolnshire Local Plan 2017* (CLLP). The SNP has been assessed against this plan in the Basic Conditions Statement which concluded that the SNP was in general conformity with strategic policies.

5.3.2 West Lindsey District Council has confirmed that the submission version SNP and other submission documents meet the requirements set out in regulation 15(1), and that the consultation statement meets the requirements set out in regulation 15(2).

5.3.3 I consider the extent to which the policies and proposals of the SNP are in general conformity with the strategic policies of the CLLP 2017 in detail in Section 6 below.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a SEA is submitted with a Neighbourhood Plan proposal or a determination obtained from the responsible authority (WLDC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion was prepared by WLDC in consultation with the statutory bodies in October 2018. The screening opinion determined that, notwithstanding the fact that development will be allocated in Spridlington the allocated sites are so small that even together they would be unlikely to have significant environmental effects. They would be in accordance with the scale of development planned for in the CLLP which was itself subject to full SEA and HRA and would have no trans-boundary effects. Any effects would be local, limited and minimal. The conclusion of the SEA screening was that Strategic Environmental Assessment was not required.

5.4.5 Regarding Habitats Regulations Assessment (HRA) the test in the additional Basic Condition now essentially mirrors that in respect of SEA and requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authority (WLDC) that the plan is not likely to have a 'significant effect'.

5.4.6 No European sites are located within the Neighbourhood Area. As a general principle sites within 10-15 kilometres of a plan boundary should be included within an HRA. However in the case of the SNP no European sites are within 15 kilometres nor are there any sites within the Central Lincolnshire area.

5.4.7 The conclusion of the HRA screening was that none of the SNP policies or proposals either alone or in combination with other plans or projects were deemed to be likely to have a significant effect on a European site. Consequently the plan is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.

5.4.8 These screening conclusions for both SEA and HRA have been confirmed by Natural England, The Environment Agency and Historic England as the statutory consultees and I have no reason to reach a different view.

European Convention on Human Rights (ECHR)

5.4.9 The Human Rights Act 1998 encapsulates the Convention and its articles into UK Law.

5.4.10 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the SNP. Instead the Basic Conditions Statement at section 5 contains a brief confirmation that the SNP has regard to the fundamental rights and freedoms guaranteed under the ECHR but presents no supporting evidence of this. Given the nature of the plan policies and proposals I agree that there would be unlikely to be any detrimental impact on the 'protected characteristics' set out in the Equality Act and generally the plan would bring positive benefits. Whilst the plan does not directly address needs of particular protected characteristics, the SNP generally is not prejudicial to any group in its policies.

5.4.11 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the SNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.4.12 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the SNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.4.13 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the SNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.4.14 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.4.15 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.4.16 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the SNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the SNP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections.

6.0.2 The plan distinguishes between the policies themselves and their justification by boxing and colouring the policies. Each policy is accompanied by supporting text setting out the evidence for the policy although some of the justification for the policies is inadequate and needs to be developed. The *Planning Practice Guidance* (PPG) states that “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”. Accordingly, where I think the justification is inadequate I have included modifications in the policy sections below.

6.0.3 The plan in section 9 sets out Community Aspirations which flow from and are designed to help implement the plan. Whilst the section makes it clear these aspirations are not part of the formal neighbourhood plan they are listed within and as part of the plan. The legislation makes it clear that neighbourhood plans can only deal with matters relating to the development and use of land. As such these wider community aspirations cannot form part of the plan without conflicting with Basic Condition No 1. Accordingly, the list of aspirations in Section 9 should be relocated to an Appendix and the table of contents to the plan adjusted to reflect this.

6.0.4 The PPG requires the plan to provide a clear and unambiguous guide to developers and in that respect I have a concern with the mapped content of the plan that raises issues in respect of Basic Condition No 1.

6.0.5 When providing mapping, as in the SNP, this should be clear and some of the mapping used in the plan could be larger to help to clarify issues. Figures should be enlarged by reducing margins and moving text so that they are as near as possible a full A4 page in size. Moreover the proposals of the plan and those policies that have a spatial application should be identified together on one Policies and Proposals Map so that the interrelationship of sites and policies can be easily understood by plan users. It should be at least a full A4 size as a minimum with related key text on an adjacent page to

maximize the scale of the plan. WLDC in its response to the plan at the Reg 16 publicity stage has raised a similar concern.

6.0.6 Modifications are necessary to resolve these issues.

Recommendation 1 –

1A Relocate the Community Aspirations to an Appendix. Renumber other appendices and amend the table of contents as necessary. A portion of explanatory text can be retained in Section 9 amended as per section 6.9 of the report below.

1B Enlarge mapping generally and create a new Policies and Proposals Map to at least full A4 size identifying allocated sites, permitted sites still to be implemented, Conservation Area boundary, local green spaces along with any other policy with a spatial dimension. The Policies and Proposals Map should show the policy referencing for the allocated sites rather than the site reference.

6.1 What is the Spridlington NDP?

6.1.1 This section of the SNP is largely factual describing the purpose and intent of the neighbourhood plan and I have no particular comments on the text of the section. However for clarity and to avoid confusion as to the status of the plan the web page extract on Page 4 should be deleted as it is not up to date and adds nothing to the plan.

6.1.2 The Parish Council in response to the examiner questions confirmed that it wishes to retain the table of consultation events at Figure 2 even though it was requested that the table should be inserted in the Consultation Statement. If the table is to be retained the text at paragraph 1.4 should refer to Figure 2.

Recommendation 2

2A – Remove webpage extract on Page 4

2B – Add at end of paragraph 1.4 – “See Figure 2”

6.1.3 Beyond these minor modifications and a typographical correction at Appendix 2 this section is simply contextual and there is no need for further change.

