

# **Lea Neighbourhood Development Plan 2017-2036**

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

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## **Executive Summary**

- 1 I was appointed by West Lindsey District Council in July 2017 to carry out the independent examination of the Lea Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 31 August 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding local character and celebrating its rich historic environment. It identifies a site for housing development and designates a green wedge and several local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been actively 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 Lea Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**19 September 2017**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Lea Neighbourhood Development Plan 2017-2036 (the Plan).
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Lea 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 in 2012 and which continues to be the principal element of national planning policy.
- 1.4 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.
- 1.5 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 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 the 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 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the

production of the Plan. The letter confirming this outcome is usefully included as part of the submission documents.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 WLDC has also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. It concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### *Other examination matters*

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the WLDC Screening report
- the representations made to the Plan.
- the Central Lincolnshire Local Plan 2012 to 2036
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 31 August 2017. 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 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.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 March to June 2017.
- 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 event in the village
- 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 properly sets out the comments received and how the Plan responded to those representations.
- 4.5 Some local residents have commented that the production of the Plan has been rushed and that there has been inadequate opportunity for comments to be made. In most cases those comments relate specifically to the allocation of land for residential development at Willingham Road. Plainly the Plan has been produced more quickly than most other neighbourhood plans. Nevertheless, there is no minimum period within which a neighbourhood plan needs to be produced. Both the pre-submission and the submission consultation exercises were for the required periods. It is also clear that comments were made to the pre-submission plan and that they were addressed by those responsible for preparing the Plan.
- 4.6 Notwithstanding the comments about the consultation process the Plan has attracted a limited number of representations at its submission phase (see 4.8 below). The Plan has received general support from the various statutory bodies.
- 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 for a six-week period that ended on 10 August 2017. This exercise generated comments from the following persons and organisations:

- WLDC
- Sport England
- FE Powell and JM Powell
- IA Maclure and CEH Maclure
- Gainsborough Town Council
- Environment Agency
- Donald Leonard
- Anglian Water Services
- Historic England
- Natural England
- Lincolnshire Wildlife Trust
- AR Heppenstall and DE Heppenstall
- Clare Heppenstall

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 in this report.

## 5 The Plan Area and the Development Plan Context

### *The Plan Area*

- 5.1 The Plan area covers the parish of Lea. In 2011, it had a population of 1010. It was designated as a neighbourhood area on 22 November 2016.
- 5.2 The village of Lea sits approximately 2km to the south of Gainsborough. The wider neighbourhood area extends both to the east and to the west of the village. The Plan area is primarily in agricultural use and with the built-up area of the village at its heart. The village itself is predominantly residential in character. It has a clearly-defined core based on the historic buildings at the junction of Gainsborough Road and Willingham Road. More modern developments along Gainsborough Road links the village to Gainsborough to the north.
- 5.3 The format of the village reflects its agricultural heritage. It also has a strong historic core based on the village green to the east of Gainsborough Road and the assorted range of buildings to the west of the Road. St Helen's Church sits to the east off Willingham Road.

### *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 wider Plan area up to 2036.
- 5.5 The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy as follows: the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Gainsborough is identified as a main town and Lea as a Medium Village.
- 5.6 Policy LP4 of the CLLP sets out strategic growth targets for the various villages. Lea is treated as an exception given its physical connection with Gainsborough. On this basis, a housing site is allocated in Lea in its Policy LP50 (site CL3044). This site is translated into the submitted neighbourhood plan. The Local Plan anticipates that it will yield 68 dwellings.
- 5.7 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against its various policies. In summary, the following CLLP policies have been particularly important in underpinning neighbourhood plan policies:

- LP10 Meeting Accommodation Needs
- LP11 Affordable Housing
- LP22 Green Wedges
- 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

