

Bishop Norton and Atterby Neighbourhood Development Plan 2019-2036

**A report to West Lindsey District Council on the
Bishop Norton and Atterby Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by West Lindsey District Council in May 2020 to carry out the independent examination of the Bishop Norton and Atterby Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 15 May 2020.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. It proposes four residential allocations and the designation of local green spaces. The key success of the Plan is its sharp focus on a set of bespoke policies.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Bishop Norton and Atterby Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
28 September 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Bishop Norton and Atterby Neighbourhood Development Plan 2019-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Scotton Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes four housing allocations.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WLDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WLDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA screening report.
- the non-technical Site Assessment Report.
- the representations made to the Plan.
- recent appeal decisions in Atterby.
- the Parish Council's responses to my Clarification Note.
- the Central Lincolnshire Local Plan 2012 to 2036.
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 15 May 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from August to October 2019.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- Open events in November 2016, March, April and December 2017;
 - Questionnaires in November 2016 and in March 2017;
 - Ad hoc responses to questions raised; and
 - Information made available via the Parish Council notice board and via the tri-parish magazine, (The Triangle).
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan (Table 1 of the Statement). It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough and proportionate fashion.
- 4.6 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. WLDC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the District Council for an eight-week period that ended on 2 March 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Environment Agency
 - Forestry Commission
 - RSPB
 - Health and Safety Executive
 - Historic England

- Lincolnshire County Council
- National Grid
- Natural England
- Nottinghamshire County Council
- Sport England
- Severn Trent
- Anglian Water Services
- Highways England
- West Lindsey District Council

4.8 A further representation was received from a local resident.

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

4.10 In most cases the various bodies raise no comments or objections on the submitted Plan. This reflects the collaborative way in which the Plan has been produced in general, and the positive way in which has incorporated the earlier comments from these and other bodies in particular.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Bishop Norton and Atterby. In 2011 it had a population of 308 persons living in 151 households. It was designated as a neighbourhood area on 16 May 2016.
- 5.2 The neighbourhood area sits in open countryside to the east of the A15 approximately 8 km to the north-west of Market Rasen. It is largely rectangular in shape with the A15 as its western boundary. Bishop Norton is the principal settlement in the neighbourhood area. Atterby sits to the north of Bishop Norton. The two settlements are separated by the Atterby Beck. The remainder of the neighbourhood area is in agricultural use.
- 5.3 Bishop Norton is heavily influenced by its location in this wider natural landscape. It is a quiet and secluded village. It has a strong nucleated pattern. The arrangement of its streets also reflects its agricultural context and heritage. The historic core of the village is based around Main Street and Atterby Lane. St Peter's Church off Eastgate is at its heart. The village has an attractive mix of houses of different periods. The traditional vernacular buildings include the use of local warm-coloured limestone with dark brown clay pantiles. The village also has an attractive relationship with the surrounding countryside.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the central Lincolnshire area up to 2036. The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy as follows: the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Bishop Norton is identified as a 'Small Village'. Atterby is not specifically identified within the settlement hierarchy.
- 5.5 Policy LP2 also provides a clear context for the development of neighbourhood plan policies. In the context of the settlement hierarchy it identifies that limited development will be supported to support their function and/or sustainability. Policy LP4 identifies that Bishop Norton (as a small village) should accommodate new growth in the Plan period of 10% of the existing number of dwellings.
- 5.6 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following CLLP policies have been particularly important in underpinning neighbourhood plan policies:

- LP2 The Spatial Strategy and Settlement Hierarchy
- LP4 Growth in Villages
- LP15 Community Facilities
- LP23 Local Green Spaces and other Important Open Space
- LP25 The Historic Environment
- LP26 Design and Amenity
- LP55 Development in the Countryside