6.2 An Introduction to Spridlington

6.2.1 This section again is largely factual setting out the policy and historic context and finishing with the issues identified for the plan.

6.2.2 Paragraph 2.2 of this section refers to the Local Plan and the Neighbourhood Plan being in general conformity with the National Planning Policy Framework. This is not the correct test. Certainly with regard to the Neighbourhood Plan the implication of the first basic condition is that the plans must have regard to the national policy.

6.2.3 Accordingly, I recommend the following modification to comply with Basic Condition

No 1:

Recommendation 3

In paragraph 2.2 line 3 delete the words “must also be in general conformity with” and replace with “*must also have regard to ...*”

6.3 Community Vision and Objectives

6.3.1 The third section of the plan sets out the community’s vision and the objectives for the plan to deliver the vision and provide the basis for the policies.

6.3.2 The vision and objectives do appear to draw on the issues and matters of concern within the community that have emerged through the consultation stages of the plan and set out the wish to meet the local needs of the community whilst safeguarding the character of the parish and the qualities of the natural and built environment.

6.3.3 The plan has regard to the PPG advice in respect of neighbourhood plans that they “*provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”.

6.3.4 The vision and objectives also encapsulate and generally reflect the aims set out in the CLLP at section 2.4 and 2.5. Moreover the impact of pursuing the vision and objectives would contribute to the achievement of sustainable development.

6.3.5 Accordingly, the Vision and Objectives of the SNP meet Basic Conditions Nos 1, 2 and 3.

6.4 New Housing Development – Site Allocations (Policy 1)

6.4.1 Policy 1 of the SNP and its preamble sets out the policy context for development in the village. It draws on Policies LP2 and LP4 of the CLLP setting out the strategy for development in the smaller Lincolnshire villages that development should not exceed 10% of the current number of dwellings in the plan period. As Spridlington has 88 dwellings the SNP identifies a target of 9 dwellings to be added in the plan period. Part of this small housing requirement in the parish has already been met in part by existing permissions (5 units) leaving 4 dwellings to be provided on additional sites. The preamble to Policy 1 explains how decisions were taken regarding the selection and allocation of additional land.

6.4.2 The sites selected for the additional provision went through a thorough assessment process following a call for sites and a process of consultation with the local community. The allocation selection process reflects the requirements of CLLP Policy LP4 and appears relatively robust. No concerns have been raised regarding it from third parties.

6.4.3 There is however tension between the effect of proposed Policy 1 and the NPPF at

paragraphs 68 and 117 in that the NPPF seeks to make the most of small housing sites and seeks the effective use of housing land. Moreover the PPG states that :
*“Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and **where possible to exceed it**. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale”*. The implication of Policy 1 is that, even on the allocated sites, which were agreed in consultation with the community at the time of the site assessment, (thereby meeting the requirement in Policies LP2 and LP4 for community support), no increase in capacity beyond 1 unit can be considered without it being sanctioned by the community.

6.4.4 The site assessments did not propose restriction of the sites to one unit only and the indicative capacity on all sites was higher - between 4 and 10 units. No justification for restricting the capacity on each site to one unit has been provided in the plan and, in the absence of demonstrable harm, and given national policy advice such a restriction is unreasonable. Both Policies LP2 and LP4 of the CLLP specifically allow for a higher level of development in the villages, than 10% of the existing stock, if promoted through Neighbourhood Plans.

6.4.5 I note that at the Reg 14 pre-submission consultation WLDC raised a similar concern about the restriction to one unit and that SPC was informed it was not necessary to match exactly the shortfall of 4 dwellings particularly as a slightly higher provision would provide flexibility in the event that one or more sites did not come forward for whatever reason. However, other than noting it, no response was provided by SPC.

6.4.6 I discuss below in section 6.5 what I consider would be reasonable alternative guideline capacities on the allocated sites and make recommendations accordingly.

6.4.7 I acknowledge that Policy 1 is seeking to reflect Policy LP4 as a strategic policy of the CLLP and adds local policy control in defining what would be expected in terms of community consultation in parts 2-4 of the policy. In this respect it is justified that it should apply to additional windfall sites brought forward in the future. I also accept that, assuming the guideline capacities of the allocated sites are increased in line with recommendations below in section 6.5, there may be cases where a developer may still seek to accommodate more development on the sites than planned for. In that case I think it is reasonable that the requirement of Policy 1 should still apply to such excess development on allocated sites.

6.4.8 Provided the guideline capacities for the allocated sites are increased, as proposed in section 6.5 below, I am satisfied that Policy 1 as amended can be considered to have appropriate regard to the aspirations of the NPPF in sections 5 and 11.

6.4.9 In addition to this matter, WLDC raise two minor issues in its Reg 16 representations regarding the Policy. First WLDC seek the inclusion of the site references of the allocated sites into the policy. However, given my earlier recommendation to prepare a Policies and Proposals Map for the SNP (Recommendation 1), it would be sufficient to refer to the

allocated sites “as identified on the Policies and Proposals Map” provided that map marks each site with the relevant policy number. Secondly, regarding the reference in part 4 of the policy to WLDC, the Council argue this should be deleted because the plan should not set guidance for WLDC. I am not persuaded by this reason. The SNP, by its nature, sets guidance for the Local Planning Authority as part of the Development Plan once it is ‘made’. However in order to remove what is potentially an area of ambiguity it would be clearer to simply remove references to the two Councils in this last part of the policy.

6.4.10 The written supporting text to the policy although providing a full account of the site assessment process does not set out what the intention of Policy 1 is, which is contrary to the advice in the PPG that policies should be evidenced. I therefore recommend below that there should be a paragraph added to the end of the supporting text to Policy 1.

