

Cherry Willingham Neighbourhood Development Plan 2018-2036

**A report to West Lindsey District Council on the
'Raising the Bar – A Neighbourhood Plan for Cherry
Willingham'.**

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Executive Summary

- 1 I was appointed by West Lindsey District Council in October 2018 to carry out the independent examination of the Cherry Willingham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 10 October 2018.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on delivering strategic housing growth. It also includes policies for infill housing development, to secure high-quality design and to safeguard community facilities. It designates a series of local green spaces.
- 4 The Plan has been underpinned by support and engagement in the neighbourhood area. 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 Cherry Willingham 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
16 November 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Cherry Willingham Neighbourhood Development Plan 2018-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Cherry Willingham 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. In this case the Plan has been designed within the structure provided by the adopted Central Lincolnshire Local Plan. The submitted plan has been designed to be distinctive to the neighbourhood area. It addresses a range of environmental and community issues and proposes five residential 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 plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood development plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WLDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WLDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.11 of this report.

- 2.6 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.

- 2.7 In order to comply with this requirement, WLDC undertook a screening exercise (February 2018) 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 WLDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. This view was supported by the consultation bodies.
- 2.8 WLDC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan in February 2018. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or to undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report.
- 2.9 Since the Plan and its HRA screening work was prepared a European court case has had implications for how competent authorities undertake HRA screening assessments. WLDC helpfully reassessed the Plan in October 2018 in this context. This process concluded that the February 2018 assessment remains appropriate and that no changes are necessary in the light of the recent judgement.
- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and

- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Landscape Character Assessment report.
- the WLDC Screening report.
- the WLDC update note on HRA screening of October 2018.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Central Lincolnshire Local Plan 2012 to 2036.
- the National Planning Policy Framework (March 2012 and July 2018).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 10 October 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. It sets out how the community was engaged in the production of the Plan. The design and content of the Statement reflect that of the submitted Plan. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from January to March 2018.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the questionnaire (September to November 2013);
 - attendance at the annual Village Galas July 2014 to 2017;
 - updates at Parish Council meetings;
 - neighbourhood plan updates in the Parish Council newsletter; and
 - holding drop-in sessions in the village within the consultation period of the pre-submission plan.
- 4.4 The Statement helpfully reproduces information that was circulated as part of the consultation exercises. This gives depth and authenticity to the document. In addition, it contains photographs of public attendance at some of the events. The consultation event at one of the July Gala days looked particularly attractive and appealing.
- 4.5 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion.
- 4.6 The Plan has attracted a limited number of representations at its submission phase (see 4.8 below). This process reflects the way in which the Plan was produced and how it has responded in a positive fashion to earlier comments.
- 4.7 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF. WLDC has carried out its own assessment of this matter and has

concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council from 25 June to 20 August 2018. This exercise generated comments from a range of statutory and local organisations. They are listed below.

- JH Walter
- Anglian Water Services
- Canal and River Trust
- Community Lincs
- Environment Agency
- Gladman Developments Limited
- Highways England
- Historic England
- Health and Safety Executive
- Witham and Humber Internal Drainage Boards
- Lincolnshire County Council
- Lincolnshire Wildlife Trust
- Marine Management Organisation
- NFU East Midlands
- National Grid
- Natural England
- WLDC

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.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Cherry Willingham. In 2011, it had a population of 3506 persons living in approximately 1400 dwellings. It was designated as a neighbourhood area on 4 June 2013.
- 5.2 The wider neighbourhood area is largely rectangular in shape. It extends from Hawthorn Road in the north to the River Witham in the south. The village of Cherry Willingham is its principal settlement. It sits in open countryside to the east of Lincoln and to the south of the A158. Reepham is located approximately 2 km to the east of the village. Cherry Willingham is located within the middle and to the north east of the neighbourhood area. It is largely bisected by the railway line (Lincoln-Market Rasen-Grimby) which runs in a SW-NE direction. The separate settlement of Little Cherry sits separately to the north and west of the village and mainly to the south of Hawthorn Road. The properties to the north of Hawthorn Road are not within the neighbourhood area.
- 5.3 Cherry Willingham is predominantly residential in character. Its focus is the village centre based on the concentration of shops and community facilities at Croft Lane/Rudgard Avenue. As the Plan comments the village has been the subject of much residential development in the last 50 years. Much of this development is pleasant and has incorporated amounts of open spaces and/or educational facilities. Its historic core is based around High Street and St Peter and St Pauls Church. High Street contains several Lincolnshire domestic vernacular buildings. The Church is a very fine example of Georgian ecclesiastical architecture.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the Central Lincolnshire area up to 2036.
- 5.5 The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy based on the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Cherry Willingham is identified as a 'Larger Village'.
- 5.6 Policy LP2 also provides a clear context for the development of neighbourhood plan policies. In the context of the settlement hierarchy it identifies that larger villages will be a focus for accommodating an appropriate level of growth. Policy LP52 identifies five housing allocations in the neighbourhood area. In total they are anticipated to deliver 432 dwellings in the Plan period.
- 5.7 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary,

the following CLLP policies have been particularly important in underpinning neighbourhood plan policies:

- LP2 The Spatial Strategy and Settlement Hierarchy
- LP4 Growth in Villages
- LP5 Delivering Prosperity and Jobs
- LP15 Community Facilities
- LP23 Local Green Spaces and other Important Open Space
- LP24 Creation of New Open Space, Sports and Recreation Facilities
- LP25 The Historic Environment
- LP26 Design and Amenity
- LP52 Residential Allocations - Large Villages
- LP55 Development in the Countryside

