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Report on Sudbrooke Neighbourhood Plan 2018-2036

An Examination undertaken for West Lindsey District Council with the support of the Sudbrooke Parish Council on the January 2019 submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Sudbrooke Neighbourhood Plan (the Plan/SNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Sudbrooke Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area shown on Figure 1 in the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2018 - 2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Sudbrooke Neighbourhood Plan 2018-2036

- 1.1 Sudbrooke is located around 7km (4.5 miles) to the north-east of the City of Lincoln on the A158 Lincoln to Skegness road and consists of a population of around 1,788 people according to the 2011 Census. The original heart of the village, centred on the church, has existed from medieval times, although the present Church of St Edward the Confessor dates from 1860 and is attributed to John Dobson. Sudbrooke Park formed the grounds of a Georgian mansion built in 1780 but demolished in 1928. There was some ribbon development along the A158 and on Scothern Lane, but the main development of the village as a commuter settlement dates from more recent times with the development of the western part of Sudbrooke Park from 1977 onwards. The village has few local services and facilities and is reliant on nearby settlements for most essential services, including shops and health facilities.
- 1.2 The Neighbourhood Plan Area was designated in January 2016 and the process of consultation was planned and overseen by a Steering Group drawn from local people who volunteered to work together with

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councillors. Support was provided by officers of West Lindsey District Council (WLDC) and by independent planning consultants. The Steering Group engaged with the whole community over a period of 18 months to establish issues, opportunities and objectives, culminating in a Regulation 14 consultation over a six week period from 22 September to 3 November 2018. The Plan was submitted to WLDC on 15 February 2019.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SNP by WLDC, with the agreement of the Sudbrooke Parish Council (SPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
 - Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development';
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that 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 2017¹.

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of WLDC, not including documents relating to excluded minerals and waste development, is the Central Lincolnshire Local Plan 2012 – 2036 (CLLP), adopted in April 2017 and which formally replaced the adopted West Lindsey Local Plan - First Review.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The NPPF of July 2018, and latest February 2019 revision, replaces the first NPPF published in March 2012. It is clear from paragraph 214 that this Neighbourhood Plan is to be tested against the revised 2019 NPPF. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Sudbrooke Neighbourhood Plan 2018-2036, January 2019;
 - Figure 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, January 2019;
 - the Basic Conditions Statement, January 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Strategic Environmental Assessment (SEA) prepared by SPC; and
 - Responses to the examiner's questions provided by email, dated 29 August 2019².

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 August 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. There were no formal requests to be heard amongst the Regulation 16

² View at: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/sudbrooke-neighbourhood-plan/>

representations and I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (PMs) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Sudbrooke Neighbourhood Plan has been prepared and submitted for examination by SPC, which is a qualifying body. The Neighbourhood Plan Area, covering the whole of the Parish of Sudbrooke including land to the south of the A158 which is within Sudbrooke Parish, was designated by WLDC on 10 January 2016.
- 3.2 It is the only Neighbourhood Plan for Sudbrooke, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The front cover of the Plan does not include a statement of the Plan period and there is no unambiguous statement in the text of the period to which it is to take effect. The SPC has since confirmed³ that the Basic Conditions Statement, paragraph 1.8, identifies the correct period as 2018 until 2036 and that this should have been stated in the Introduction to the Plan. The Introduction on page 3 should therefore be amended to provide a statement of the Plan period as shown in proposed modification PM1. In the interests of clarity, the Plan period 2018–2036 should also be stated on the front cover.

Neighbourhood Plan Preparation and Consultation

- 3.4 The SNP has been prepared for and by the residents through the Parish Council with the support of the Neighbourhood Plan Steering Group (SG). The SG consisted of volunteers and councillors (listed in an attachment to the Plan) tasked with preparing the Plan. They were supported by officers of WLDC and independent planning consultants aimed at guiding and directing the SG and producing technical reports to support the evidence base. Work commenced towards the end of 2015, with the first public meeting being held on 4 October 2015, attended by 39 people.

³ Email dated 29 August 2019.