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

### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 31 August 2017.
- 5.10 I drove into the Plan area from the south along the Gainsborough Road (A156). This gave me a good opportunity to understand its rural context and the relationship between the village and Lea Park.
- 5.11 I looked initially at the proposed housing site off Willingham Road. It saw its position in relation to the existing houses in this part of the village and within its landscape setting. I saw how the various criteria in Policy 1 had been designed to reflect these matters. I then looked at St Helens Church. I saw that it occupies an important and elevated position at the heart of the village. I saw the Churchyard and its significance in the local environment.
- 5.12 I then walked into the historic core of the village based loosely around the junction of Gainsborough Road and Willingham Road. I saw the beautifully-maintained green space and how it provided a sense of openness within the heart of the built-up village.
- 5.13 I continued walking along Gainsborough Road and looked at the proposed Local Green Space to the east of the Road based around the Old Village Green (LGS4). I saw that it contained a plaque celebrating Lea's award as the best kept large village in 1991 by the Lincolnshire branch of the C.P.R.E. The very high standard of maintenance of the public realm in the village would suggest that it would be in a strong place to perform equally-well in any current or future equivalent competitions.
- 5.14 I continued walking to the north. I saw the ribbon development to the west of the Gainsborough Road linking it to Gainsborough to the immediate north. I also saw the green wedge to the east of the road extending through to the railway line.
- 5.15 I walked back to the south along Gainsborough Road and took the opportunity to walk along some of the residential roads to the east and to the west. I then walked around Lea Park and saw its range of leisure and recreational facilities. I saw how it would form a useful basis from which local residents could start on their walk around the identified Lea Green Wheel.
- 5.16 I finished my visit by driving to Gainsborough and then to Knaith Park along the Willingham Road.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 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 Lea Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the recently adopted Central Lincolnshire Local Plan.
  - Proactively driving and supporting sustainable economic development to deliver (in this case) new homes.
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
  - Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its historic character. At its heart are a suite of policies that aim to safeguard its character and appearance and to promote sensitive development appropriate to this character and the position of the village in the local

settlement hierarchy. Table 2 of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs in the NPPF.

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

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension, the Plan includes policies for the development of new housing at Willingham Road (Policy 1) and for infill development (Policy 2). In the social role, it includes policies on housing mix (Policy 3), to designate local green spaces (Policy 7) and to safeguard community facilities (Policy 9). In the environmental dimension, the Plan positively seeks to protect green infrastructure (Policy 5), safeguards the green wedge (Policy 8) and includes policies on flooding and waste water (Policies 10/11).

*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. Table 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the recently-adopted 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. 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 (41-004-20140306) 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 1-4)*

- 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 the subsequent policies.
- 7.9 Section 2 provides very clear context to the neighbourhood planning process. It also provides a useful connection to national policy and to the recently- adopted Local Plan. It describes the timetable within which the Plan has been prepared.
- 7.10 Section 3 sets out the history of Lea and Lea Park. It is usefully supported by three well-chosen photographs. Paragraph 3.14 describes how the various post-1945 housing estates were developed.
- 7.11 The first part of Section 4 sets out key facts about the Plan area. Its focus is on house types and the demographics of the local population. It highlights the ageing nature of the population. It is clear, concise and proportionate to the Plan.
- 7.12 The second part of Section 4 sets out community issues and opportunities to be addressed in the Plan. This then cascades into a Community Vision which is underpinned by eight Community Objectives.

- 7.13 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 of this report.

