

Morton Neighbourhood Development Plan 2019-2036

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

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Executive Summary

- 1 I was appointed by West Lindsey District Council in January 2021 to carry out the independent examination of the Morton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 29 January 2021.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It includes a series of environmental policies and proposes the designation of three local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Morton 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
2 March 2021

1 Introduction

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

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan
- the Basic Conditions Statement
- the Consultation Statement
- the SEA/HRA screening report
- the Morton Neighbourhood Area Map
- the Morton Inset Map
- the Character Report
- the Census and Housing Evidence Paper
- the Planning Records Evidence Paper
- the Heritage Assets Evidence Paper
- the Flooding and Drainage Evidence Paper
- the Roads and Traffic Evidence Paper
- the Policy Context Evidence Paper
- the representations made to the Plan.
- the Parish Council's responses to the Clarification Note.
- the Central Lincolnshire Local Plan 2012 to 2036.
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 29 January 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement provides specific details on the consultation process that took place on the pre-submission version of the Plan from January to March 2020.
- 4.3 The Statement also 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 community survey work (September/October 2018);
 - the use of an Information Stand at the Morton Feast (July 2019);
 - the use of newsletter and questionnaires on the purpose and objectives exercises (November 2019); and
 - the use of a Facebook page.
- 4.4 Section 8 of the Statement sets out details of the responses received to the consultation process on the pre-submission version of the Plan. In particular Table 1 sets out the responses from external consultees. The Statement also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough and proportionate fashion.
- 4.6 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. WLDC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the District Council. It ended on 7 September 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- Historic England
 - Environment Agency
 - Canal and River Trust
 - North Kesteven District Council

- Health and Safety Executive
- Lincolnshire County Council
- South Holland District Council
- Commercial Boat Operators Association
- National Grid
- Natural England
- Sport England
- Severn Trent
- Anglian Water Services
- Highways England
- Scunthorpe and Gainsborough Water Board
- West Lindsey District Council

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

4.9 In most cases the various bodies raise no comments or objections on the submitted Plan. This reflects the collaborative way in which the Plan has been produced in general, and the positive way in which it has incorporated the earlier comments from these and other bodies in particular. This is a major achievement. It reflects the way in which the Plan has been prepared and how the Parish Council managed the wider process.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Morton. In 2011 it had a population of 1325 persons living in 608 households. It was designated as a neighbourhood area on 3 September 2016.
- 5.2 The neighbourhood area sits in open countryside to the immediate north of Gainsborough. It is irregular in shape with the River Trent forming part of its southern boundary. Morton is the only settlement in the neighbourhood area. The remainder of the neighbourhood area is in agricultural use.
- 5.3 Morton itself is heavily influenced by its location in its wider natural landscape. It is defined by its location adjacent to the River Trent. It has a strong nucleated pattern. The arrangement of its streets reflects its association with the River Trent and its former role as a port on the river. The historic core of the village is based around Front Street, Crooked Billet Street and Dog and Duck Lane. The wider village has an attractive mix of houses of different periods. It also has an attractive relationship with the surrounding countryside to its north and east.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the central Lincolnshire area up to 2036. The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy as follows: the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Morton is identified as a 'Medium Village'.
- 5.5 Policy LP2 also provides a clear context for the development of neighbourhood plan policies in the various settlement categories. In the context of medium villages, it identifies that development will be supported for up to nine houses. Policy LP4 identifies that Morton should accommodate new growth in the Plan period of 15% of the existing number of dwellings. Policy LP4 acknowledges that any growth in Morton would have to overcome significant strategic flooding constraints.
- 5.6 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following other CLLP policies have been particularly important in underpinning neighbourhood plan policies:

- LP15 Community Facilities
- LP23 Local Green Spaces and other Important Open Space
- LP25 The Historic Environment
- LP26 Design and Amenity