- 5.7 A review of the CLLP has now started. Consultation took place on Issues and Options in 2019. A revised Plan is anticipated to be published later this year. Given the very early stage of this Plan review it has not had any direct influence or significance on this examination. Nevertheless, I have referred to the Plan review process in my recommended modifications insofar as they have a bearing on the monitoring and review of any 'made' neighbourhood plan.
- 5.8 It is clear that the submitted Plan has been prepared within the context provided by the Local Plan. In doing so it has relied on up-to-date information and research that has underpinned the Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited to the neighbourhood area on 15 May 2020.
- 5.10 I drove into Bishop Norton village from Glenthams to the south. I saw the way in which the two settlements sat very comfortably within its wider agricultural setting to the east of the A15.
- 5.11 I looked initially at the overall character and appearance of Bishop Norton. I saw its various traditional buildings and the attractive way in which more modern development had been incorporated into the historic street pattern. I saw the importance of St Peter's Church in the townscape and the wider topography of the village. I saw the way in which the churchyard was defined by its various trees.
- 5.12 I took the opportunity to look in detail at the proposed local green spaces. I saw that they were very distinctive and individual in their character and appearance. I also saw their different sizes and functions. In particular I saw the impressive recreation ground and the church yard.
- 5.13 I paid particular attention to the proposed housing allocations in the village (Policies NP3/NP4/NP6) as part of the visit. I saw their characteristics and the size and location of the various sites. In addition, I looked at their relationship with adjacent buildings and the wider countryside surrounding the village. I looked in particular at the proposed access into the site proposed in Policy N6.
- 5.14 Thereafter I walked from Bishop Norton to Atterby so that I could see first-hand the proposed Settlement Gap. I saw its limited scale and the way it was arranged around

the Atterby Beck. I saw the way in which Atterby had an open character and was defined by its various farmsteads.

- 5.15 I then walked round Atterby itself. I saw that it had a different character and layout than that of Bishop Norton. I looked at the proposed housing allocation (Policy NP5) both in its own right and in relation to existing buildings in the vicinity.
- 5.16 I finished my visit by driving from Bishop Norton to the A15. This part of the visit emphasised further the importance of the agricultural context of the neighbourhood area. It also highlighted the Plan's identification of the two settlements as spring line settlements to the east of the Lincoln Cliff.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Bishop Norton and Atterby Neighbourhood Plan:

- a plan-led system – in this case the relationship between the neighbourhood plan and Central Lincolnshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes four housing allocations (NP3-6) and proposes the designation of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for specific housing allocations and for more general windfall development (Policies N 2-6, and 7 respectively). In the social role, it includes a policy on local green spaces (Policy N10), on community facilities (Policy N11) and on the protection of public rights of way (Policy N12). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has a specific policy on a settlement gap (Policy N8) and on design (Policy N9). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in West Lindsey District in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.

6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.

6.15 In order to comply with this requirement a screening exercise was undertaken on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The screening report reached this conclusion on the following basis:

- no sensitive natural or heritage assets will be significantly affected by policies contained in the Plan;
- the policies are in general conformity with those within the CLLP; and
- the Plan does not allocate large (10 or more dwellings) development sites or promote a large amount of development.

6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It comments that there are no protected sites within 15kms of the neighbourhood area. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects.

6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. This is particularly the case in respect of Policies N2-8. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-6)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by charts, tables, photographs and maps.
- 7.9 Section 1 provides an introduction to the Plan. It includes information about the background to the preparation of the Plan. It is a particularly effective and concise introduction to a neighbourhood plan. It identifies the neighbourhood area (Map 1) and clearly defines the Plan period.
- 7.10 Section 2 comments about the way in which the Plan has been produced and how the community has been engaged. It overlaps with the Consultation Statement. Paragraph 2.2 is particularly effective in describing the process by which the Plan was prepared and the sequence of the various events that were designed to engage the wider community in the development of the Plan.
- 7.11 Section 3 sets out historic details about the neighbourhood area and how they have affected the development of the Plan. It is helpfully supported with a series of excellent

maps, tables and charts. Figure 4 explains the location of settlements to the east of the Lincoln Cliff and their role as spring-line settlements.