Policy 1: Development of housing site at Willingham Road

- 7.14 This policy allocates land at Willingham Road for residential purposes. The policy identifies a series of criteria designed to influence the eventual development of the site. These criteria reflect the location of the site and its wider landscape setting. They include matters such as surface water run-off, boundary treatments, and vehicular access.
- 7.15 The policy has attracted several representations from local residents expressing concern about the visual impact of the site and its impact on the village. Concerns are also expressed about the wider consultation process. I have addressed the consultation matters in Section 4 of this report. I have given careful consideration to the physical and site-specific matters raised in the representations and looked at the site in detail. I am satisfied that the development of the site is appropriate and will represent sustainable development. The application of the various criteria in the policy will ensure that appropriate environmental safeguards are incorporated into its development. This detailed guidance consolidates the allocation of the site for residential use in the CLLP. Criteria on the residential amenity of existing properties, surface water run-off and vehicular access are particularly important matters.
- 7.16 I recommend a series of modifications to the policy. The first modifies the format of the policy so that it offers support to the development of the site subject to the various criteria. As submitted the Plan sets out to allocate the site for residential use. That has already been achieved through the CLLP. The second removes elements of supporting text from the policy into the Evidence and Justification section. The third modification ensures that the format of the various criteria flows naturally from the overall policy. As submitted the approach taken in the various criteria is different. This detracts from the overall clarity of the policy. The recommended modification results in some criteria being merged, and others being set out in a separate part of the policy. The effect will then be that the first part of the policy sets out prescriptive criteria. The second part of the policy then sets out features that should be addressed in the development of the site and incorporated into its development where appropriate.

**Replace the opening part of the policy with the following:**

**Proposals for residential development of up to 68 dwellings on land off Willingham Road as shown on Proposals Map 2 will be supported subject to the following criteria:**

**Modify the format of the following criteria to read:**

- a) the layout respects the residential amenities of....;**
- b) the technical design of the scheme does not have an unacceptable impact on surface water runoff and foul sewage drainage within the village;**
- c) the proposal takes account of the .....**

- d) the proposal takes account of the existing capacity of the highway network and provides for a satisfactory vehicular access to Willingham Road in particular;
- e) the design and layout of the proposal reflects the character, density and distinctiveness of the surrounding area including the height, scale and mass of existing residential properties;
- f) delete (incorporated into e)
- g) the design and layout of the proposal provides sensitive boundary treatments and screening to create an appropriate green buffer between the new development and existing residential properties;
- h) the design and layout of the proposal protects and, where appropriate, enhances trees, hedgerows and the natural environment by taking account of local topography, landscape and the orientation of the site; and
- i) the layout of the scheme provides useable and functional open space to development plan standards.

Amend the lettering to the criteria as appropriate following the deletion of f)

Insert a second component of the policy to read:

Proposals for the residential use of the site should demonstrate how they have addressed and incorporated the following features into its layout and design:

- a) the views... (as i) in the submitted Plan)
- b) the provision or the enhancement of existing connections to other part.... (as in j) in the submitted Plan)
- c) as k) in the submitted Plan
- d) as l) in the submitted Plan; and
- e) the incorporation, where appropriate of sustainable... (as in m) of the submitted Plan).

Delete the final paragraph of the policy

*Insert at the end of paragraph 5.7:*

*'Policy 1 offers support for the development of this important site. It has already been allocated for residential use in the CLLP. The policy has been designed to achieve sustainable development and to promote community cohesion. Early engagement with the Parish Council and the wider community on emerging proposals for the site will be particularly welcomed'.*

Policy 2: Small Scale and Infill Development

- 7.17 This policy sets out the Plan's approach to small-scale and infill development. The Plan recognises that development of this nature will need to come forward to supplement the development proposed on the site at Willingham Road. It identifies a series of criteria with which development proposals will need to comply.
- 7.18 The policy is prepared in a positive fashion. It will assist in the delivery of national planning policy by boosting the supply of housing land in the neighbourhood area. It

will also assist in the delivery of the housing provision in Lea to meet its strategic housing requirements as identified in the recently-adopted CLLP.

- 7.19 I recommend a modification to the policy so that it provides the clarity required by the NPPF on the definition of ‘small scale’ development. Paragraph 6.1 of the supporting text comments that this should be ‘of no more than nine dwellings’ but provides no evidence to support this figure. Nevertheless, as part of the wider examination process I am aware that this figure is that identified for ‘Medium’ villages in the CLLP. On this basis, I recommend modifications both to the policy and to the supporting text. Their combined effect will be to clarify the size threshold in the policy and to provide information around its strategic policy audit trail in the supporting text.