Recommendation 4

4A – Reword Policy 1 (1) Line 1 to read :

“Priority will be given to the development of the *allocated housing sites as identified on the Policies and Proposals Map* to accommodate.....”

4B – Reword Policy 1 (1) second sentence to read:

“Any *schemes proposing* additional residential development outside these allocated sites *or an increase beyond the guideline capacity for allocated sites in Policies 2-5* should demonstrate that they have gained”

4C – Reword section 2) of policy 1 to delete the bracketed section in line 2/3 and add at the start of section 2):

“For all *such* schemes proposing...”

4D – In section 4) of Policy 1 delete the wording “to the satisfaction of both Spridlington Parish Council and West Lindsey District Council”

4E – Add new paragraph to the supporting text after paragraph 4.10 and the evidence base documents to read:

“4.11 *Having identified and allocated the preferred sites for future development in the village in consultation with the community and, given that these can comfortably provide the housing development necessary, it is reasonable that any future proposals for windfall housing development should demonstrate that they have similar community support. Accordingly, in line with Policy LP4 of the Central Lincolnshire Local Plan, Policy 1 of the Neighbourhood Plan requires all proposals for development beyond the allocated sites or development in excess of the guideline capacities on the allocated sites set out in Policies 2-5 to demonstrate community support and sets out how this is to be achieved.*”

6.4.11 With these modifications in place Policy 1 of the SNP meets Basic Conditions Nos 1 and 3. The proposed approach to development in the SNP in allowing only a level of development appropriate to the small scale of the settlement and its limited services is a sustainable approach. Accordingly Basic Condition No 2 would also be met.

6.5. Allocated Sites (Policies 2-5)

6.5.1 Policies 2-5 set out the matters to be considered in the development of the allocated

sites. Somewhat unusually the allocations are all restricted to one unit each which in many other plans would not normally be dealt with as an allocation but rather under a windfall or infill policy.

6.5.2 As set out above in respect of Policy 1 the restriction on capacity in these 4 policies is at odds with Basic Condition No 1 as to whether the policies have sufficient regard to the requirements of sections 5 and 11 of the NPPF requiring best use to be made of small housing sites and generally effective use of housing land. There would have to be clearly demonstrable harm arising from an increased provision on the allocated sites to justify their restriction in this way and such harm is not demonstrated in either the supporting text to Policy 1 or in that for Policies 2-5. Moreover given that the specific policy for each allocation already has built-in safeguards, it is difficult to see what this justification would be.

6.5.3 In particular sites NP03 and NP04 in Policies 2 and 3 respectively are largely derelict or underused farm building sites. There would be significant benefit for the character and appearance of the area from their redevelopment but, being large former steading sites involving need for demolition and clearance and possibly decontamination, they are unlikely to be cheap to develop. As such the policy limit to one dwelling may mean they are not attractive to develop or mean that the dwelling would have to be a large, high value residence which would not necessarily reflect the housing needs of the settlement and Parish. I acknowledge that the policies, through a footnote, would allow for an increase in capacity subject to community support but, as set out above, for these allocated sites in particular which have already been through community consideration, the requirement for further community support to increase the capacity above 1 unit constitutes an unreasonable restriction. Moreover the matter of whether additional dwellings would conflict with other relevant policies of the plan, which the footnote suggests would be confirmed through community support, will not be determined through community consultation. This is a separate test and should be applied by WLDC decision-makers considering any development in the village. In any event this test is already encapsulated in the last sentence to the first paragraph of each of the policies.

6.5.4 In respect of NP05 and NP09 in Policies 4 and 5 it is acknowledged that, as these involve the conversion of existing buildings in closer proximity to existing dwellings, by definition their capacity would be less. Nevertheless the limitation to 1 dwelling is again inflexible and unreasonably restricts a proposal that could say provide two smaller dwellings through the conversion. The NPPF at Section 5 and CLLP Policy LP10 imply that there should be a range of housing choice and the implication of the SNP allocation policies is that all new housing in the village will be large units. Accordingly, to better meet the policy requirement to deliver choice, the policies should be modified to at least allow the possibility of two smaller units within the footprints of the existing buildings.

6.5.5 The proposal to increase the capacity of the allocated sites would be a modification that could be construed by the District and Parish Councils as significant and unforeseen and consequently the two councils were consulted on the proposal and the Parish Council in particular given the opportunity to demonstrate what harm, if any, would arise from the

increased capacities. As a result of this consultation the District Council were supportive of the proposed increases in capacity, having raised a similar point at Reg 14 pre submission stage. The Parish Council and SNP Steering Group, although initially reluctant to increase the capacities, have agreed to seeing increases in respect of the conversion sites provided the conversions did not propose to increase the footprint of the buildings. They also support the increase in respect of the Policy 3 site on Owmbly Road to around 4 units in line with CLLP Policy LP2. However they were reluctant to increase the capacity of the Policy 2 site beyond one unit given the strong view of the WLDC Conservation Officer at the time of the site assessment that to do so would result in harm to the heritage assets namely the adjacent listed building and the Conservation Area. My concern with the restriction to 1 unit on each site was in part that no justification had been provided in the SNP. Accordingly, provided the supporting text to Policy 2 is amended to demonstrate that there would be harm if development was to exceed one unit, the restricted capacity can remain without being in conflict with the Basic Conditions.

6.5.6 In addition to this fundamental matter regarding the restricted capacity of the sites there are a number of other matters of concern regarding the allocation policies.

6.5.7 As with other policies in the plan, the use of qualifying words like ‘unreasonable’ as in ‘unreasonable harm’ merely introduces doubt and ambiguity to the policies. What would be construed as unreasonable is not clear and therefore contrary to the PPG advice and therefore Basic Condition No 1 and are best avoided.