- 3.5 A questionnaire was circulated between November 2015 and February 2016 which sought residents' views on matters of importance to them and asking questions about future housing need. This was followed by a public meeting on 11 March 2016 attended by 41 residents. There were 210 returned forms. Other public events included a land survey which produced 102 returns and a related public consultation meeting on 24 February 2017 attended by 142 people. The consultation raised various themes which were translated into actions for the Plan (SNP, Figure 3) and a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis. A Sudbrooke Character Assessment was commissioned by WLDC to inform the Plan making process.
- 3.6 The Regulation 14 consultation took place over a six week period from 22 September to 3 November 2018, with a public meeting held on 2 October, attended by 42 residents and a second meeting on 11 October attended by 33. There were 22 responses to the consultation, including 11 from local residents resulting in some amendments to the draft Plan.
- 3.7 The SNP submission version was subject to Regulation 16 public consultation between 15 February and 12 April 2019. Fifteen responses were received. The consultation process is described in detail in the Consultation Statement (prior to the Regulation 16 consultation), and I am satisfied that it has complied with the publicity and submission requirements in Part 5 of the 2012 Regulations and has had regard for the advice in the PPG pertaining to plan preparation and engagement. I have taken into account the responses to the Regulation 16 consultation in my examination of the SNP.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 As indicated in the Basic Conditions Statement, paragraph 5.2, SPC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for SEA by SPC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are no European designated nature sites within 15km of the Sudbrooke Neighbourhood Plan boundary and Natural England has made no specific comments. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the SNP as two main matters. These are:

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies; and

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that a policy in a neighbourhood plan 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 evidence⁴.

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies

- 4.5 Neighbourhood plans must be in general conformity with the strategic policies contained in the Local Plan. The relevant strategic policies for the SNP are listed in Appendix A: Neighbourhood Planning, attached to the CLLP.
- 4.6 The Plan's Vision is for a rural community where "new development will respect the unique character of the village whilst meeting the needs of current and future residents". This is underpinned by 6 stated Objectives, largely aimed at ensuring the present character of the village and its

⁴ PPG Reference ID: 41-041-20140306.

surroundings is maintained whilst minimising the impact of new development.

- 4.7 Local strategic policy is contained in the adopted CLLP, with Policy LP2 setting the spatial strategy and settlement hierarchy. Sudbrooke is identified as a Medium Village, for which Policy LP4 establishes a total level of growth amounting to an increase of 10% in the number of dwellings over the CLLP plan period. The Policy also advises that a proposal within or on the edge of the village “should be accompanied by demonstrable evidence of clear local community support” for the scheme if - in combination with other development built since April 2012, any extant permissions and any allocated sites - it would increase the number of dwellings in the village by more than 10%. A full description of what clear community support means is given in a footnote to Policy LP2. It requires the support “..to be generated via a thorough, but proportionate, pre-application community consultation exercise”. If demonstrable evidence cannot be determined, there will be a requirement for support from the Parish Council.
- 4.8 Policy LP4 also provides a 3 stage sequential test to be applied to proposals for new developments. These are firstly, brownfield sites in “appropriate locations” within the developed footprint of the village, followed by those at the edge of the settlement and lastly, Greenfield sites at the edge of the settlement.
- 4.9 It is a matter of note that the CLLP does not include defined settlement boundaries but relies on the definition of the developed footprint as “the continuous built form of the settlement” with certain stated exclusions. Policy LP2 also determines “appropriate locations” for development – meaning a location which does not conflict, when taken as a whole, with national policies or policies within the CLLP. In addition, to qualify as an appropriate location, the site, if developed, should retain the core shape and form of the settlement, and not significantly harm the settlement’s character and appearance, the character and appearance of the surrounding countryside or the rural setting of the settlement.
- 4.10 In terms of the objectively assessed need (OAN), the CLLP aims to facilitate the delivery of 36,960 new dwellings or 1,540 dwellings per annum for the plan period. According to Policy LP3, around 4,435 of the total dwellings, or 12%, would be located “elsewhere” – that is, other than the Lincoln Strategy Area, Gainsborough and Sleaford, and in accordance with the settlement hierarchy and Policy LP4.
- 4.11 A 10% increase in dwellings at Sudbrooke equates to around 71 new houses over the period to 2036 or 4 dwellings per annum. There are extant planning permissions in the Plan area (at November 2018) for a total of 178 dwellings, including a recent permission for 155 dwellings at Sudbrooke Park. In this circumstance, there is a significant oversupply of dwellings in the pipeline compared to the CLLP Policy LP4 growth level.