- 7.12 Section 4 comments about the current social and economic circumstances of the neighbourhood area. Some elements of the information are helpfully presented in a tabular format.
- 7.13 Section 5 sets out a Vision for the Plan. It properly describes the essence of sustainable development the wider neighbourhood area. The Vision is underpinned by nine carefully-selected and distinctive objectives.
- 7.14 Section 6 incorporates the Proposal Map. It includes the principal geographic elements of the policies in the Plan – the housing allocations, the local green spaces and the Settlement Gap.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

General comments on housing growth and delivery

- 7.16 This section of the report addresses the way in which the Plan would deliver its strategic allocation of new dwellings that arise from the CLLP. It overlaps with the representations made by WLDC. The Plan's approach is two-fold. The first is to allocate four sites for residential development (Policies N3-N6). The second is to include a more general policy on windfall development (Policy N7). The latter policy provides general policy guidance on any unallocated sites which may emerge during the Plan period.
- 7.17 The matter is addressed at this point in order to provide an overall consideration of this important issue that arises from the CLLP. Thereafter I will consider each allocation in its own right and within this wider context. In principle the allocation of residential development sites provides a greater degree of certainty for the delivery of new residential development. However, this approach does not guarantee delivery and a range of circumstances may arise in the Plan period to prevent or delay delivery. Clearly over time some of the allocated sites will come forward and others may not.
- 7.18 In the case of the neighbourhood the strategic target is the delivery of 11 dwellings. The Plan provides evidence about the 10 dwellings that have already been developed or are otherwise committed within the CLLP period. Through the allocation of additional sites, the Plan promotes a further 18 homes. In taking this ambitious approach the Parish Council has taken account of its wish to ensure that Bishop Norton and Atterby are sustainable communities in the future. The supporting text identifies the following reasons for the Parish Council's approach:
- the opportunities for a degree of comprehensive development in Archer Street;
 - the desirability to promote sustainable development in the parish in general, and to retain essential facilities and services in particular;

- the need to address a declining population base in the parish;
- the need to address the housing mix in the parish and wider market demand for smaller homes

7.19 Given all the available evidence I am satisfied that the Parish Council has taken a proportionate approach to this matter. National policy is clear that a development plan can promote greater levels of growth than those incorporated in the relevant development plan. In any event the growth targets in the CLLP are minimum figures. Within this broader context my commentary on the specific site allocation policies takes account of the respective roles of Bishop Norton and Atterby in the local settlement hierarchy.

7.20 I recommend modifications to Section 7 of the Plan so that the way in which it intends to allocate sites to deliver housing growth beyond that which is required by the CLLP is clear and transparent. I also recommend that the strategic target for the purposes of monitoring against Policy LP4 of the CLLP is modified to take account of the higher strategic target as proposed in the neighbourhood plan.

Replace paragraph 7.21 with:

'The neighbourhood plan will support residential development of up to 28 dwellings. This will comprise growth identified by the Central Lincolnshire Local Plan and additional growth identified by the Neighbourhood Plan for the plan period 2012 to 2036 This growth will be met by a combination of planning permissions since 2012 (as shown in the CLLP monitoring growth table LP4), through proposed allocations and as delivered through the proposed allocations in this Plan (and any additional windfall developments). In general terms Policy LP2 of the CLLP policy LP2 requires a housing proposal which would exceed the growth target given in LP4 monitoring table to demonstrate a need for community support. In this context the 28 dwellings figure will be the revised overall growth target which will now trigger the need for community support rather than the CLLP target (of 11 dwellings).'

Policy N1 Existing Planning Permissions

7.21 This policy addresses the extant planning permissions. It comments that they are commitments and count against the delivery of the strategic growth for the neighbourhood area as identified in the CLLP. It follows on from the earlier parts of Section 7 of the Plan which provide comprehensive information on past and future residential development.

7.22 However in this broader context the policy is a statement of fact rather than a policy. It reinforces the earlier narrative in this part of the Plan. In these circumstances I recommend that it is deleted. However, to ensure that this part of the Plan is concluded in a logical fashion I recommend that the language in the submitted policy is incorporated at the end of paragraph 7.29.

Delete the policy.