6.5.8 WLDC in its Reg 16 representation raises two further matters regarding policies 2-5. First it questions whether the road onto which the sites in Policies 2, 3 and 4 front is in fact Owmbly Road. A search on Google Maps names this road as Owmbly Road and therefore the reference to Owmbly Road (South) to distinguish it from the section of Owmbly Road north of the village is sensible. No amendment is necessary.

6.5.9 Secondly the Council suggests that the policies should refer to the other heritage assets both designated and undesignated and not just the Conservation Area and listed buildings. It also suggests that there should be reference to the Article 4 directions. However the scheduled ancient monument shown in Figure 18 is some distance from the allocated sites. The undesignated heritage assets are appropriately covered by Policy 8 and Policies 2-5 do not have any direct bearing on the Article 4 directions as they involve development requiring planning permission, whereas the Article 4 directions relate to the removal of what would otherwise be permitted development rights. In short I see no reason to extend clauses b), b) and c) in Policies 2, 3 and 4 respectively to include the matters proposed.

6.5.10 Anglian Water has raised a specific point in its Reg 16 representations relating to the reference in policies 2-5 at clauses f) and g) to foul water discharge and requests that a clarifying amendment is made distinguishing between the responsibilities of the Water Authority in respect of mains drainage and the Environment Agency in respect of non – mains drainage. As this would be a clarifying amendment helping the policies to be clear and unambiguous as required by the PPG I recommend that the modification is made.

6.5.11 At present the allocation Policies 2-5 are not entirely clear that development in each site must deliver **all** of the clauses set out. Accordingly, in terms of the PPG advice that policies must be clear and unambiguous, the policies require an adjustment to insert ‘**and**’ before the last clause in each.

6.5.12 Finally, the supporting text in respect of each of the allocation policies concludes with the same wording that site development can ‘*mitigate for its impact on the setting of the Conservation area*’. This is a misleading phrase because it implies that there will be adverse impacts and that these can be mitigated. My understanding of the site assessments is that each of the 4 sites can be developed with appropriate design in such a way that they will preserve or enhance the Conservation Area or its setting. Accordingly I recommend the supporting text should be amended to clarify this.

Recommendation 5

5A – In Policy 2 and its supporting text make the following changes:

- First sentence amend to read: - **“Land at Top Yard as shown on the Policies and Proposals map is allocated for the development of one dwelling.”**
- Clause b) delete the word “unreasonable”
- Delete the footnote in its entirety.
- Add to the supporting text at paragraph 5.2 second bullet the following:
“The redevelopment of the site *if restricted to one unit and done sensitively can be achieved without* harm to the identified heritage assets within the area.
- Add to the text at paragraph 5.3 after first sentence the following:
“*In terms of physical capacity the site could accommodate around 4 units as allowed for in CLLP Policy LP2. However the advice of the District Council’s Conservation Officer was that because the site is directly adjacent to a listed building and the conservation area and seen clearly on the approach from a public footpath and across the field from the Welton Road, development should be restricted. A sympathetic scheme for one dwelling, agricultural in scale, mass and detailing, located round the stone wall area would be appropriate to avoid harm to the rural setting of the Conservation Area and the listed building.*”

5B - In Policy 3 make the following changes:

- First sentence amend to read: - **“Land East of Owmbly Road (South) as shown on the Policies and Proposals map is allocated for residential development.”**
- Second sentence amend start to read: - **“*The principle of a small development of around 4 dwellings on this site*”**
- Clause a) delete the word “dwelling” and substitute **“development”**
- Clause b) delete the word “unreasonable”
- Clause e) add at the end the words **“per dwelling”**
- Delete the footnote in its entirety.

5C – In BOTH Policies 4 and 5 make the following changes:

- Line 1/2 amend to read **“Existing buildings at (name of site) as shown on the Policies and Proposals map are allocated for sensitive conversion to 1 or 2**

dwellings within the existing footprints of the buildings”.

- Delete clause a) as this simply repeats paragraph 1
- Clauses b) and c) delete the word “unreasonable”
- Clause f) add at the end the words “*per dwelling*”
- Delete the footnote in its entirety.

5D – Amend the last clause in Policies 2 - 5 to read:

“Adequate foul water discharge provision to the agreed standards of Anglian Water in respect of mains drainage or the Environment Agency where a connection to the public sewerage network can be demonstrated not to be feasible.”

5E – Insert the word “*and*” before the last clause in Policies 2 – 5

5F – Reword the last sentence of the justification paragraph in each of 5.5, 5.7 and 5.9 to read:

“This site delivers positive growth for Spridlington, protects any significant features in the local landscape and can be developed in a way that would preserve or enhance the Conservation Area and its setting.

6.5.13 With these modifications in place the policies meet Basic Conditions Nos 1 and 3. I am aware that the SEA/HRA screening was carried out on the assumption of only one dwelling on each site. However the increased capacity would only result in a maximum of 9 units over the four allocated sites, compared to 4. This scale of development is still such that the conclusion of the SEA, referred to at paragraph 5.4.4 above, would still apply – namely that development of the sites would be unlikely to have significant environmental effects. They would be in accordance with the scale of development planned for in the CLLP and any effects would be local, limited and minimal. Moreover the policies in delivering small scale development in keeping with the village context would be unlikely to have any negative impacts against the 3 sustainability objectives of the NPPF. As such they are likely to contribute to achieving the sustainable development of the parish and the policies therefore would also meet Basic Condition No 2.