- 4.12 Clearly any new proposals for development must meet the requirements set down in Policy LP2 for Medium Villages including the requirement for clear local community support. Policy 1 of the Plan seeks to achieve this, setting down the requirements to achieve community support for proposals and, whilst the details of the Policy will be considered at paragraphs 4.16 – 4.20 below, in general terms the support for the CLLP strategy is clear.
- 4.13 I am also satisfied that, in general terms, the submitted Plan has had regard to national planning policies and guidance. It acknowledges the development already committed, which exceeds the level of growth set by the CLLP strategy and supports additional sustainable development in line with the provisions of the CLLP. As such, I consider the Plan to have had regard for the objectives for sustainable development set down in the NPPF. Having said this, I consider the Plan should make specific reference to the local and national policy frameworks within which it has been prepared. In response, the SPC has proposed to add a further section prior to Section 2 of the Plan making reference to the policy context and has provided a suitable paragraph. In the interests of clarity, it would be an appropriate addition and the text is included as proposed modification PM2 to ensure the Plan meets the Basic Conditions.
- 4.14 In respect of Issue 1, therefore, and subject to the proposed modifications being made, I conclude that the Plan has regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services

- 4.15 There are a total of 10 policies contributing towards the achievement of the Plan's Vision and the Objectives, derived from the Vision. These policies will now be considered individually against the Basic Conditions.

Policy 1: Additional Residential Development

- 4.16 The supporting justification for Policy 1 sets out the details of the existing planning permissions totalling 181 dwellings. However, the latest figures from WLDC's Monitoring of Growth in Villages, dated 30/07/2019 shows permissions extant for 178 dwellings. Clearly it would be advisable to use the most up-to-date information and so the tables at figures 7 and 9 in the SNP should be amended prior to adoption to take account of monitoring information. From my site visit it is also clear that development has commenced on some of the sites with planning permission, including the sites for 6 dwellings at Poachers Lane and on Wragby Road, on both of which substantial progress appears to have been made. The Officer's Report on the planning application for approval of reserved matters for Sudbrooke Park includes a phasing scheme which

envisages a total build out of around 36 months and I noted that work is underway at both the access points to the development. The amount of work in progress suggests to me that the total of 178 dwellings may be achieved well before the end of the Plan period in 2036.

- 4.17 The justification then reports residents' concerns that the current housing stock is dominated by larger detached dwellings often out of reach of younger and older residents, suggesting that if there were to be more residential development it should concentrate on providing smaller properties. Finally, the justification states that it is likely over the Plan period there will be an additional need beyond the existing permissions and indicates that the SNP "seeks to support these developments (over and above the CLLP housing figure) where they are appropriate in character and location and are meeting an identified local need..." (SNP: paragraph 7.13). In the circumstances, this is a reasonable statement of land-use policy which should form part of Policy 1 in order to provide it with the weight accorded to policy statements.
- 4.18 However, Policy 1 – as drafted - does not include such a statement but concentrates on an elaboration of the evidence necessary to meet the requirement set down in CLLP, Policy LP2, concerning the achievement of clear local community support for development proposals not promoted via a neighbourhood plan. Whilst the requirement for a demonstration of clear local community support is a statement of planning policy, its elaboration into a series of procedural requirements to be completed in order to provide evidence of an appropriate consultation is not.
- 4.19 As a consequence of the above analysis, and in order to meet the requirement that a neighbourhood plan must address the development and use of land⁵, the gist of the statement in paragraph 7.13 of the justification should form the initial paragraphs of Policy 1. The evidence required for the consultation statement which follows paragraph 1 is not land-use planning policy but, as I have stated above, procedural guidance. It should be distinguished by forming an appendix to the Plan (it may be noted that the Willoughton Neighbourhood Plan May 2019⁶ has used a similar approach, supporting my conclusion). Appendices 1 - 4 in the draft SNP will require re-numbering. The substance of Paragraph 2, in shortened form, should be incorporated in paragraph 1 to provide prospective developers with a clear indication of what is required of them. Paragraph 3 is unnecessary and I have noted that WLDC has requested reference to the District Council should be deleted.
- 4.20 In order to meet the Basic Conditions, particularly in terms of having regard to government guidance in PPG, and in the interests of clarity and precision⁷ amendments are necessary. I have provided the necessary

⁵ Section 38A(2) of the 2004 Act and PPG Reference ID: 41-004-20190509.

⁶ View at: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/willoughton-neighbourhood-plan-made/>

⁷ PPG Reference ID: 41-041-20140306.

proposals for modification as PM3 with which the Basic Conditions will be met.