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

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 10 October 2018. It was a very pleasant warm and sunny day.
- 5.10 I drove into the Plan area from west along Hawthorn Road. This highlighted the significance both of the strategic location of the neighbourhood area and its relative proximity to Lincoln to the west. I saw the construction works associated with the Lincoln eastern bypass.
- 5.11 I looked initially at Little Cherry. I saw its isolated location to the north and west of Cherry Willingham itself. I looked at the two housing allocations off Wesley Road. I saw that development was well-advanced.
- 5.12 I then drove into Cherry Willingham village. I looked initially at the village centre. I saw its range of shops and other commercial and community facilities. It was clear that it was at the very heart of the community. This part of the visit allowed me to understand better the two policies in the Plan which refer to the village centre.
- 5.13 Thereafter I looked at the three proposed housing allocations to the immediate east of the village. I had a very pleasant walk along the footpath to the east of Lady Meers Road which took me along the southern boundary of allocation CL1181. I was then able to walk along its eastern boundary to see the two smaller sites to the immediate north. In doing so I saw the setting of the three sites within their wider landscape setting. I also saw the existing tree and hedgerow boundaries. I also took the opportunity to look at the western tip of site CL1179 from the rear of the shops on the northern side of the village centre.

- 5.13 Throughout my visit I looked at the various proposed Local Green Spaces. They are clearly serving the purpose anticipated by the policy. The Lady Meers Road area/Gilberts Pond (LGS6) was particularly impressive in the Autumn sunshine. It is an excellent example of the way in which modern residential development can include open spaces and safeguard historic features. I saw the Royal Oak Jubilee tree planted in 2012. It was looking very healthy.
- 5.14 As with the Local Green Spaces I looked at the various identified community facilities in Policy CF1 throughout my visit. I saw that the location of the Wishing Well PH, the Doctors surgery and the library reinforced the importance of the village centre to the wider community. I also saw the importance of the various educational buildings in the village.
- 5.15 I then spent some time looking at the older part of the village. I walked down High Street and saw the various vernacular buildings including the Parish Office and the Church Hall. The stone/pantile dwellings at 25&27 High Street were particularly impressive. I then looked at St Peter and St Paul's Church. It was beautifully maintained. It is richly-deserving of Pevsner's comments that it is one of the finest Georgian churches in Lincolnshire.
- 5.16 I finished my visit by driving around the wider neighbourhood area to understand its character and agricultural origins. In particular I drove to Reepham to the east so that I could understand its geographic relationship with the neighbourhood area. I left the neighbourhood area along the A158 and headed towards Lincoln. In doing so I was rewarded with excellent views of Lincoln Cathedral to the south and west.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Cherry Willingham Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Central Lincolnshire Local Plan;
 - proactively driving and supporting sustainable economic development to deliver new homes;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities; and
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote strategic residential development appropriate to its position in the settlement hierarchy in the CLLP. It has a particularly

effective policy (and supporting text) on its design requirements for new development. It also includes a policy to safeguard community facilities and it designates a series of local green spaces. The Basic Conditions Statement (Table 2) is effective in terms of mapping the Plan policies with the appropriate paragraphs in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for the development of housing allocations (Policy H1), for employment development (Policy E1), for the village centre (Policy R1) and for retail development (Policy R2). In the social role, it includes policies on house type/mix/density (Policy H2), community facilities (Policy CF1) and for open spaces (Policies OS1/2). In the environmental dimension, the Plan positively seeks to protect the design and character of the neighbourhood area (Policy HE1) and sets out guidance on design principles (Policy D1).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider CLLP/West Lindsey District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the recently-adopted Local Plan. The Basic Conditions Statement (Table 3) helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. This is particularly the case in respect of Policies H1, OS2, R1 and CF1. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of community priorities in a separate part of the Plan as advised in Planning Practice Guidance.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions. The Community Priorities are addressed after the policies.
- 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 to the extent that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by well-chosen photographs and maps. The Plan helpfully presents background information in charts and tables.
- 7.9 The design of the Plan also ensures that the vision and the objectives for the Plan set the scene for the various policies. This approach will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'.
- 7.10 Sections 1 provides information about the background to the preparation of the Plan. It identifies how the Plan has been prepared, why the community wants such a plan and the key issues raised by the community.

- 7.11 Section 2 provides helpful current and historic information on Cherry Willingham. This paint a very effective picture about the social and economic issues that have influenced the production of the Plan.
- 7.12 Section 3 sets out the Community Vision for the Plan. Section 4 then sets out Community Objectives and their associated policy intentions. This is a very helpful part of the Plan. Section 5 lists the policies that occupy the remainder of the Plan. Section 6 identifies the concept of sustainable development and how it has helped to underpin the Plan. Sections 7-18 set out the policies around subject based headings. Thereafter Section 19 identifies a series of community priorities.
- 7.13 The remainder of this section of the report addresses each policy and community priority in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy H1: Housing Land Allocations and Development Principles

- 7.14 This policy sets out the basis on which the neighbourhood area will contribute towards strategic housing delivery in the Central Lincolnshire Local Plan area. That Plan, adopted in April 2017, covers the period up to 2036. Its policy LP52 identifies five housing allocations in the neighbourhood area as follows:

CL1179
Land north of Rudgard Avenue
Indicative Capacity 40

CL1181
Land east of Thornton Way
Indicative Capacity 200

CL4433
Land east of Rudgard Avenue
Indicative Capacity 133

CL4751
Site 1 Land south of Wesley Road
Indicative Capacity 26

CL4752
Site 2 Land south of Wesley Road
Indicative Capacity 33

- 7.15 Sites CL1179/CL1181/CL4433 are located to the north-east of the village (and to the immediate south of the railway line). Sites CL4751 and CL4752 are located to the south of the group of houses (known as Little Cherry) to the north and west of the main village off Hawthorn Road.