6.6 Local Green Space – (Policy 6)

6.6.1 The SNP at Policy 6 takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with paragraphs 99-101. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the Green Belt ie only where very special circumstances apply. Identifying and protecting LGS for the purposes set out in the NPPF is likely to contribute to sustainability objectives and the concept of LGS is in general conformity with the policy objectives of the CLLP at Policy LP23 to protect green space within the district. Accordingly the principle of the designations meets Basic Conditions Nos 1, 2 and 3.

6.6.2 The sites considered as potential LGS are set out in detail in Appendix 3 to the SNP together with the results of the assessment in terms of the tests set out in the NPPF

namely:

- Is the green space in reasonably close proximity to the community it serves?
- Is the green space demonstrably special to the local community and of local significance?
- Is the green space local in character and not an extensive tract of land?

6.6.3 Of 7 sites considered, 4 are designated in the SNP as LGS. The Parish Council in response to my enquiry (and that of WLDC in its Reg 16 representations) as to the reason for not designating the remaining 3 stated that this was either a result of landowner objection or, in the case of Spridlington Hall grounds, because the space was already considered fully protected by virtue of the hall's statutory designations.

6.6.4 Whilst I note not all of the LGS enjoy public access I accept that for the reasons listed in Appendix 3 they are demonstrably special to the community for other reasons and, as the NPPF is clear that the importance to the community is not limited to the recreational use of the site, this is justified.

6.6.5 Notwithstanding that the principle and selection of sites is satisfactory there are matters of detail which conflict with national advice in the NPPF and PPG requiring plans and policies to be as clear and unambiguous as possible.

If Appendix 3 is to remain technically part of the SNP those sites that have not progressed to designation as LGS should now be deleted and the numbering amended to number through as LGS1-4. Failure to do this simply leads to confusion and lack of clarity. Similarly the referencing in the policy itself should be changed to LGS1-4.

6.6.6 In addition, the supporting text at paragraph 6.4 is ambiguous where it states the sites identified have the potential to be developed in the future. Whilst I understand what the Parish Council means, in the context of the rest of the paragraph, which seems to be setting up circumstances where development might be accepted, the statement is misplaced. The paragraph needs to be clarified and also the first line should forward reference Policy 6 rather than referring to the 'following sites'.

Recommendation 6 –

6A – Renumber LGS that have been designated in Policy 6 as LGS1-4 and amend in Figure 13.

6B – If Appendix 3 is to be retained as an Appendix to the plan, remove those LGS that are now not proceeding to designation and renumber LGS in Appendix 3 to match the policy.

6C Reword line 1 of Para 6.4 to read:

“...recommended that the *sites set out in Policy 6* should be designated....”

6D – Delete the second sentence of paragraph 6.4

6E – Line 5 to end of paragraph reword to read:

“This will be a matter for the District Council to assess on a case by case basis according to whether there are very special circumstances that would allow such proposals to achieve planning permission”.

6F – Delete paragraph 6.5 of supporting text.

6.6.7 With these modifications in place the policy and its supporting text is clear and unambiguous. Basic Conditions Nos 1, 2 and 3 are met.

6.7 Local Character and Development Principles – (Policies 7 and 8)

6.7.1 The SNP attaches considerable weight to achieving quality design in all new developments in the plan area and ensuring that development respects the heritage significance of the parish. Accordingly Policy 7 sets out detailed development principles that draw on the Spridlington Character Assessment for guidance regarding development in the Neighbourhood Plan area and Policy 8 sets out how the historic environment will be preserved and enhanced.

6.7.2 Policy 7 has regard to the policy requirements of the NPPF at section 12 requiring good design and Policy 8 has regard to the NPPF at section 16 on conserving and enhancing the historic environment. The content is also in general conformity with CLLP Policies LP26 and LP25 on design and the historic environment respectively.

6.7.3 The principle of the policy therefore meets Basic Conditions Nos 1 and 3 however as with a number of other policies there are a number of aspects where the policy and its supporting text are not clear and unambiguous.

6.7.4 First the structure and content of the supporting text justifying the two policies is not sufficiently detailed. It is unclear from it what is important and what the policies seek to do. The Planning Practice Guidance requires evidence to support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the SNP. Without this there is a tension between the plan and Basic Condition No 1. These sections do not need to be long but they do need to be present.

6.7.5 The whole section would in fact be clearer if it were split in two dealing first with local character and development principles and then heritage assets.

6.7.6 Dealing first with Policy 7 and its text, the character areas when they are introduced in paragraph 7.1 as the basis for the policy need to have a brief summarizing sentence or sentences that capture the essence of their character without the reader having to refer to the Appendix. The idea that there are locally important landscape features and what these are needs to be more clearly introduced and then discussed under two headings, ‘Views and Vistas’ and ‘Verges’, setting out their importance. Finally there needs to be an

introduction to the policy explaining what it seeks to do under a heading of '*Development Principles to Create Places of Character*' or similar wording.

6.7.7 Regarding the actual wording of Policy 7 generally it would meet the guideline for clear and unambiguous policy except in two respects. First subsection 1(i) in being expressed in the negative stands out from the rest of the policy and attaches more weight to it than perhaps was intended. It should be rephrased to reflect the other principles and repositioned as it is one of the specific landscape elements referred to. Secondly the reference in section 2 to 'unreasonable harm' is imprecise. It should be rephrased to refer to 'significant' or 'demonstrable harm' as used in section 3.

6.7.8 WLDC has raised the point in its Reg 16 representation that having identified tree cover in both the introductory sections of the plan and in the Character Assessment as very important to Spridlington's landscape character it is surprising that no reference is made to it in Policy 7 as a principle. Given the policy at paragraph 170b) of the NPPF and at policy LP26(f) of the CLLP, in order for the plan to satisfy Basic Conditions Nos 1 and 3 a policy reference to the tree cover is important. Adding this as a specific reference in Section 2 of Policy 7 would be a minor change which I am satisfied would not materially change the thrust of this section of the policy but would point up the importance of tree cover.