**Replace ‘Small scale residential development’ with ‘Proposals for residential development of up to nine dwellings’**

*In the supporting text (6.1) insert the following sentence after the first sentence:*

*‘This approach follows that adopted in the Central Lincolnshire Local Plan Policy LP2 in respect of Medium Villages’.*

Policy 3: Housing Mix

- 7.20 This policy sets out the Plan’s approach to housing mix and to the delivery of affordable housing. It has the very clear ability to contribute towards the achievement of the social dimension of sustainable development in the Plan area.
- 7.21 It has regard to national policy and is in general conformity with strategic policies in the CLLP. It meets the basic conditions.

Policy 4: Design and Character

- 7.22 This policy sets out the Plan’s approach to the delivery of good quality design in the neighbourhood area. I can see how several of its components relate to the features of the village that I saw as part of my visit.
- 7.23 The policy has been underpinned by detailed research and evidence. Information is provided in the supporting text about important views and vistas, the various character areas and the density of existing developments.
- 7.24 One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. The approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it sets out a positive requirement for high quality and inclusive design (paragraph 57), it develops 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).

- 7.25 I recommend modifications so that it has the clarity required by the NPPF. In the first instance, the policy requires that developers should ‘consider’ a series of local design principles. I recommend that ‘consider’ should be replaced with ‘accord with’. This will ensure the desired results. In the second instance, I recommend modifications to the format of the first criterion so that it adopts a positive rather than a negative format. This will bring the clarity required by the NPPF.

**Replace ‘consider’ with ‘accord with’**

**In criterion a) replace ‘not disrupt’ with ‘respect’ and ‘or’ with ‘and’**

Policy 5: Green Infrastructure

- 7.26 This policy sets out the Plan’s approach towards green infrastructure in the neighbourhood area. It expects that development proposals will contribute towards the protection, enhancement and provision of new green infrastructure. It also sets out a policy context for circumstances where developments may propose a net loss of existing green infrastructure.
- 7.27 I am satisfied that the approach adopted meets the basic conditions in general terms. However, I recommend two modifications to the first part of the policy. These will ensure that the policy has the clarity required by the NPPF and is reasonably and proportionately applied. As submitted the first part of the policy would apply to all development proposals however minor.

**Replace ‘Development...expected to’ with ‘Where appropriate development proposals should’.**

Policy 6: Lea Green Wheel

- 7.28 This policy imaginatively identifies a ‘Lea Green Wheel’. The concept is helpfully explained in further detail in paragraph 9.7 of the Plan and is shown on Map 7. Its concept is to link Lea Park, Sheriffs Walk and New Plantation and to provide community walks. The policy has the clear ability to make a significant contribution to the achievement of the social and the environmental dimensions of sustainable development.
- 7.29 The policy is well-designed and structured. It meets the basic conditions.

Policy 7: Local Green Spaces

- 7.30 This policy designates four parcels of land as Local Green Spaces (LGS). Appendix D of the Plan identifies how they meet the criteria for such designation as set out in the NPPF (paragraphs 76-78). I looked at the various LGSs when I visited the Plan area. They comfortably meet the criteria in the NPPF in their different ways. They reinforce the green and open character of the village as a whole.

- 7.31 The policy identifies limited and appropriate development that will be supported in two of the four identified areas. This approach meets the basic conditions. Nevertheless, the wider policy does not directly safeguard the four identified LGSs. This is an important matter in its own right and given that the NPPF (paragraph 78) indicates that local policy for managing development within a LGS should be consistent with policy for Green Belts. I recommend a modification to remedy this matter.