- 7.16 WLDC has helpfully provided me with an update on planning application progress on the various sites. This demonstrates the appropriateness and the deliverability of the various sites. Significant development has already taken place on sites CL4751 and CL4752. Development has yet to begin on the other three sites.
- 7.17 This policy appropriately reproduces the Local Plan allocations into the neighbourhood plan. This will provide a degree of overlap between the two plans in general terms. In particular it will provide a strong development plan context within which any future new planning applications, or applications to amend extant planning permissions, can be assessed.
- 7.18 Plainly the preparation of a neighbourhood plan provides an opportunity to develop in further detail the strategic housing allocations in the adopted local plan. The submitted plan has taken this flexibility on board. It proposes a series of development principles for their development. They include a mix of dwellings, their relationship to green infrastructure, easy access and movement, appropriate landscape/boundary treatments and taking advantage of local views and vistas.
- 7.19 The second part of the policy seeks to ensure that neighbouring or functionally-linked sites are properly integrated and developed in a complementary fashion. The policy recommends the use of master-planning to create cohesive and sustainable developments. WLDC suggest that the section on master planning in the policy should be strengthened to ensure that master plans are in place before development takes place on either of the two blocks of housing sites.
- 7.20 I can understand the approach suggested by WLDC. I raised it with the Parish Council as part of the clarification note process. The suggestion is strongly supported by the Parish Council. It comments that the approach would align with aspirations for delivering better quality developments and aid wider 'place making' opportunities. Nevertheless, its direct imposition by way of a recommended modification would be unreasonable given the scale of the development that has already taken place on the two sites in Little Cherry. Nevertheless, I have recommended a modification to secure an integrated development of adjoining sites where this would be determined by new or subsequent applications.
- 7.21 The policy is well-developed in general terms. The range of development principles are both comprehensive and distinctive to the neighbourhood area and the sites concerned. Nevertheless, within this context I recommend a series of modifications below. In their different ways they will provide the clarity required by the NPPF. They will also ensure that the neighbourhood plan is in general conformity with the strategic policies of the development plan.
- Provide a schedule of the five sites in the body of the policy itself;
 - Provide a connection between development principle/criterion b) and Policy H2;
 - Ensure that the policy is inclusive and that all principles need to be met (as appropriate to the site);
 - Provide the clarity suggested by the Environment Agency; and

- Provide clarity on the spatial extent of the third part of the policy (relating to master plans)

In the first part of the policy replace ‘sites identified on map 2’ with ‘the following sites:

CL1179

Land north of Rudgard Avenue

40 dwellings

CL1181

Land east of Thornton Way

200 dwellings

CL4433

Land east of Rudgard Avenue

133 dwellings

CL4751

Site 1 Land south of Wesley Road

26 dwellings

CL4752

Site 2 Land south of Wesley Road

33 dwellings

The sites are shown on Map 2

Delete ‘All developments must demonstrate’

In b) insert ‘the’ at the beginning and ‘as required by Policy H2’ between ‘dwellings’ and ‘that’.

At the end of i) replace the full stop with ‘; and’

In j) insert ‘Where appropriate avoid areas at risk of flooding and’ at the beginning

In the third part of the policy:

- **replace ‘allocations’ with ‘two blocks of site allocations (Sites CL1179/CL1181/CL4433 and Sites CL4751 and CL4752 respectively).**
- **Replace ‘developers should provide wider master-planning principles to the sites’ with ‘development proposals for sites CL1179/1181/4433 should demonstrate how they have been designed to address the development of adjacent allocated housing sites as part of a master planning approach.’**

Policy H2: Housing Type, Mix and Density

7.22 This policy addresses the type, mix and density of new housing proposals. As such it is a comprehensive policy. The components of the policy are as follows:

- **Developments over six dwellings (1);**
- **Proposals for the elderly and specialist accommodation (2);**
- **Density (3);**

- Integration of affordable housing (4);
- Design of affordable housing (5); and
- Affordable housing and local connections (6)