Policy 2: Extensions and Alterations to existing dwellings

- 4.21 The Policy provides criteria to be met by proposals for extensions and alterations to existing dwellings which, in general terms, follows advice on achieving well-designed places set out in the NPPF⁸. It is in general conformity with the adopted CLLP, particularly in respect of Policy LP26: Design and Amenity.
- 4.22 However, as drafted, the Policy includes reference to the conversion and subdivision of existing dwellings. These involve changes to the dwelling, in the case of subdivision to a different use within the Use Classes Order and, in the case of conversion there is no indication of which particular use is intended by the conversion. In both cases there are other planning matters involved in the consideration of applications for planning permission. As a consequence, for the purposes of clarity and precision the Policy should be concerned only with alterations and extensions and references to conversion and subdivision should be deleted.
- 4.23 Criterion (b) refers to “a significant reduction in the private amenity of the occupiers of neighbouring properties”. This is a matter which should properly be taken into account when considering proposals for alterations and extensions. There is, however, no clear indication of what constitutes “private amenity” so that the Policy would be difficult to “apply consistently and with confidence” as advocated by PPG⁹. The Policy should specify those aspects of amenity which the Policy expects to be taken into consideration, having regard to the CLLP Policy LP26 criteria. A proposed modification is provided by PM4.
- 4.24 Criterion (c), rightly, intends that proposals for alterations and extensions should take account of wider amenity considerations. As drafted, there is not a clear indication that the amenity benefits are those currently enjoyed by the community. For the reason given in respect of criterion (b), above, an adjustment to the text is necessary as shown in proposed modification PM4 in order to meet the Basic Conditions.

Policy 3: Local Green Space

- 4.25 The NPPF lists 3 criteria to determine whether the Local Green Space (LGS) designation should be used in any particular circumstance¹⁰. These are: that it is in reasonably close proximity to the community it serves; is demonstrably special to that local community and holds a particular local significance; and that it is local in character and is not an extensive tract of land. Policy 3 lists 10 sites designated as LGS, supported by a detailed

⁸ NPPF: Paragraphs 125 – 127.

⁹ PPG Reference ID: 41-041-20140306.

¹⁰ NPPF: Paragraph 100.

analysis of each space at Appendix 1 to the Plan. In terms of meeting the criteria in the NPPF, all are in close proximity to the community and none can be said to comprise an extensive tract of land. Two of the sites provide local sports fields and play areas, one is a small area of local parkland with the remaining sites forming small areas of green space which provide breaks in the street scene affording quiet areas for residents to use for relaxation. All are suitable for LGS designation. Of the remaining two sites, one is the churchyard to St Edward's Church which clearly benefits from protection as consecrated ground as well as forming the setting of a Grade II* listed building. Nevertheless, it is an historic focus of village life and makes a significant contribution to the character of the village core. As such, the designation as LGS is appropriate.

- 4.26 The SPC has advised¹¹ that the status of the final Site 10, has changed so that it is no longer valued as LGS and that it should be removed from the list of designated sites. I accept that this is the case and PM5 includes a proposed modification to this effect. Following this amendment, the Policy meets the Basic Conditions.

Policy 4: Natural Environment

- 4.27 The Policy seeks to ensure that new developments take account of the natural environment. The first part requires that opportunities are taken to restore or enhance habitats and species' populations, and that developments do not adversely affect features of recognised importance. The second part provides for replacement provision where development would result in the loss of such features. The Policy is in general conformity with the CLLP Policy LP21 and regard has been had to the NPPF advice that plans should protect and enhance biodiversity (paragraph 174).
- 4.28 The intent of the Policy is admirable, but I am concerned that there is a lack of clarity in the wording of Section 1 which would make it difficult to implement in practice. The expectation that habitats or species' populations would be restored or enhanced does not indicate whether this would apply to all development proposals or just those which have the potential to cause harm. As a consequence, the text requires amendment to meet the requirements of PPG¹². Appropriate amendments are provided by proposed modification PM6 to ensure the Basic Conditions are met.
- 4.29 Section 2 provides useful provisions to ensure replacement where features would be lost through development and that alternative schemes should be submitted in order to minimise impact.

¹¹ Email dated 29 August 2019.

¹² PPG Reference ID: 41-041-20140306.