**Insert the following sentence at the beginning of the second paragraph of the submitted policy:**

**‘Proposals for development on the identified local green spaces will not be supported other than in very special circumstances’**

Policy 8: Green Wedge

- 7.32 The policy takes account of the location of the neighbourhood area to the immediate south of Gainsborough. This broader matter is addressed in the CLLP Policy LP2. The policy addresses the retention of the important green wedge between the two settlements. I looked at the area concerned when I visited the Plan area. Its strategic and landscape significance is self-evident.
- 7.33 The policy is largely a local iteration of Policy LP22 in the recently-adopted CLLP. In normal circumstances, it would not be appropriate or indeed necessary for a neighbourhood plan to repeat a local plan policy. However, in this case I can see that the neighbourhood plan process has been overtaken by the recent adoption of the local plan. I can also see that the green wedge is a significant part of the strategic approach adopted by the submitted plan. On this basis, I am satisfied that the policy should remain. It adopts a complementary and overlapping approach to the parent local plan policy.
- 7.34 I recommend a modification to its wording so that it has the clarity required by the NPPF. The modification will also ensure that it uses identical language to that in the adopted local plan policy.

**Replace ‘should’ with ‘will’.**

Policy 9: Community Facilities

- 7.35 This policy sets out to safeguard community facilities in the neighbourhood area. It only supports proposals for a change of use of existing facilities where alternative provision would be forthcoming or on viability grounds. The policy has the potential to contribute towards the achievement of the social dimension of sustainable development in Lea.
- 7.36 The design of the policy and its supporting text (paragraphs 12.1 to 12.6) is potentially confusing. Paragraphs 12.2 and 12.3 make the distinction between the wider facilities and five key community services and facilities (listed in paragraph 12.4 and shown on Map 11). The five facilities identified are considered of sufficient importance to support new development and an increased population and are used on a regular basis. The

policy itself is designed to address all community facilities. However, its two criteria refer only to the five identified facilities. I recommend modifications so that the policy refers specifically and exclusively to the five identified community facilities. This will bring the clarity required by the NPPF.

**Replace ‘an existing community facility....as a community facility’ with ‘a community facility identified on Proposals Map 11’  
In the two criteria delete ‘(as shown in Proposals Map 11)’**

Policy 10: Flooding and Drainage

7.37 The policy addresses flooding and drainage issues. It reflects extensive evidence in Section 13 of the Plan. The neighbourhood area is adjacent to the tidal River Trent. Lea has experienced a number of flood events over the last 50 years in general, and in 2000, 2007 and 2012 in particular. Paragraphs 13.5-13.10 also provide interesting information on surface water and waste water.

7.38 The approach adopted in the Plan is proportionate and distinctive to the circumstances of the Plan area. It also has regard to the NPPF. I recommend a series of modifications to the component parts of the policy so that they have the clarity required by the NPPF and will be capable of being applied on a day-to-day basis by WLDC. In relation to the modification to the seventh part of the policy I sought clarification from the Parish Council. As submitted this part of the policy was very absolute and would have prevented the development of appropriate recreation uses or flood defence works.

**In the second part of the policy replace ‘must not...circumstances’ with ‘should not’**

**In the third part of the policy replace ‘All new.... how’ with ‘Proposals for new residential development should be accompanied by a drainage strategy which outlines the way in which’**

**In the fourth paragraph replace ‘encouraged’ with ‘supported’**

**In the fifth paragraph replace ‘Where, viable’ with ‘Where viable,’ and ‘welcomed’ with ‘supported’**

**In the seventh paragraph replace ‘Development.... circumstances’ with ‘Proposals for residential and commercial development will not be supported’**

Policy 11: Waste Water and Water Supply

7.39 This policy sets out the Plan’s approach to waste water and water supply. It reflects the circumstances in the neighbourhood area. It is supported by Severn Trent Water.

7.40 The policy meets the basic conditions.

## 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 Lea 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 technical 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 Lea 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 22 November 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**  
**19 September 2017**