- 7.23 In some of the components I recommend the replacement of 'shall be expected' with 'should'. The former does not have the clarity required for a development plan document.
- 7.24 The third component of the policy helpfully seeks to relate development densities to the characteristics of any given site. Nevertheless, this exercise has already been carried out in the CLLP in determining the anticipated yield the allocated housing sites. This includes the five housing allocations in the neighbourhood area. In the event that any or all of these sites do not deliver to their indicative yields in the local plan there is the potential for the Central Lincolnshire area not to meet its objectively-assessed housing needs. On this basis I recommend that this component of the policy is modified to address this important matter.
- 7.25 Subject to a detailed recommended modification to component 5 I am satisfied that the fourth and fifth components of the policy meet the basic conditions. As WLDC comment some housing providers prefer that affordable housing units are concentrated into particular parts of a wider scheme. The degree and extent of the concentration/separation will be a matter for WLDC to determine on a case-by-case basis. Plainly a wider distribution of affordable housing units will be more realistic on the larger proposals.
- 7.26 The sixth component has generated a degree of commentary from WLDC in general and its Housing Strategy and Supply Manager in particular. The Housing Manager suggests that the local connection criteria are amended so that they more closely align with the approach that the Council takes on Section 106 allocations.
- 7.27 Having considered all the information before me, including the Parish Council's response to my clarification note, I recommend that this component of the policy is deleted and relocated to sit within the supporting text. In doing so I recommend that the wording reflects that currently being used by the WLDC Housing Strategy and Supply Manager. This recommended modification takes account of the different statutory responsibilities of WLDC on this matter. On the one hand in its capacity as the local planning authority the Council determines the amount and type of affordable housing that is required on new housing developments. This is a land use matter. On the other hand, in its capacity as the housing authority the Council makes decisions on the allocation of the affordable housing units provided through the planning process and/or by any other means. This is not a land use matter and cannot therefore be a planning policy.

In components 1 and 3 replace 'shall be expected to' with 'should'.

In criterion 3 add at the start:

'The five allocated housing sites should be designed at densities to deliver the anticipated yields set out in Policy H1. Elsewhere development proposals...'

In component 5 replace ‘shall’ with ‘should’.

Delete component 6.

Insert a new paragraph of supporting text (8.13) to read:

‘Policy H2 addresses the issue of housing type, mix and density. Its fourth and fifth components address affordable housing. The Parish Council is keen to ensure that new affordable housing in the neighbourhood area should be allocated on local connection criteria. The following local connection criteria overlap with those used by the District Council in its Section 106 lettings principles:

All new affordable housing in Cherry Willingham should be allocated based on local connection criteria meaning that priority should be given to people who can demonstrate a strong local connection to the village and whose needs cannot be met by the open market. The local connection prioritisation is as follows:

- 1. Was born in the Parish of Cherry Willingham*
- 2. Has permanently resided for 5 years or more in the Parish of Cherry Willingham*
- 3. Used to permanently live in the Parish of Cherry Willingham for 5 years or more but has been forced to move away because of the lack of affordable housing*
- 4. Has been permanently employed in the Parish of Cherry Willingham for 5 years or more*
- 5. Has permanently resided for between 1 and 5 years in the Parish of Cherry Willingham*
- 6. Has lived in the Parish of Cherry Willingham for between 1 and 5 years but has been forced to move away because of the lack of affordable housing*
- 7. Has been permanently employed in the parish of Cherry Willingham for between 1 and 5 years*
- 8. Needs to reside in the parish of Cherry Willingham to give or receive family care and support.*

Policy H3: Infill Developments

- 7.28 This policy has been designed to assess any other residential development which may come forward within the existing developed footprint of Cherry Willingham. Paragraph 9.1 correctly identifies that infill schemes could make an effective use of available land within the parish.
- 7.29 The policy supports infill development subject to a series of environmental criteria. They include its relationship with the character of the area and any affected heritage assets.
- 7.30 Paragraph 9.3 makes a distinction between the principal settlement of Cherry Willingham and Little Cherry (to its north and west). The Plan comments about the remote nature of Little Cherry from the main village. As such it considers it is unsuitable for new development and that any new proposals should be considered on their merits. WLDC comments that this approach is at odds with the CLLP and that Little Cherry should be identified as forming part of the development footprint for Cherry Willingham in the CLLP. During the course of the examination WLDC advised me of its current

thinking on addressing the policy context for settlements which are not explicitly identified within the CLLP settlement hierarchy. It has already addressed a similar set of circumstances in Scampton. In the particular circumstances which apply to Little Cherry WLDC has suggested that the settlement should be considered as a small village within the context set by Policy LP1 of the adopted Local Plan. In practical terms this would result in proposals being supported for small scale development in appropriate locations. As such any further residential development would be limited to around four dwellings. Plainly this will be a matter of judgement for WLDC. Nevertheless, it is based on a proper assessment of the size and sustainability of Little Cherry.

- 7.31 I have given this matter detailed consideration. This is particularly important as there is no definitive statement in the CLLP on the inclusion or otherwise of Little Cherry as part of the wider Cherry Willingham development footprint. On the one hand Little Cherry includes two allocated housing sites, and is shown on the CLLP Inset Map 19 for Cherry Willingham. This would support the case for it being part of the development footprint. On the other hand, Little Cherry is clearly geographically-separate from the main village of Cherry Willingham and does not have its own range of retail and community services. In addition, the northern part of Little Cherry (to the north of Hawthorn Road) is outside the neighbourhood area. This would support the case for it not being part of the Cherry Willingham development footprint.
- 7.32 The matter is further complicated by recent decisions by the Planning Inspectorate which have taken different approaches to this matter. Nevertheless, those decisions highlight the need for clarity on how planning applications in Little Cherry should be determined. In the context of the examination of the submitted plan (and as set out in paragraph 1.4 of this report) I am very conscious that it is not within my remit to rewrite the Plan. Equally it is not my role to attempt to provide a definitive statement on where Little Cherry might sit within the settlement hierarchy of the CLLP. Plainly this could be a matter which WLDC, together with the other Central Lincolnshire Local Plan authorities address in any future review of the CLLP. As submitted the Plan offers support to infill development within the development footprint of Cherry Willingham village in its capacity as the principal and obvious settlement in the neighbourhood area. Plainly this approach would accord with national and local planning policy. This approach would also have regard to the established principle (highlighted in paragraph 1.5 of this report) that a submitted neighbourhood plan can include policies at its discretion rather than having to provide a more comprehensive policy basis to supplement each and every policy in the local plan (here the CLLP).
- 7.33 In this context the Plan would meet the basic conditions if it provided a policy basis solely for Cherry Willingham. However, paragraph 9.3 of the Plan makes unsubstantiated comments about the sustainability or otherwise of Little Cherry. This adds further to the complicated approach that has been taken.
- 7.34 In order to ensure that both the policy and its supporting text meet the basic conditions I recommend the following series of modifications:

- that the policy refers solely to the principal settlement of Cherry Willingham;
- that this is reflected at the end of paragraph 9.2; and
- that the final sentences of paragraph 9.3 are modified to provide a more neutral position on potential future development in Little Cherry.

**In the opening part of the policy replace ‘on infill sites’ with ‘on infill sites within the existing development footprint of Cherry Willingham’
Delete a) (and change the remaining letters accordingly).**

At the end of paragraph 9.2 add:

‘Policy H3 applies to the principal settlement of Cherry Willingham. As a larger village in the settlement hierarchy it has a vibrant range of retail, commercial and community facilities.’

Replace the final two sentences in paragraph 9.3 with the following:

‘Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP. In the absence of any definitive statement in the CLLP the District Council has indicated that it will consider Little Cherry as a Small Village (within the settlement hierarchy set out in Policy LP2 of the adopted development plan) until such time as the matter is definitively resolved in any review of that Plan.’

Policy E1: Enabling New Employment Opportunities

- 7.35 This policy provides a supportive context for the development of new employment opportunities. The approach taken is to support new employment opportunities where they conform with national and local policies and to a series of distinctive criteria. They include visual and environmental amenity, biodiversity and the opportunities to re-use vacant or redundant buildings. I recommend detailed modifications to two of the criteria. These modifications highlight that the planning process is based around a balancing act which considers the acceptability or otherwise of potential environmental effects rather than requiring that proposals have no impact at all.
- 7.36 The second part of the policy refers loosely to the support that the Plan would offer to the ‘expansion of the existing village centre’. I looked at this part of the neighbourhood area closely. As it is largely purpose-built and surrounded by residential properties its physical expansion is not directly possible. The Parish Council provided clarification on this matter during the examination. It helpfully drew my attention to the commentary in paragraph 10.3 of the Plan which has a focus on the ‘otherwise constrained site between the rear of the shops and the railway line which could be ideal for small start-up businesses’. The comments from the Parish Council also refer to the potential for the retail and other units to consolidate their trading position within the village centre by using some of this space. I recommend that this part of the policy is relocated to Policy R1 which directly addresses the Village Centre. This will allow these overlapping issues to be considered in a clearer way. I also recommend that the supporting text properly signposts the casual reader to the relationship between Policies E1 and R1.

Policy E1:1

In criterion b) insert ‘unacceptable’ before ‘adverse’.

In criterion d) replace ‘any unreasonable’ with ‘unacceptable’.

In criterion e) replace ‘there shall be no unreasonable’ with ‘it does not have unacceptable’.

At the end of criterion e) add ‘and’.

Delete Policy E1:2 from this part of the Plan and reposition it into Policy R1(with modifications).

At the end of paragraph 10.4 add:

‘Policy R1 sets out a policy specifically for the identified Village Centre.’

Policy HE1: Protecting the Historic Environment

- 7.37 This policy provides an appropriate context within which proposals can be considered insofar as they have a direct impact on the historic environment in the neighbourhood area. It addresses both designated and non-designated assets. In relation to the latter the Parish Council clarified during the examination how it had selected the assets concerned. I am satisfied with the properties that have been identified by this process. They overlap with my description of the historic parts of the village in Section 5 of this report. For clarity I recommend that the Parish Council’s explanation of this matter is included in the report.
- 7.38 The policy is set out in four separate parts. The first three apply to designated heritage assets. The fourth applies to non-designated assets. In all cases I recommend a technical modification to the first, second and fourth sub-components of the policy so that they take on a positive approach. Nevertheless, the thrust of the policy remains unchanged.
- 7.39 In relation to designated heritage assets I recommend that the structure of the criteria is modified to bring clarity and simplicity. I also recommend a consequential modification to the wording of criteria a) to e). Criterion f) needs no modification to take account of the revised format of the policy. In the second part of the policy I recommend the deletion of reference to an ‘optimum viable use’. The purpose of the planning process is to make decisions on planning applications in accordance with adopted policy. It is not its role to identify an optimum viable use for each and every building. In any event a process which waited for such a use to arise may have unintended consequences in buildings remaining vacant and potentially falling into disrepair.
- 7.40 Maps 3 and 4 show the designated and non-designated heritage assets respectively. The latter also cross refer to Appendix 2. I am satisfied about the integrity of the information provided. However, the clarity and legibility of both maps is not to the standard which might reasonably be expected within a plan that has been designed to be part of the development plan. In particular there is a need to provide absolute clarity to WLDC, property owners and potential developers. As such I recommend that the maps are produced at a more appropriate scale so that the buildings can be readily

identified. In the case of Map 4 (non-designated assets) the revised map should overlap/correspond with Appendix 2.

In part 1 of the policy:

Delete 'only'

Replace 'has considered the impact upon' with 'has sensitively addressed the following matters'.