At the end of paragraph 7.29 add the text in the deleted policy excluding the policy number, its title and '1'

Policy N2 Additional Growth

- 7.23 This policy sets out the scale and nature of residential growth that is proposed in the Plan. It anticipates the development of 18 new homes through the combination of four allocations and windfall developments. Its effect is to provide a context for the four proposed allocations (Policies NP3-6) and the policy on windfall development (Policy NP7). I have already commented on the appropriateness of the growth promoted in the Plan in paragraphs 7.18 to 7.20 of this report.
- 7.24 In its response to the clarification note the Parish Council provided an update on the development of various sites in paragraph 7.28. I recommend modifications to the Plan accordingly.
- 7.25 I am satisfied that the policy meets the basic conditions in general terms. I have recommended modifications to the detailed policies which give effect to this policy later in this report. In terms of this specific policy I recommend that it is simplified by deleting the references to the Plan period and by making an explicit linkage with the more detailed policies later in the Plan. Otherwise it meets the basic conditions.

Replace the policy with:

'The Neighbourhood Plan supports the development of up to 17 homes in the plan period. This additional growth level will be met through a combination of proposed allocations (Policies [insert numbers]) and windfall developments (Policy N7)'

Replace the information in paragraph 7.28 with:

'P1 – now under construction

P2 – Under construction

P3 - completed

P4 – completed

P5 – completed

P6 – completed

P7 – under construction (completion of 4 properties approximately 80% finished)'

Policy N3 Land at Archer Street

- 7.26 This policy proposes the allocation of land at Archer Street for a minimum of four homes. Development will be supported on the site where it complies with a series of criteria.
- 7.27 I am satisfied that the site is appropriate for residential development. I am also satisfied that in general terms the criteria are distinctive and well -considered. They capture the specific nature of the site and its relationship with Archer House, an important listed

building in this part of the village. Nevertheless, I recommend a series of detailed modifications so that they have the clarity required by the NPPF.

- 7.28 In particular I recommend that the policy is modified so that it is clear about the potential yield of the site. It offers support for the development of a minimum of four dwellings. However, the footnote to the policy comments about the circumstances in which developments over four homes would be supported. This approach is not in general conformity with Policy LP2 (Section 6/Small Villages) of the CLLP which indicates that development in smaller villages would generally be limited to 4 dwellings. In these circumstances I recommend that the policy refers to up to four dwellings and that the potential for more than that amount is captured in the supporting text.
- 7.29 Finally I recommend the deletion of the site reference number used in the policy. Whilst it reflects the development of the Plan it will have little relevance in the event that the Plan is 'made'.

In the opening part of the policy replace 'Land at M1AS' with 'Land at Archer Street, Bishop Norton' and 'will only be supported if they' with 'will be supported where they'

Thereafter replace 'is allocated for a minimum of 4 dwellings' with 'is allocated for up to 4 dwellings'

In a) replace 'compliment' with 'complement' and 'cause any.... impact of' with 'have an unacceptable impact on'

In b) replace 'that the' with 'appropriate' and 'set out' with 'incorporated into the layout of the proposal'

In c) replace 'it' with 'they' and 'lead to.... impact to' with 'have an unacceptable impact on'

In d) replace 'building' with 'dwellings'

In e) replace 'any.....amenity' with 'have an unacceptable impact on the amenity'

In f) replace 'it' with 'they'

Delete the footnote related to the policy.

Show the site as Policy N3 on the Proposal Map.

In paragraph 8.1 delete 'with the identity M1AS'

Replace paragraph 8.2 with 'The policy offers support for the development of up to four dwellings. This approach is in general conformity with Policy LP2 (Section 6 -Small Villages) of the Central Lincolnshire Local Plan. A greater number of residential units

may be supported where the proposal demonstrates that it has received the support of the community and would not have a detrimental impact on the setting of Archer House'

Policy N4 Land at Well Street

- 7.30 This policy proposes the allocation of land at Well Street for the conversion of an existing building into a single dwelling. Development will be supported on the site where it would comply with a series of criteria.
- 7.31 I am satisfied that the site is appropriate for residential development. I am also satisfied that the criteria are distinctive and well-considered. Nevertheless, I recommend a series of detailed modifications so that they have the clarity required by the NPPF.
- 7.32 I also recommend a modification to correct an error in the supporting text.
- 7.33 Finally I recommend the deletion of the site reference number used in the policy. Whilst it reflects the development of the Plan it will have little relevance in the event that the Plan is 'made'.