6.7.9 With respect to Policy 8, similarly there is no proper introduction to this policy or its purpose. No introduction is given to the idea of 'Positive Buildings' as local undesignated heritage assets. The distinction between designated and undesignated heritage assets needs to be made in the supporting text. Doing this will allow the policy to be rephrased as a clearer expression of intent.

6.7.10 WLDC has also raised the point in its Reg 16 representations that the plan makes no mention of the Article 4 Direction that is in place in respect of a number of properties within the Conservation Area. Whilst the plan and Policy 8 in particular does not directly challenge the operation of the Article 4 Direction it would, in the interests of clarity and understanding, be important that the Direction is at least mentioned in the supporting text.

6.7.11 In addition to this, two further aspects of the policy needs to be addressed if it is to meet Basic Condition No 1. First at 1a) the requirement needs to be made of development that it also demonstrates how the asset will be preserved or enhanced in order that the statutory test in respect of heritage assets is observed. Secondly at c), in accordance with the NPPF at section 16, the test in the last line of the Policy should be '**compatibility with the conservation of**

6.7.12 Finally, the listing of positive buildings in Appendix 1 is inconsistent. Whilst the majority state why the building is important, a considerable number (Nos 1, 5-10, 12-13, 18 and 23) do not. Reasoning for these needs to be added in order that clear evidence for the identification of these buildings is provided, (as required in the PPG).

Recommendation 7

7A – In policy 7 (1i) Rephrase to read:

“Development shall respect the character of the important verges as identified in Figure 17 which protect the open rural character of Spridlington.” Relocate the clause to follow after b) as new clause c).

7B – In section 2 of Policy 7 reword to refer to tree cover and to remove the word ‘unreasonable’ as follows:

“Development proposals located within both the village and wider landscape area must not cause demonstrable harm to the appearance, ecological and amenity value of the surrounding landscape character, its tree cover, biodiversity or visual significance.”

7C- In the supporting text to policy 7 at 7.1 provide a brief sentence or sentences summarizing the essential character of each of the 4 areas listed.

7D In the supporting text at 7.2 insert after the subheading the following:

“The local landscape around Spridlington village contributes strongly to the character and sense of place. Two elements in particular are important – views and vistas and the open green highway verges within and on the edge of the village”.

Introduce new heading *“7.2.1 Views and Vistas”* and insert the following text in front of the existing wording at paragraph 7.2:

“The views and vistas within the parish and the reason for their importance to the character and appearance of the area are set out in Figure 15.”

7E - Insert after figure 16 a new section *“7.2.2 Verges”* with the following text:

“The green highway verges both on the approach into Spridlington on Cliff Road and Hackthorn Road and within the village at the junction with Church Hill and at the corner on Faldingworth Road are important in establishing a green open rural character to the village and should be protected.”

7F – Insert new section 7.3 entitled *“Development Principles to Create Places of Character”* and the following text:

“Policy 7 sets out the development principles for all development in the Parish to ensure future development creates places of character and strengthens the sense of place and seeks to reinforce the key attributes identified in the Spridlington Character Assessment and protect and retain the locally important landscape features.”

Follow with Policy 7.

Recommendation 8

8A – Insert new section *“8 Historic Environment”* and the following text at 8.1:

“8.1 The historic environment of Spridlington comprises both designated heritage assets and their settings including the conservation area, listed buildings and scheduled ancient monuments and undesignated assets of local interest (see figure 18). The undesignated heritage assets are identified as ‘positive buildings of local importance’ in the Conservation Area and are listed in Appendix 1 to the plan along with an assessment of their historic merit. They form an important part of the overall

historic environment of Spridlington. An Article 4 direction (1999) removes certain permitted development rights in respect of external alterations and prevents the alteration to boundary walls in a number of properties within the Conservation Area. The Neighbourhood Plan does not affect the operation of the Direction and it remains in place. Policy 8 seeks to ensure that development, including changes of use, preserve or enhance the historic environment.

8B – Policy 8 Clause a) – Retitle this *Designated Heritage Assets*. Reword text as follows:

“ Development proposals affecting designated heritage assets including listed buildings , ancient monuments and the Conservation Area must demonstrate how they have considered the historic and architectural merit and significance of the asset and its setting and how they will preserve or enhance the asset.”

8C – Reword b) to read:

“ Development proposals affecting undesignated heritage assets identified as positive buildings in Appendix 1 should have regard to the significance of the building – its historic value, setting and character and should avoid harm to the quality of the asset.”

8D – Reword the last line of part c) of the policy to read:

“...compatible with the conservation of the fabric, interior and setting of the building or structure.

8E - Appendix 1 Positive Buildings Nos 1, 5-10, 12-14, 18 and 23 insert the reason why these have historic and / or architectural merit.

6.7.13 With these modifications in place Policies 7 and 8 and their supporting texts would be clear and unambiguous and Basic Condition No 1 would be met. The policies when implemented will clearly contribute to the achievement of sustainability in particular by ensuring that development is designed and constructed in a way that responds to and respects the townscape and landscape character of Spridlington. The policies are also in general conformity with the CLLP. They therefore also meet Basic Conditions Nos 2 and 3.

6.8 Community Facilities – (Policy 9)

6.8.1 Policy 9 of the SNP seeks to protect the existing community facilities of Spridlington and support future additional provision. In that respect the policy has regard to paragraph 92 of the Framework which requires plans and planning decisions to similarly protect and support community facilities.