Policy 5: Protected and Significant Trees

- 4.30 The Plan area contains significant areas of established trees and woodland, some of which are protected by individual or area Tree Preservation Orders (TPOs). Policy 5 seeks to protect all areas with significant tree cover, including areas identified as “green corridors”. The Policy is in general conformity with the CLLP, particularly Policy LP21 which includes reference to ancient woodlands and aged or veteran trees. The NPPF, paragraph 176 includes ancient woodlands and ancient or veteran trees within irreplaceable habitats which should be protected. Development resulting in loss or deterioration of such habitats should be refused, “unless there are wholly exceptional reasons and a suitable compensation strategy exists”. Whilst the Policy does include protection in line with this guidance, it does not include a specific reference to circumstances which may override the policy imperative. Accordingly, it is necessary to amend the final sentence of the Policy as shown in the proposed modification PM7 in order to meet the Basic Conditions.
- 4.31 Figure 12 refers to the balancing ponds but these have been omitted from the map. The SPC has acknowledged the omission and has provided an amended figure which should be included in the Plan.

Policy 6: Nettleham Beck and balancing ponds

- 4.32 From my site visit it is clear that waterways are a significant asset and provide a diverse habitat for wildlife. The main watercourse is Nettleham Beck with a tributary flowing from west of the village, to the rear of properties facing onto Holme Drive and into the woodlands where it joins the main Beck. Public footpaths adjoin the Beck and the balancing ponds within the woodland.
- 4.33 Policy 6 seeks to ensure that development proposals adjacent to the Beck and balancing ponds enhance the setting and provides criteria against which proposals should be assessed. This follows advice in the NPPF which indicates that opportunities to incorporate biodiversity improvements in and around developments should be encouraged¹³. It is also in general conformity with the CLLP, Policy LP21 which indicates that development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity.
- 4.34 The first two sentences of the Policy do not make it immediately clear that it is intended to apply to proposals adjacent to the Beck and balancing ponds. Amendments to the text, as shown in proposed modification PM8 will ensure that the Policy meets the Basic Conditions.

¹³ NPPF, paragraph 175 (d).

Policy 7: Public Rights of Way

- 4.35 Consultations carried out during the process of developing the SNP show that public rights of way in the area are important to residents and Policy 7 seeks to protect, enhance and extend the network. It is in general conformity with the CLLP, particularly Policy LP20 which seeks to protect and improve public rights of way as part of the green infrastructure network. It also has regard to national advice in the NPPF, paragraph 98, which advises that planning decisions should protect and enhance public rights of way, and take opportunities to add links to existing networks.
- 4.36 The word “protect” – as used in both the NPPF and CLLP - rather than “preserve” would be more appropriate in the first sentence of paragraph 1 of the Policy as the latter is more commonly used in relation to conservation and heritage assets. This change, as shown in proposed modification PM9, ensures the Policy meets the Basic Conditions.

Policy 8: Settlement Break – Land between Sudbrooke and Scothern and Sudbrooke and Langworth

- 4.37 The CLLP, Policy LP22 provides for Green Wedges to be identified which, in addition to other purposes¹⁴, seek to prevent the physical merging of settlements, preserving their separate identity, local character and historic character. The Inset Maps accompanying the CLLP show some villages with Green Wedges defined by field boundaries or other physical features, for example Inset 24 – Dunholme and Welton. In the case of Inset 69 – Scothern and Sudbrooke, the wedges appear to be notional with a loosely defined boundary between the two settlements and also to the east and south of Sudbrooke.
- 4.38 The Policy provides (a) criteria to be met by development proposals, including changes of use, (b) additional criteria to which development proposals within Green Wedges should have regard, and (c) criteria which development proposals adjacent to Green Wedges should meet.
- 4.39 Policy 8 in the SNP identifies “settlement breaks” between Sudbrooke and Scothern and between Sudbrooke and Langworth. During my site visit I saw that the distances between these settlements is not great – probably less than 500m and, as the Plan suggests (paragraph 12.1) development, if uncontrolled has the potential to reduce these areas further and ultimately could lead to their coalescence. The identified settlement breaks roughly follow notional Green Wedges identified on Inset Map 69, but are precisely defined using field boundaries and other physical features. The designated areas lie wholly within the Neighbourhood Plan Area. The Plan advises (paragraph 12.7) that the integrity and character of these breaks should be preserved.

¹⁴ These include, for example: to create multi-functional ‘green lungs’, an accessible recreational resource and to support wildlife corridors.