Replace criteria a)-e) to read as follows:

a) its scale and its impact on the heritage asset;

b) its design;

c) the materials to be used and their relationship to those already used within the heritage asset;

d) the siting of any alteration in relation to the heritage asset; and

e) the setting of any proposal in relation to the heritage asset

In part 2 of the policy:

Delete 'only'.

Delete 'is the optimum viable use that'.

In part 3 replace 'New uses that adversely' with 'Proposed new uses that would adversely'

In part 4:

Delete 'only'.

Replace 'unreasonably' with 'unacceptably'.

At the end of paragraph 11.7 add:

'The Plan has identified a series of non-designated assets. They are shown on Map 4. An initial list on non-designated assets were submitted by the Cherry Willingham Heritage Society and included building or sites felt by the Heritage Society to be significant. This list was also informed by work carried out over years as part of a bid to create a conservation area within the village centre. Additional assets were assessed and added to the list of non-designated assets based on suggestions made during public consultation'.

Replace Maps 3 and 4 with maps of a more appropriate scale. Relate the properties/assets on Maps 3 and 4 with the schedule in Appendix 2.

Policy OS1: Provision of new Public Open Space

- 7.41 This policy sets out to ensure that new development provides the appropriate amount of open space and that it is accessible, safe and inclusive to all. It also comments on the desirability of new open spaces linking to existing habitats and green spaces. The supporting text in Section 12 makes the appropriate connections to the CLLP.
- 7.42 I sought clarity from the Parish Council on the applicability of the policy. I was advised that it would primarily apply to the development of the allocated sites. However, the

policy was also intended to apply to other developments which may come forward within the Plan period either as infill sites or as exception sites.

- 7.43 In order to provide clarity to this policy I recommend modifications both to the policy itself and to the supporting text. In relation to the former I recommend that the policy provides a direct connection to the development plan. In relation to the latter I recommend that the text is expanded to provide the context set out in the paragraph above. In doing so I include a reference to Policy LP24 of the CLLP in general terms, and to the flexibility it provides for off-site contributions where on site provision is neither feasible or suitable.

**Replace the opening sentence of Part 1 of the policy with:
‘New development should provide public open space to development plan standards. New public open space should be designed in a way that ensures that it:’**

At the end of paragraph 12.8 add:

‘Policy LP24 provides guidance on the size, type and use of public open space. Policy OS1 provides a link to this development plan standard. It will continue to make the policy up to date in the event that the Local Plan is updated or amended.’

At the end of paragraph 12.13 add:

‘Policy OS1 has been designed to apply to new residential development. Its application will mainly be to the five allocated housing sites. Nevertheless, it has the potential to be applied to other residential development which may come forward in the Plan period’

At the end of paragraph 12.14 add:

‘In accordance with Policy LP24 of the Central Lincolnshire Local Plan public open space should be provided on the development site concerned in the first instance. However, that policy acknowledges that there may be circumstances where on-site provision is neither feasible nor suitable. In these circumstances consideration will be given to an off-site financial contribution to a new facility or the upgrading and improvement of an existing facility.’

Policy OS2: Local Green Spaces

- 7.44 This policy designates ten parcels of land as local green space. Paragraph 13.1 of the Plan comments on the three criteria contained in paragraph 77 of the NPPF on this important issue.
- 7.45 Appendix 3 very helpfully assesses each of the ten sites against the NPPF tests. It does so in an exemplary fashion. I am satisfied that each of the ten sites comfortably meets the national tests for such designation.
- 7.46 The resulting policy largely provides a local dimension to paragraph 78 of the NPPF. This is very helpful. However, to provide absolute clarity I recommend that the policy

directly includes the schedule of the ten sites. I also recommend a detailed modification to the wording of the policy itself.

**In the first part of the policy replace ‘The areas’ with ‘The following areas.’
At the end of the first part of the policy list the ten spaces (as set out in paragraph 13.2)**

In the second part of the policy replace ‘permitted’ with ‘supported’.

Policy OS3: Footpaths and Cycleways

- 7.47 This policy offers support to proposals which directly relate to improving or extending non-vehicular routes. Specific routes are identified on Map 7. Particular support is offered to developments that would propose improvements to the existing footpath network between Cherry Willingham, Little Cherry and Fiskerton. Plainly such works will assist in the ability of local residents to get about the neighbourhood area in a sustainable way. The policy meets the basic conditions.

Policy D1: Design Principles

- 7.48 This policy sets out key design principles for new development in the neighbourhood area. It does so in a comprehensive fashion. It includes a series of subsections as follows:

- local character and distinctiveness;
- architectural quality;
- environment and landscape;
- accessibility and movement;
- design and construction; and
- parking and layout.

- 7.49 The policy responds in a positive way to the government’s ambition for better design. The supporting text in Section 15 of the Plan is very thorough. On the one hand the policy is wide-ranging and comprehensive. On the other hand, it recognises that a policy cannot address all circumstances which may arise during the Plan period. As such Section 15.4 highlights the importance of considering each proposal on its merits and on a case-by-case basis. On this basis it takes on an approach which in general terms meets the basic conditions.

- 7.50 I have considered the representation which considers that the policy is too detailed and overly-prescriptive. Nevertheless, I am satisfied that the policy has taken the correct approach. That approach reflects the community’s desire to ‘Raise the Bar’ in term of design and quality. This relates well to national policy. One of the twelve core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive

policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally-distinctive yet non-prescriptive way (paragraph 60).