6.8.2 As with some of the other policies a minor change is necessary to the policy in order for it to be clear and unambiguous for people seeking to apply it. Two matters are at issue here. First the footnote to the policy does not make clear the source of the definition of the developed footprint of the settlement. This should be stated as Policy LP2 of the CLLP. Secondly, WLDC has pointed out in its Reg 16 representations that the quoted definition has been slightly altered in Policy 9 for no apparent reason. Policy LP2 of the CLLP is a

strategic policy and the SNP must be in general conformity with it. The definition wording should therefore be accurate if Basic Condition No 3 is to be met.

6.8.3 In addition again, as with policies 7 and 8, the supporting text does not explicitly state what the intention of policy 9 is, leaving the reader or plan user to establish that from the policy itself. These are minor omissions but together undermine the plan.

Recommendation 9

9A - Reword the footnote to Policy 9 in line 1 to read:

“ The developed footprint of a settlement is *as defined in policy LP2 of the CLLP as the continuous*”

9B - Reword a) of the footnote to read:

“Individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement”.

9C – Add new sentence to paragraph 8.2 of the supporting text to read:

“*Accordingly, Policy 9 seeks to protect existing facilities from loss where there is a continued need for them and encourages the improved provision of facilities in or adjoining the village.*”

6.8.4 With these modifications in place the policy would better reflect the national policy and guidance seeking clear and unambiguous policy advice and would meet Basic Condition No 1. The policy will contribute to achieving sustainable development by ensuring the community retains and adds to its community facilities improving quality of life within the parish and as it is in general conformity with the CLLP and particularly Policy 15 it therefore also meets Basic Conditions Nos 2 and 3.

6.9 Community Aspirations

6.9.1 As discussed above at paragraph 6.0.1 the list of community aspirations should be moved to an Appendix in the plan. However, as set out in that section, a revised text could remain at section 9 to explain and reference the aspirations. I recommend the following modification.

Recommendation 10

10A - Revise wording of paragraph 9.1 to read:

“ Through the consultation on the SNP residents raised some issues that are not considered *to be directly related to the development and use of land or are more aspirational and are therefore* not suitable to be included in any of the planning policies. However these issuesarea.

A chart identifying....from the residents’ questionnaire *is set out in order of preference in Appendix X.*”

10B – Relocate chart (including insertion of a name for both axes of the graph) and the list to an appendix.

6.10 Monitoring of the Neighbourhood Plan

6.10.1 At section 10 of the SNP the SPC sets out the approach to monitoring of the plan and at paragraph 10.5 states that there is a requirement in the Neighbourhood Planning Act 2017 to review the plan every 5 years. This is incorrect. Whilst it is good practice to review the plan in response to changes in circumstance or policy it is not an obligation that this should occur every 5 years.

6.10.2 What have been introduced are new procedures for review and it is these that in the event of the Parish and WLDC deciding to review the plan will need to be followed.

6.10.3 The WLDC have raised a similar point in their Reg 16 representation and proposed a form of wording. I have adapted this in the following modification to the text.

Recommendation 11

Revise paragraph 10.5 to read:

“These factors, individually or in combination, may necessitate a review of the plan and the Parish Council will undertake a review of the plan when considered necessary in consultation with WLDC. When a review is necessary it will be carried out in accordance with procedures for making minor or more substantial revisions to plans as set out in Schedule A2 to the Neighbourhood Planning Act 2017 and the National Planning Practice Guidance.”

7. Other Matters

7.1 Public Footpaths and Rights of Way.

7.1.1 Lincolnshire County Council in its Reg 16 representation considers there has been little recognition of Public Rights of Way (PROW) in the plan and that these could be mapped and protected through the plan.

7.1.2 The SPC were asked for their views on this representation (see Appendix 1) and responded indicating that footpaths already had sufficient protection and were mapped by the appropriate body. They acknowledged that there had been community support during the preparation of the SNP for safeguarding and extending footpaths in the Parish but felt this was something that could be progressed as a Community Aspiration.

7.1.3 None of the allocated sites appear to directly affect PROWs and therefore there is no specific need to make a policy reference in the SNP allocation Policies 2-5 to their protection. Moreover the Council is correct in stating that the PROWs are already mapped on the County Council’s Definitive Map and legislation already protects PROWs. In addition, the adopted CLLP at Policy LP13 on Accessibility and Transport and LP20 on the Green Infrastructure Network seek to protect PROW and there is also the *Public Rights of*

Way Improvement Plan and the Green Infrastructure Study for Central Lincolnshire promoting similar aims.

7.1.4 Advice in the PPG confirms that planning decisions are made considering a hierarchy of policies from national policy in the NPPF to local policy in Local and Neighbourhood Plans. It is not necessary to replicate policy provisions in different levels of the hierarchy if they are already satisfactorily covered. This is the case with the SNP where there is nothing specific to add to the policy coverage in the CLLP.

7.1.5 The absence of a specific policy reference to PROWs in the SNP is not therefore a matter which conflicts with the Basic Conditions and no modification is necessary to the plan.

7.2 Typographical and Formatting Corrections

7.2.1 There are a number of typographical / grammatical errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the basic conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2 and in modifying the plan as set out above and finalising it for the referendum these typographical amendments should be made.

Recommendation 12 – Make typographical and formatting corrections as set out in Appendix 2 at the end of this report.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Spidlington Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Spidlington Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the administrative boundaries of Spidlington Parish. Given the scale and nature of the plan and the fact that the allocations proposed would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

Recommendation 13 - I recommend to West Lindsey District Council that the

Spridlington Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Spridlington Neighbourhood Area as approved by the District Council on 20 December 2016.