4.40 Having identified specific areas of land to which the provisions of Policy 8 applies, the Policy then identifies the role and function of the settlement breaks and provides criteria which must be met for development proposals to be supported. There is, inevitably some overlap between the Policy and the provisions of CLLP Policy LP22 regarding Green Wedges. However, the fact that SNP Policy 8 identifies specific areas of land rather than notional wedges provides justification for the overlap, whilst ensuring general conformity with the Local Plan. As a consequence, I am satisfied that the Policy meets the Basic Conditions.

Policy 9: Local Design Principles

4.41 The Sudbrooke Character Assessment, commissioned by WLDC and undertaken by consultants, identifies key characteristics which define different areas and important landscape views within the Parish. These form a strong basis for the first part of the local design Policy and particularly criteria a) and c). Criterion b) seeks to ensure that developments enhance the character of areas of "lesser quality". This is problematic in that there is no clear definition of what would constitute an area of lesser quality, or how a development proposal might be designed to ensure its enhancement. Equally, there is no indication of what might be a "negative aspect" of the existing environment. Criterion a) gives sufficient guidance to ensure that developments respond positively to the specific character area within which they are proposed. I do not consider criterion b) is sufficiently clear and capable of effective implementation and should be deleted.

4.42 The second part of the Policy relates to site design, layout and access. The intent is straightforward. However, clarity is required in each of the three criteria to ensure effectiveness of the Policy. Criterion a) refers to important features as identified within a specific character area. From my reading of the Character Assessment, it appears that the identification of such features and their relative importance in terms that would effectively influence the design of proposals may be difficult to achieve. Criterion b) requires a definition of "those" whose amenity is to be protected and my proposed modification includes suggested amendments to the criterion. The final part of criterion c) does not indicate how proposals might be assessed in order to demonstrate how well they might fulfil their purpose.

4.43 Part 3 of the Policy provides criteria relating to the design of buildings and structures. These are generally clearly stated. However, criterion c) should include reference to accessibility in addition to adaptability to take into account the needs of those with disabilities¹⁵, and criterion d) should make reference to renewable and low carbon energy sources in addition to natural solar gain¹⁶.

¹⁵ NPPF, footnote 46 to paragraph 127(f).

¹⁶ NPPF, paragraphs 141-142.

- 4.44 The proposed modifications included in PM10 ensure that the Policy has regard to government advice in the NPPF and is in general conformity with the CLLP, particularly policies LP18 and LP26 and so meets the Basic Conditions.

Policy 10: The Historic Environment

- 4.45 There are very few listed buildings and structures within the Plan area and, apart from the Church, these relate to Sudbrooke Park in the form of the bridge and lodge buildings on Main Drive. In addition to these, the SPC has identified a significant number of non-designated heritage assets, shown on Figure 17 and listed at Appendix 2 to the Plan. These are mainly dwellings, but also include other structures such as gate posts and steps. Policy 10 seeks to provide appropriate protection for the listed and non-designated buildings and structures.
- 4.46 The Policy has generally had regard to the advice and guidance in the NPPF, Section 16, and is in general conformity with the CLLP, particularly Policy LP25. However, the structure of the Policy is unclear and could be subject to misinterpretation. It would benefit from the second sentence being divided to distinguish the policy for listed buildings and for non-designated assets. I have included a revised policy to take account of this suggestion as a proposed modification included as PM11 to ensure the Basic Conditions are met.
- 4.47 Whilst the CLLP, paragraph 5.10.5, indicates positive support for the preparation and maintenance of lists of heritage assets, in its response to the Regulation 16 consultation, WLDC does not support the inclusion of a number of the non-designated assets on the list at Appendix 2. In the cases of some others, it indicates that further evidence is required to support their inclusion whilst for some others, amendments are suggested. PPG advises that the majority of buildings have little or no heritage significance¹⁷, and the identification of non-designated heritage assets should be based on sound evidence¹⁸. This indicates to me that the list should be treated as provisional until included items can be shown to be supported by appropriate evidence. It should not be included as an appendix to the Plan. Nevertheless, Appendix 2 does provide reasons why, in the opinion of SPC, particular buildings and structures should be listed and so it should form a separate supporting document. Figure 17 should also be treated as provisional. Proposed modification PM11 provides for the deletion of these and their reproduction as a separate document. I encourage SPC and WLDC to work together to agree the list of non-designated heritage assets supported by appropriate evidence for inclusion in the Plan.

¹⁷ PPG Reference ID: 18a-039-20190723.

¹⁸ PPG Reference ID: 18a-040-20190723.