In the opening part of the policy delete '(NP1)'

Replace 'will only be supported if they' with 'will be supported where they'

Replace criterion a) with 'the conversion works are sympathetic to the existing barn and will not have an unacceptable impact on the amenity and integrity of other adjacent barns and buildings'

In b) replace 'that the' with 'appropriate' and 'set out' with 'incorporated into the layout of the proposal'

In c) replace 'not lead.... impact to' with 'have an unacceptable impact on'

In paragraph 9.2 delete 'is a greenfield site contained'

Show the site as Policy N4 on the Proposal Map.

Policy N5 Land at Atterby

- 7.34 This policy proposes the allocation of land at Atterby for a single home. The proposed site is an area of grass and hardstanding which is currently used as domestic garden at the East Farm complex. Development will be supported on the site which complies with a series of criteria.
- 7.35 During the examination an appeal (APP/N2535/W/20/3245255) against WLDC's refusal of planning permission (140073) for two dwellings on the site was dismissed.

- 7.36 The proposed allocation of this site is underpinned by the Parish Council's assertion that Atterby now has a sufficient number of homes to justify its identification as a hamlet in the CLLP settlement hierarchy. I have addressed this matter more fully in my assessment of Policy N7. However, in summary I have concluded that the nature of Atterby is a strategic matter and not one to be addressed in a neighbourhood plan. It is being considered in the round in the emerging review of the CLLP.
- 7.37 In these circumstances, and given the recent refusal of planning permission for homes on the site (albeit for two rather than one) I recommend that the allocation is deleted. In the context of the adopted CLLP the site is by default in the countryside. As such the allocation of land for general housing purposes in such a location would not be in general conformity with strategic policies in the development plan.

Delete the policy

Delete paragraph 10.1

Delete the site from the Proposals Map.

Policy N6 Land at Glenthams Road

- 7.38 This policy proposes the allocation of land off Glenthams Road, Bishop Norton for a minimum of four homes. The site sits to the rear of existing homes to the rear both of Glenthams Road and Well Street. Development will be supported on the site which complies with a series of criteria.
- 7.39 I am satisfied that the site is appropriate for residential development. As the Plan comments its development will retain the shape and format of the village. I am also satisfied that the criteria are distinctive and well-considered. Nevertheless, I recommend a series of detailed modifications so that they have the clarity required by the NPPF.
- 7.40 In particular I recommend that the policy is modified so that it is clear about the potential yield of the site. It offers support for the development of a minimum of four dwellings. However, this approach is not in general conformity with Policy LP2 (Section 6/Small Villages) of the CLLP which indicates that development in smaller villages would generally be limited to 4 dwellings. In these circumstances I recommend that the policy refers to up to four dwellings and that the potential for more than that amount is captured in the supporting text.
- 7.41 Finally I recommend the deletion of the site reference number used in the policy. Whilst it reflects the development of the Plan it will have little relevance in the event that the Plan is 'made'.

In the opening part of the policy delete '(NP5)'

Thereafter replace 'is allocated for a minimum of 4 dwellings' with 'is allocated for up to 4 dwellings'

In c) replace ‘that the’ with ‘appropriate’ and ‘set out’ with ‘incorporated into the layout of the proposal’

In d) replace ‘cause any.... impact of’ with ‘have an unacceptable impact on’

At the end of paragraph 11.1 with ‘The policy offers support for the development of up to four dwellings. This approach is in general conformity with Policy LP2 (Section 6 - Small Villages) of the Central Lincolnshire Local Plan. A greater number of residential units may be supported where the proposal demonstrates that it has received the support of the community and would not have a detrimental impact on the amenities of the existing dwellings in this part of the village’