7.51 Within this context I recommend five modifications. In all cases they will bring a clarity that is otherwise missing from the policy.

- the removal of any reference to pastiche architecture in criterion b). The expression is not defined and does not have the clarity required by the NPPF;
- the removal of reference to trees which are considered to be an important part of the character of the village. This again is ill-defined. In any event it will be for WLDC to determine which trees and boundary hedges are mature as part of the planning balance.
- adding a policy reference to the green wedge issue in criterion f).
- ensuring that any developer has to design a proposal to take account of the full range of design principles (where appropriate); and
- the promotion of a positive rather than a negative tone to the policy

In 1 replace ‘Proposals shall only be’ with ‘Development proposals will be’

In b) replace ‘without resorting to pastiche architecture’ with ‘and deliver high quality architecture’.

In d) replace that are.... village’ with ‘within or on the boundary of development sites’

In f) delete ‘which is.... enhancement opportunities. After designations add ‘as identified in Policy LP22 of the Central Lincolnshire Local Plan.’

At the end of criterion j) replace the full stop with ‘; and’

Policy R1: Village Centre

7.52 This policy addresses the future viability of the Village Centre. As I have mentioned earlier it sits at the very heart of the community.

7.53 The policy seeks to retain the vibrant mix of retail, business and community uses. It resists the loss of such uses to a non-retail use other than where the existing use is no longer commercially viable or where the proposed new uses meets the needs of the community. I recommend a detailed modification to the introductory part of the policy. I also recommend that the policy refers only to retail and commercial uses. The existing community uses within the Village Centre are separately safeguarded within Policy CF1. I recommend that additional supporting text highlights this issue.

7.54 I sought clarification from the Parish Council on the ‘needs of the community’ part of the policy. I was advised that the Parish Council considered that such needs should be identified either by reference to evidence/indication of support from the Parish Council or by a proportionate community engagement exercise. Whilst I can understand the Parish Council’s approach it does not have the clarity required for a development plan policy. In any event the process which is loosely described is largely that which would take place upon the receipt of a planning application.

7.55 On balance I am satisfied that the second criterion in the policy can play an effective part in securing the vitality of the Village Centre within the Plan period. In coming to this conclusion, I have recognised the importance of the various retail and community buildings to the vibrancy of the Village Centre. However, I recommend modifications to the wording of the criterion. As submitted, it suggests that the community has identified a set of needs against which any non-retail or community use (Class D1) application would be assessed. This is not the case. The recommended modification introduces a more generalised approach. I also recommend that the second part of Policy E1 is repositioned into this policy as a second component element. On this basis the two different elements of policies affecting the Village Centre would be located within the same policy. I also recommend the inclusion in the Plan of additional supporting text to highlight the relationship between Policies E1 and R1.

In the opening part of the policy delete ‘or D1’ and replace ‘permitted’ with ‘supported’.

In criterion b) replace ‘meets an identified community need’ with ‘provides a community facility which would complement the existing uses’.

Insert a second part to the policy to read:

‘Proposals that would provide additional employment or retail floorspace within or adjacent to the existing units within the designated village centre as identified on Map 9 will be supported subject to the following criteria:

a) the proposed development provides appropriate vehicular access and parking;

b) the proposed development does not unacceptably impact on the amenity of residential properties in the immediate locality; and

c) the proposed development supports the viability and the vitality of the village centre.’

At the end of paragraph 16.3 add: ‘Policy R1 should be read in conjunction with Policy E1. Both policies set out in overlapping ways the opportunities that exist for new and extended commercial activity in the neighbourhood area. Policy R1 addresses retail and commercial activities in the Village Centre. Policy CF1 addresses community facilities within the wider neighbourhood area, some of which are located in the village centre’.

Policy R2: Wider Retail Development

7.56 This policy seeks to address any proposals which may arise for new retail development outside the designated village centre. It takes a restrictive approach in identifying four circumstances which must be met in order for any such proposal to be supported. This approach is largely consistent with that taken in both national and local planning policies. In the latter the CLLP seeks to focus new retail development within the City Centre of Lincoln and Town Centres and District Centres.

- 7.57 The policy again introduces the distinction between Cherry Willingham and Little Cherry. Within the context of this policy I am not satisfied that the distinction is necessary. By definition the policy would apply throughout the neighbourhood area outside the designated village centre in Cherry Willingham. I recommend accordingly. WLDC also suggests that the policy should make some reference to the development for a marina which has recently been granted planning permission. Plainly that suggestion has merit. However, for the same reasons as I have set out for the references in the policy to Little Cherry it is not necessary to ensure that the Plan meets the basic conditions.

In the opening part of the policy delete ‘including Little Cherry’.

In a) and b) delete ‘and Little Cherry’.

In d) replace ‘unduly’ with ‘unacceptable’.

Policy CF1: Community Facilities

- 7.58 This policy seeks to safeguard a range of community facilities in the neighbourhood area. They are helpfully shown on Map 10. They include the Schools, various ecclesiastical buildings and the Library. I saw several of them on my visit.
- 7.59 It became apparent when I visited the neighbourhood area that the Post Office had closed since the Plan was submitted. In these circumstances I recommend that the facility is deleted from the schedule in paragraph 17.4 and from Map 10.
- 7.60 WLDC has made a representation about the relationship between this policy and Policy LP15 of the CLLP. In effect both policies approach the matter in a similar way. Not unreasonably the submitted neighbourhood plan provides greater detail for some of the criteria/factors within Cherry Willingham. In order to marry up these potentially disjointed approaches I recommend that the submitted neighbourhood plan follows the same format as Policy LP15 of the CLLP with supplementary information where appropriate related to the neighbourhood area.
- 7.61 I also recommend a modification so that the full extent of the explanatory text appears after the policy. This was helpfully provided to me by the Parish Council as part of the clarification note process. I have recommended my own modifications to that text so that it corresponds with the approach in the recommended modified policy.