General Matters

- 4.48 Subsequent to submission of the Plan for examination, SPC has requested that a Foreword and a List of the Steering Group membership be included in the final version of the Plan. Although amendments to the Plan cannot generally be made following submission for examination, the submitted documents need not be examined against the Basic Conditions, so I cannot see any reason why they should not be included as a purely administrative addition to the final Plan. Indeed, the Foreword is a nice way of summing up the hard work that has gone into the production of the Plan and the community support which the Steering Group has received.
- 4.49 The Maps and diagrams provided with the submitted Plan are small – mostly little more than one third of an A4 sheet in size. This makes them hard to read and the exact location of detailed boundaries and features is often difficult to determine. This is a point raised by WLDC in response to the Regulation 16 consultation. In the interests of clarity and accuracy SPC should make certain that Plans are reproduced to at least A4 size to ensure there is no doubt which land or feature is subject to a policy and which is not. Proposed modification PM12 will ensure that appropriate action is taken to meet the Basic Conditions.
- 4.50 There is no need for the appendices to be attached to the Plan and, in the case of the Heritage Assets, there is the disadvantage that the list is not easily amended. This could be important for the Appendix since some of the listed items do not have the immediate support of WLDC and therefore may be subject to review. The same criticism may be made in the case of Appendix 4. The list of flora and fauna is comprehensive and, in itself, an interesting record of the species recorded locally. However, it does not provide specific support for the planning policies within the Neighbourhood Plan, so its inclusion as an appendix is unnecessary. I have included proposed modification PM13 in the interests of clarity and accuracy.

5. Conclusions

Summary

- 5.1 The Sudbrooke Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates.
- 5.4 The Sudbrooke Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 The Plan notes that Sudbrooke has a particular character which sets it apart from neighbouring settlements. Put simply, it has two distinct components of very different character. This has set the Parish Council a particularly onerous task of devising policies which are intended to deal with different challenges. The Council is to be commended for the manner in which has faced up to and successfully completed this difficult task. The resulting Plan provides a succinct set of policies, which complement the Central Lincolnshire Local Plan in providing a firm basis for making decisions on development proposals.

Patrick T Whitehead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 3	<p>Paragraph 1.2</p> <p>The following text should be added to the end of paragraph 1.2:</p> <p>“The Neighbourhood Plan will cover the period 2018 until 2036.”</p> <p>The front cover should also include “2018 - 2036” following “A Neighbourhood Plan for Sudbrooke”.</p>
PM2	Page 6	<p>Insert new Section 2 titled “The Policy Context” and include the following text:</p> <p>“Through the Localism Act neighbourhood planning allows for formal mechanisms for greater influence for Parish Councils to set policies for the use of land in their area. Such policies could include; the allocation of sites, the protection of things of importance to residents and design matters. Neighbourhood Plans must meet the legislation and take into account the strategic policies contained within the both the CLLP and the NPPF. Sudbrooke Parish Council has taken both documents into consideration when preparing the plan.”</p> <p>Subsequent sections of the Plan will require re-numbering.</p>
PM3	Pages 33 - 34	<p>Amend the first paragraph of the Policy as follows:</p> <p>“For all schemes proposing <u>Proposals for additional residential development in Sudbrooke will be supported provided that, the applicant must complete a consultation statement to demonstrate clear support from the local community (within the designated Neighbourhood Plan Area) for the proposal, can be demonstrated.</u></p>