Policy N7 Managing Windfall Development

- 7.42 This policy provides support for windfall development in the neighbourhood area. It identifies a series of criteria with which any such developments should comply. It also includes a limit of four homes within any such developments
- 7.43 The policy acknowledges the distinction between Bishop Norton and Atterby in the CLLP settlement hierarchy. On this basis the first part of the policy applies to the former and the second part applies to the latter.
- 7.44 The policy also proposes the identification of Atterby as a hamlet. On this basis it seeks to apply the policy approach for such settlements in policy LP2 of the CLLP. CLLP Policy LP2 sets out the spatial strategy to deliver sustainable growth in the area and provides a settlement hierarchy to direct that growth. Atterby is not identified as a settlement under any of the categories of the hierarchy. Policy LP2 sets out that a hamlet is a settlement not listed in the policy. It also comments that a hamlet must comprise dwellings clearly clustered together to form a single ‘developed footprint’. The ‘developed footprint’ is defined as the continuous built form of the settlement, excluding individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area. Furthermore, a hamlet must have a dwelling base of at least 15 units as at April 2012.
- 7.45 Whilst I note the Parish Council’s views that the settlement is now of the scale initially envisaged when Policy LP2 had been devised, it is nevertheless clear from previous appeal decisions that, as at April 2012, there were less than 15 dwellings within the main built footprint of the settlement. The wording of the policy is unambiguous in that respect. In particular it does not offer any suggestion that a settlement should automatically be considered to have become a hamlet if the number of dwellings has risen to 15 dwellings or above since April 2012.
- 7.46 In these circumstances I am not satisfied that Atterby can be considered to be a hamlet for the purposes of CLLP Policy LP2. The identification of thresholds within the context of the CLLP settlement hierarchy is a strategic matter. The CLLP is now being reviewed. That process will provide the proper basis on which the future status of Atterby can be determined. On this basis I recommend that the second part of the

policy is deleted. I also recommended consequential modifications to the supporting text.

- 7.47 The first part of the policy in relation to Bishop Norton takes a balanced approach to windfall development. In this context it complements the approach taken in Policy LP2 of the CLLP. I am also satisfied that the criteria are distinctive and well-considered. Nevertheless, I recommend a series of detailed modifications so that they have the clarity required by the NPPF.
- 7.48 The third part of the policy identifies potential exceptions for the four-dwelling limit for infill development as set out in the first part of the policy. With detailed modifications I am satisfied that it meets the basic conditions.

In the first part of the policy:

- **Replace ‘Proposals for.... supported if’ with ‘Proposals for windfall development in Bishop Norton will be supported where’.**
- **In the second sentence of the first part of the policy insert ‘should’ between ‘and’ and ‘be’**
- **Replace ‘by demonstrating.... the following:’ with ‘In particular proposals should comply with the following development principles as appropriate to the scale, nature and location within the village;’**

In a) replace ‘retains’ with ‘retain’

In b) and c) replace ‘significantly’ with ‘unacceptably’

In d) replace significant.... existing’ with ‘unacceptable’

In e) replace ‘negative impact to’ with ‘impacts on’

Delete the second part of the policy.

Replace the third part of the policy with:

‘Proposals for more than 4 dwellings will only be supported where they comply with other policies in this plan and can demonstrate that they have received community support’

Incorporate paragraph 12.2 within paragraph 12.1.

Replace paragraph 12.2 with:

‘The Plan proposes additional growth beyond that required by the Central Lincolnshire Local Plan. The three allocations will yield nine homes. Other homes may be delivered as windfall development’

Delete paragraphs 12.5 to 12.10.

Policy N8 Settlement Gap

- 7.49 This policy identifies a settlement gap between Bishop Norton and Atterby. Its ambition is to retain their separate identities and character. The policy approach proposed would only support development which is essential to be located within the gap and is of a scale which would preserve the separate identity and the local character of the two settlements.
- 7.50 The Proposal Map shows the proposed settlement gap. It is largely land in agricultural use. In most case its proposed boundaries are natural or man-made features. However, the proposed north-eastern boundary is artificial in its nature and runs through a field.
- 7.51 In general terms I am satisfied that the concept of a settlement gap would serve an important principle in the neighbourhood area. The settlements are close to one another and there is clear intervisibility between them. Nevertheless, the proposed specific Gap is both extensive in area, and is poorly-defined to its north and east. In its response to the clarification note the Parish Council acknowledged that a policy approach for the separation of the two settlements could be incorporated in the Plan without the need to define a physical gap. I recommend accordingly.
- 7.52 The recommended modification makes reference to the wider policy applying to the countryside as set out in Policy LP55 in the adopted Local Plan. This approach clarifies the additional controls which would apply within the area between the two settlements. I also recommend consequential modifications to the supporting text.