Peter D Biggers Independent Examiner – 28 August 2019

Appendix 1 – Clarifying Questions put to WLDC and Spridlington Parish Council During the Examination

Spridlington Neighbourhood Plan Examination Examiner’s Questions

Questions for Spridlington Parish Council to Answer:

Question 1 - The Consultation Statement as drafted does not refer in any detail to what consultation was done at earlier consultation stages pre Reg 14 consultation. Whilst I am not examining the consultation statement itself – I need to be satisfied that the community has been appropriately involved in the preparation of the plan from its earliest stages. In order for me to be reassured on that matter I would appreciate if the Parish Council could provide a revised consultation statement that includes a section before the description of the Reg 14 pre-submission stage on page 5 that explains what was carried out. I realise that there is information in the Plan at Figure 2 but this should be in the Consultation Statement and is not really required in the plan itself. An additional summary paragraph or paragraphs should be incorporated in the section entitled ‘The Consultation Process’ on page 5 of the Consultation Statement. This should summarise what was done at each stage and could refer to an appendix either repeating or replacing Figure 2 of the Plan showing the detail of what was carried out in a timeline table setting out stage, what was done and level of response received. I would be grateful if this revised Consultation Statement could be back with me in its amended form by the end of June and uploaded to the websites in place of the Consultation Statement currently online.

Response - We would like to copy and past the table “Figure 2: List of consultation events and methods” into the Consultation Statement on page 5 (to be renamed as appropriate), but we all agreed that we would like the table to remain in the Plan itself. In addition Katrina Morton, a member of the Steering Group, is drafting an expanded summary paragraph to be inserted on page 5, as you suggested.

As you will be aware, the documents were produced by a professional consultant, Luke Brown, and he will need to amend the PDF for us. I have tried unsuccessfully to contact him by phone this morning and will email him if he does not return my call. You will appreciate that we are in his hands in this regard, but be assured that we will let you have the amended Statement as quickly as possible. It will then, of course, be up to Nev at West Lindsey to upload it to their website.

Question 2 - The Reg 16 Publicity Stage does not allow for any follow up from the Qualifying Body regarding points it may wish to raise in response to representations. If there are any points which the Parish Council wishes to raise in response to the points and proposed changes made at the Reg 16 publicity stage by:

- Lincolnshire County Council re PROWs
- Anglian Water re policies 2,3,4 and 5
- West Lindsey District Council Table 1 points

They should make these and submit them to me by email also by the end of June.

Response -

Lincolnshire County Council re PROWs – we agree that the issue of PROWs was identified as important during the public consultation process and as such has been included in our Plan at page 48 under “Community Aspirations”. We consider that existing footpaths already have sufficient protection and that they will have been mapped by the appropriate body. Any attempt to extend the current network could be considered as a future community-led project if there was sufficient support.

Anglian Water re policies 2,3,4, and 5 – we agree with the changed wording as suggested by AW and are happy for this to be done.

West Lindsey District Council Table 1 points:

P18 fig 7a – Noted, but no change required.

Pp22/23 Pol 1 part 1 – We agree that this information should be added.

P23 Pol 1 part 1 – Agreed.

Pp 18/22 fig 7a pol 1 – Noted but no change required.

Pp 25/27/29 Pols 2,3 & 4 criterion c), c), and d) – “Owmbly Road” is the correct address for these sites and we have used the designation of “South” to more easily identify the area of Owmbly Road referred to.

Pp 25/27/29, criterion a), a), and b) respectively – We agree to the change of wording as suggested by WLDC.

P33 pol 6 – Page 2 of Appendix 3: Local Green Space Assessment explains why LGS4 and LGS5 sites have been omitted from the submission plan, as follows:

“Public Consultation

All six proposed Local Green Spaces were subject to public consultation and consultation with landowners during the draft plan consultation in summer 2018. Following the consultation some landowners objected to their sites being designated as Local Green Spaces for a variety of reasons. These reasons were considered during a Steering Group meeting and the outcome of the meeting was that these spaces (identified in red on figure 2) will not be included as Local Green Spaces within the final version of the Neighbourhood Plan.”

It was considered that LGS7 was already rigorously protected.

P43 [actually p65] pol 7 – Agreed to add at point 2 “ surrounding landscape character, **including the magnificent contribution that the trees make to the unique character of Spridlington**

P44 pol 8 – Agreed to add at a) “..... Ancient Monuments, **Article 4 Directions**, and the Conservation Area

P49 pol 9 a) – noted and will amend.

P49 para 10.5 – We have received conflicting information/advice on this point and were led to understand that we had to specify a review period, which could not be less than 5 years. Please clarify this point.

Question 3 - Regarding the Local Green Spaces initially proposed, what were the reasons why sites 4/5/7 were removed from the plan after having been proposed and what is the difference between these and any other privately owned LGS which have not been removed from the plan?

Response - Local Green Spaces

Please see above (response to WLDC comment ref P33 policy 6).

Question 4 - Regarding the allocated sites – NP3/4/5 - there is no real evidence in the plan or site assessment as to why the residential allocations should be limited to one house only other than the fact that in total the requirement is only for 4 houses above existing commitments.

Please can the Parish Council explain why it did not allocate fewer sites to make more effective use of the land or allow greater flexibility in the allocation of each site allowing possibly 1-2 dwellings?

Response - Allocated sites NP3/4/5 – These were 3 of the 4 sites which emerged as clear leaders following

our rigorous public consultation process and this, together with feedback from the conservation officer at WLDC, informed our decision to include all 4 sites in the Plan. However, provision has been made in policies 2, 3, and 4 respectively to allow for more than one dwelling on each site if the developer can demonstrate clear community support.

Question 5 - Has the Parish considered applying to have the community buildings referred to in the plan designated as assets of community value?

Response - Community buildings

Spridlington community buildings, being St Hilary's Church and the Village Hall, are exempt under the "Assets of Community Value" regulations as they are both Church of England land holdings.