		<p>The a<u>Applicants are encouraged to agree</u> must ensure that the scope of the consultation statement be first agreed with Sudbrooke Parish Council prior to any consultation <u>it</u> taking place. Written confirmation of this agreement, including details of the scope, must be included in the statement. In terms of scope, A <u>Consultation Statement should accompany the application for planning permission and consideration should</u> must be given to <u>the guidance provided in Appendix 1 when preparing</u> including the following evidence in the consultation statement:"</p> <p>Delete paragraphs 2 and 3.</p> <p>Insert a new paragraph incorporating the gist of paragraphs 7.8 and 7.13 as a statement of policy as follows:</p> <p>"Development proposals will be encouraged which seek to provide smaller homes catering for younger people and specialist homes for the elderly population, for those with disabilities and for self-build projects."</p> <p>Sub-paragraphs a – f should be deleted from the Policy and incorporated in a new Appendix 1 to the Plan headed:</p> <p>"Consultation Statements"</p> <p>And a new first paragraph inserted before sub-paragraph (a) in new Appendix 1 as follows:</p> <p>"Central Lincolnshire Local Plan, Policy LP2, requires that any additional residential development in Sudbrooke would require a demonstration of clear local community support. Such support should be generated through a thorough but proportionate, pre-application community consultation exercise. Policy 1 in this Neighbourhood Plan requires that a Consultation Statement should accompany applications for planning</p>
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		permission and applicants are encouraged to have regard to the following guidelines for their preparation."
PM4	Page 35	<p>Amend the first paragraph of the Policy as follows:</p> <p>" Extensions and alterations, including conversion and subdivision, to existing dwellings within the Parish..."</p> <p>Amend criterion (b) as follows:</p> <p>" b) the extensions and alterations are designed so that there shall be no significant reduction in the private amenity of the occupiers of neighbouring properties, <u>through overlooking; overshadowing; loss of light or an overbearing appearance;</u> and"</p> <p>Amend criterion (c) as follows:</p> <p>" <u>there is no adverse impact on the amenity benefits currently enjoyed by</u> to the community, <u>the local landscape and or on local wildlife</u> are not compromised."</p>
PM5	Page 39	<p>Amend the Policy by deleting:</p> <p>" j) Site 10: wide planted verge along the entrance to Manor Drive from Scothern Lane."</p>
PM6	Page 42	<p>Amend the text of Section 1 of Policy 4 as follows:</p> <p>" 1. Development proposals <u>which have the potential to impact on</u> will be expected to take opportunities to restore or enhance habitats and species' populations <u>will be expected to ensure their restoration or, where possible, enhancement,</u> and demonstrate that they will not adversely affect or result in the loss of features of recognised importance as identified in the Sudbrooke Character</p>

		Assessment."
PM7	Page 43	<p>Amend the final sentence of Policy 5 as follows:</p> <p>Proposals that unduly remove, or would cause unnecessary harm, to these trees will not be supported <u>unless there is clear public benefit to outweigh the loss or harm, and a suitable compensatory strategy is included in the proposals.</u>"</p> <p>Figure 12 should be amended to include identification of the balancing ponds.</p>
PM8	Page 44	<p>Amend the first sentence of the Policy as follows:</p> <p>" Development <u>proposals adjacent to</u> will only be supported where proposals enhance the setting of Nettleham Beck and its balancing ponds, as identified on figure 12, <u>will be supported only if they maintain and enhance</u> the associated amenity and diversity value. Development p <u>Proposals adjacent to these locations should consider</u> <u>will be required to take account of</u> the following:"</p>
PM9	Page 48	<p>Amend the first sentence of paragraph 1 as follows:</p> <p>" All new proposals should seek to preserve <u>protect</u> and, where possible, enhance the existing Public Rights of Way network as identified on Figure 13."</p>
PM10	Pages 64-65	<p>Amend the first section of Policy 9 by deleting criterion (b);</p> <p>Amend the text of criteria in section 2 as follows:</p> <p>" a) integrates well with the existing street patterns and important features as identified within <u>characteristics which define</u> that specific character</p>

		<p>area;"</p> <p>b) protects the amenity of those within and adjacent to the site <u>neighbouring occupiers</u>; and</p> <p>c) creates well-connected <u>and</u> attractive outdoor areas which fulfil their purpose well."</p> <p>Amend criteria c) and d) of section 3 as follows:</p> <p>"c) proposals for residential buildings consider the <u>accessibility and</u> adaptability of new homes to meet the long-term needs of residents; and</p> <p>d) proposals are designed to take advantage of <u>renewable and low carbon energy sources, including</u> natural solar gain."</p>
PM11	Page 65	<p>Replace Policy 10 with the following text:</p> <p>" 1. Proposals affecting a listed building and/or its setting will be expected to preserve and, if possible, enhance the listed building and its setting;</p> <p>2. Proposals affecting non-designated heritage assets will be judged against the scale of harm or loss against the significance of the asset.</p> <p>Listed buildings and non-designated heritage assets are shown on figure 17 and listed separately."</p> <p>Delete Figure 17 and Appendix 2 from the Neighbourhood Plan and reproduce as a separate document. A footnote should be added to Policy 10 referencing the separate document.</p>
PM12	General	<p>All plans contained in the Neighbourhood Plan should be clearly and accurately reproduced to A4 size.</p>

PM13	Page 98	Delete Appendix 4 from the Neighbourhood Plan and reproduce as a separate document. A reference to the separate document should be included as a footnote to paragraph 10.1.
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