Replace the policy with:

‘Development proposals should ensure the retention of the open character between Bishop Norton and Atterby.

In addition to the general requirements of Policy LP55 of the Central Lincolnshire Local Plan, proposals for the re-use of rural buildings, agricultural and forestry-related development, playing fields and other open land uses will be supported where they would preserve the separation between the two settlements and retain their individual character and appearance.’

In paragraph 13.2 replace ‘There needs to be’ with ‘The Parish Council considers that it is important to retain’

At the end of paragraph 13.4 add:

‘Policy N8 seeks to protect the essential countryside character of the area between the settlements of Bishop Norton and Atterby. Its ambition is to prevent coalescence between the separate settlements and to protect their distinctive individual character and setting. In doing so, it will conserve the way that the two settlements sit within the wider landscape, retain the open agricultural landscape and keep a clear ‘rural’ buffer between settlements.

This policy does not seek to prevent development that may otherwise be suited to a countryside location. This broader issue is already addressed in Policy LP55 of the Central Lincolnshire Local Plan. Nevertheless, it seeks to ensure that the nature, scale, massing and height of proposals do not result in the integrity of the separation between existing settlement and other groups of built development being undermined. Development that is consistent with this policy might include minor extensions to existing buildings, the creation of playing fields, or other sympathetic open land uses which respect the natural wildlife habitats in this part of the neighbourhood area.'

Remove the Settlement Gap from the Proposals Map.

Insert the following note to the Proposals Map: 'The proposals map no longer delineates an identified settlement gap between Bishop Norton and Atterby. However, the final version of the Plan preserves the concept in a general fashion in its Policy N8'

Policy N9 The Design of New Development

- 7.53 This policy sets out important design principles with which new development should comply. It is supported by excellent supporting text (Section 14) and a comprehensive series of photographs.
- 7.54 I am satisfied that the policy is evidence based and locally-distinctive. In general terms is an excellent policy. It will help to ensure high quality design outcomes.
- 7.55 I recommend a modification so that the design principles would apply as appropriate to scale, nature and location of the development concerned. Otherwise it meets the basic conditions.

At the beginning of the second sentence of the policy replace 'To achieve this, all' with 'As appropriate to their scale and nature and location within the neighbourhood area'

Policy N10 Local Green Space

- 7.56 This policy proposes the designation of six local green spaces (LGSs). Paragraph 15.1 of the Plan highlights the three tests in paragraph 100 of the NPPF for the designation of LGSs. Other elements of the supporting text (15.2 to 15.4) describe the proposed LGSs, comment about the existing LGS as already identified in the CLLP and the way in which other spaces had been examined and discounted.
- 7.57 The Plan also includes helpful photographs of the proposed LGSs. They are shown on the Proposal Map.
- 7.58 In its response to the clarification note the Parish Council provided an analysis of the way in which the various LGSs met the criteria in the NPPF. On the basis of this information and my own observations I am satisfied that the six proposed LGSs meet the NPPF criteria. Whilst I saw that LGSs 1-3 were more prominent and obvious than LGSs 4-6 I am satisfied that the latter category (mainly highway verges) are

demonstrably special to the local community. In addition, they contribute to the open and spacious character of Bishop Norton.

- 7.59 The NPPF also requires that LGS designations should be consistent with the local planning of sustainable development and should be capable of enduring beyond the end of the Plan Period. I am satisfied that both of these important considerations are met in the submitted Plan. The proposed LGSs feature within a Plan which has identified a series of housing allocations as part of its contribution towards and beyond the strategic delivery of housing in the District. In addition, there is no evidence to suggest that the three LGSs are incapable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces by public bodies.
- 7.60 The policy correctly applies the matter of fact approach to the designated LGSs. However, I recommend that the final element of the policy about essential works for the continued use of LGSs is deleted. This will be a matter for WLDC to determine on a case-by-case basis rather than through the application of a policy approach.
- 7.61 In its response to the clarification note the Parish Council clarified the relationship between the proposed LGSs and their descriptions. I recommended modifications accordingly.