In the initial part of the policy replace ‘permitted’ with ‘supported’.

Replace the three criteria with the following:

- ‘a) the facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or**
- b) the service provided by the facility is met by alternative provision that exists within reasonable proximity; what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or**
- c) the proposal includes the provision of a new community facility of a similar nature and of a similar or greater size in a suitable on or offsite location.**

Proposals for a replacement community facility directly adjacent to the existing settlement footprint of Cherry Willingham will be supported where there is a clear need for such a proposal and a more central site is not available elsewhere in the village.'

Replace the policy footnote with the following:

'In relation to criterion a) applicants will be expected to demonstrate to the District Council that all reasonable efforts have been made to sell or let the site or premises for its existing use(s) or another community use at a realistic price for, at least, a twelve-month period.'

Community Priorities

- 7.62 The Plan includes a series of community priorities (CP). They are set out in a separate section of the Plan as recommended by Planning Practice Guidance. In the event that the Plan is 'made' the various community priorities will not become part of the development plan.
- 7.63 CP1 is the Witham Valley Access Project. It is a wide-ranging proposal to provide access to the Witham Valley for residents on the North Bank. It is appropriate and distinctive to the neighbourhood area.
- 7.64 CP2 addresses traffic management measures. Specific roads to be addressed include Croft Lane, Fiskerton Road and parts of Hawthorn Road. Discussions have already taken place with the County Council. It is appropriate and distinctive to the neighbourhood area.
- 7.65 CP3 seeks to deliver improved sustainable transport infrastructure. Its focus is on extending the frequency of the bus service to Lincoln in the evenings and on Sundays. It is appropriate and distinctive to the neighbourhood area.
- 7.66 CP4 seeks to deliver new areas of avenue tree planting/woodland/open space. It is appropriate and distinctive to the neighbourhood area.
- 7.67 CP5 addresses improvements to the built fabric and public realm in the village centre. Improvements of this type would be particularly helpful in promoting the economic and environmental dimensions of sustainable development in Cherry Willingham. It is appropriate and distinctive to the neighbourhood area.
- 7.68 CP6 addresses cultural aspirations/art/events/sculptures. The matter is aspirational. WLDC query the need for the inclusion of this CP both in general terms, and as it would not qualify for CIL monies in particular. Plainly it is the least developed of the six CPs. Nevertheless, its deletion is not necessary to ensure that the Plan meets the basic conditions. In the same way a CP does not necessarily need to qualify for CIL funding. In any event the CPs will not form part of the development plan.

Other Matters

- 7.69 WLDC has raised a series of technical comments about the submitted Plan. In several cases they refer to the consistency of the footnotes and the various definitions to those

in the CLLP. Where appropriate I recommend modifications to address this important matter. I do so where the modification is necessary to ensure that the Plan will be in general conformity with the strategic policies of the development plan. Plainly it would be unhelpful to the development management process if different components of the development plan included different definitions on the same matter.

Paragraph 9.1 – The Plan refers to the ‘existing settlement footprint’. The CLLP uses the term ‘developed footprint’. I recommend accordingly

Replace ‘existing settlement footprint’ with ‘developed footprint’.

Paragraph 9.1 – Footnote 1 appears to be connected to the incorrect element of supporting text (in paragraph 9.2). Looking at the structure of the paragraph 9.1 (as recommended to be modified) the correct place for the link to the footnote appears to be immediate after ‘developed footprint’ (see modification above). I recommend accordingly.

Reposition the link to footnote 1 from paragraph 9.2 to paragraph 9.1 immediately after ‘developed footprint’

Paragraph 9.1 – The final section of the paragraph refers to a series of planning decisions which the Parish Council considers to have been poor. Plainly this is a subjective matter. In any event such decisions are historic. On this basis I recommend that the third sentence and the remainder of the paragraph is deleted and replaced with more neutral text.

Delete the third sentence and the remainder of Paragraph 9.1 and replace it with: ‘Policy H3 has been carefully designed to secure high-quality infill development. It is an important part of the Plan’s wider ambition to ‘Raise the Bar’.’

Paragraph 9.2 refers to ‘small-scale development’ without defining the scale of development which may be acceptable. Plainly this assessment will vary on a site by site basis. As such I recommend the deletion of ‘small scale’ and its replacement with text which makes a connection between the size of the site and the potential for residential development

Delete ‘small scale’. After ‘development insert ‘that is appropriate to the site concerned and’

WLDC raise concerns that several of the footnotes in the submitted Plan do not exactly match the definitions included in the adopted CLLP. Whilst the differences are minor, they are nevertheless important. I recommend accordingly. This modification will ensure that the Plan is in general conformity with the strategic policies in the development plan.

Modify the footnotes to paragraph 9.2 and to Policy H3 to ensure that they are identical to the relevant footnote in the CLLP (pages 11/12).

- 7.70 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.

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 Cherry Willingham 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 Cherry Willingham 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 4 June 2013.
- 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
16 November 2018