Delete ‘where it is essential.....use’

In f) LGS 6 replace the description with ‘The green verge fronting Main Street upon which is the old horse trough (now planted), the parish council noticeboard, the Bishop Norton millennium sign, a bench seat and other street and utilities furniture’

Show LGS6 in the correct position on the Proposal Map (to the immediate south of LGS2)

Policy N11 Parking Standards

- 7.62 This policy proposes car parking standards for new residential development. The standards are two parking spaces for houses with up to two bedroom and three parking spaces for larger homes.
- 7.63 Section 16 provides appropriate local evidence to justify the proposed policy standards.
- 7.64 In general terms the policy meets the basic conditions. I recommend modifications to the policy which would simplify its format, bring the clarity required by the NPPF and remove supporting text from the content of the policy itself.

Replace ‘appropriate’ with ‘practicable’

Delete ‘to reduce...the highway’

Replace ‘This Neighbourhood Plan....to be’ with ‘to the following standards’

Policy N12 Public Rights of Way

- 7.65 This policy relates to public rights of way. It has three related parts as follows:
- new proposals should maintain and where possible enhance public rights of way;
 - offering support to proposals to improve the use and accessibility of the rights of way; and
 - any new alleyways should be safe and well-lit.
- 7.66 The policy is underpinned with comprehensive supporting text. I am satisfied that it is locally-distinctive, flexible and non-specific.
- 7.67 I recommend a modification to the second part of the policy. As submitted, it does not have the clarity required by the NPPF.

Replace the second part of the policy with:

‘Proposals which seek to improve the condition, accessibility and connectivity, public realm, lighting and safety of existing alleyways, will be supported where they would provide better accessibility and connections to other parts of the parish’

Other Matters - General

- 7.68 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WLDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.69 The recommended deletion of Policy N5 will have consequential implications on the policy numbering sequence after Policy N4. In the event that the District Council accepts this recommended modification it will be a matter of judgement for it and the Parish Council how the policies are renumbered (together with any consequential changes elsewhere in the Plan).
- 7.70 The recommended deletion of Policy N5 will have consequential implications on some of the mathematical work on housing delivery in Section 7 of the Plan. Given that the proposed yield was only for a single dwelling I have not proposed that the overall delivery of 28 houses is reduced. This reflects that it is a stretched strategic target and that part of the target includes an element of potential windfall development.

Other Matters – Map related

- 7.71 WLDC has helpfully provided commentary on this element of the Plan. I recommend that the Plan is modified to incorporate the matters raised and the clarification provided by the Parish Council. Plainly there will be a degree of overlap between these matters and those which naturally arise from the other general recommendation in paragraph 7.68 above.

Retitle the 'Proposal Map' to the 'Policies and Proposals Map'

On the Map include a key for the arrow to read 'Access into the Policy N6 site'

Other Matters – Monitoring and Review of the Plan

- 7.72 Section 18 of the Plan correctly comments about how the Plan will be monitored and reviewed. This is best practice.
- 7.73 I recommend that two additional paragraphs are incorporated into this part of the Plan. The first draws attention to the ongoing review of the CLLP. Its eventual adoption will be a key element in any potential review of a made neighbourhood plan. The review of the CLLP may also have a bearing on the role of Atterby in the settlement hierarchy. The second draws attention to the need to monitor the delivery of the ambitious residential allocations in the Plan and the quality of their outcomes.

In Section 18 add the two following paragraphs:

'18.5 The Parish Council will give particular attention to the ongoing review of the Central Lincolnshire Local Plan. Its eventual adoption will be a key element in any potential review of a made neighbourhood plan. The review of the Local Plan may also have a bearing on the role of Atterby in the settlement hierarchy.'

18.6 The Parish Council will also monitor the delivery of the housing allocations in the Plan. Where necessary it will review the policies concerned. The Parish Council will also monitor the effectiveness of the design of new development and, where necessary, review the general approach to design in the Plan'

8 Summary and Conclusions

Summary

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

Conclusion

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

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 16 May 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
28 September 2020