LP55 Development in the Countryside

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

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 29 January 2021.
- 5.10 I drove into Morton from Gainsborough to the south. I immediately saw the way in which the two settlements were related to each other but were different in their character and appearance. The entrance into Morton off the A159 presented a very distinctive character in general terms, and based on its historic buildings in particular. Throughout the visit I saw the way in which the Character Assessment had appropriately identified the distinctive character areas within the village. I also took the opportunity to look at the proposed local green spaces, open spaces and the non-designated heritage assets as I walked around the neighbourhood area.
- 5.11 I parked in Front Street and looked initially at St Paul’s Church. Whilst it is technically in Gainsborough parish, I saw its obvious importance in the townscape of the village. From the outside I looked at the important collection of pre-Raphaelite stained glass designed by Sir William Burne-Jones RA in collaboration with William Morris.
- 5.12 I then walked to the northern edge of village. In doing so I walked along Dog and Duck Lane. I took the opportunity to look at the very distinctive layout of the streets and lanes which connect to the Lane (including North Street, West Street, South Street and Cross Street). At the eastern end of North Street, I saw the ongoing development of Poppyfield Court, including its good use of vernacular materials. I also saw a series of well-designed brick buildings in Dog and Duck Lane, including the Morton Manor Nursing Home. As I continued along into Walkerith Road I saw the Village Hall on the left and the early twentieth-century houses on the right (and as proposed to be non-designated heritage assets). In an age where urban densities can be high the spaciousness of their plots was immediately self-evident.
- 5.13 I walked up Walkerith Road to Laughton Lane. It was immediately obvious why the Plan had identified it as a Rural Lane (MNP5) together with the stretch of Walkerith Road to its west. Their character and appearance are very different from the character of the roads in the built-up part of the village. I saw that they provide a very attractive

rural setting to the village. I then walked along Nursery Vale and saw the attractive open space at the end of the cul-de-sac.

- 5.14 I then walked back into the village. In doing so I saw the modern housing off Salisbury Close. I then walked along Field Lane and saw the very impressive grass verge on its eastern side. I continued along the Lane to the point that it was proposed to be identified as a Rural Lane. As with Laughton Lane the purpose of the policy approach was immediately self-evident. I then walked back to the main road and then along Mill Lane. I saw the prominence of the former mill itself and the modern residential developments off Orchard Close and Granary Close. In the latter I saw the very attractive Mill Wood. I continued walking back into the village centre. I saw the Primary School in Crooked Billet Street and then the Eliot House Care Home and its significance both as a building and within the wider street scene.
- 5.15 I then spent time looking at the relationship between the village and the River Trent. I walked along Trentside and then followed the riverside footpath to the proposed local green space to the north. It was a good place to look back towards the village, to the wider countryside to the north and across the wider River Trent floodplain. I then retraced my steps back to Trentside and walked to the front of the modern houses and apartments. Whilst I saw the architectural differences between the two developments, they sat comfortably with each other. I then took the opportunity to look at the historic buildings in Floss Mill Lane. I saw Willow Bank and Sundown in Front Street. For completeness I carried along Floss Mill Lane as it continued outside the parish. I saw the four large modern dwellings and then picked up the River Trent footpath as it headed towards Gainsborough to the south.
- 5.16 I finished my visit by looking at the various retail and commercial facilities in the village centre. In particular I saw the significance of the Co-Op store within the local community. I then took the opportunity to look at the various character buildings along the northern side of Front Street as I returned to my car.

6 The Neighbourhood Plan and the Basic Conditions

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

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

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

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

National Planning Policies and Guidance

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

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

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

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes policies to safeguard open spaces and heritage assets. It proposes the designation of three local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies MNP 3 and 12 respectively). In the social role, it includes policies on open spaces (Policy MNP9), local green spaces (Policy MNP10), and on community facilities (Policy MNP11). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on local character (Policy MNP5), on views (Policy MNP6) and on heritage matters (Policies MNP 7 and 8). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in West Lindsey District in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement a screening exercise was undertaken on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. The screening report reached this conclusion on the following basis:
- no sensitive natural or heritage assets will be significantly affected by policies contained in the Plan;
 - the policies are in general conformity with those within the CLLP; and
 - the Plan does not allocate development sites or promote a large amount of development.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It comments that there are no protected sites within 15kms of the neighbourhood area. Nevertheless, it assesses the potential impact of the Plan's policies on both the Hatfield Moor SAC and the Humber Estuary Ramsar and SAC. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

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

Summary

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

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance Section (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It also includes three Community Aspirations
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Community Aspirations are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

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

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by tables and maps.
- 7.9 Section 1 provides an introduction to the Plan. It includes information about the background to the preparation of the Plan. It is a particularly effective and concise introduction to a neighbourhood plan. It identifies the neighbourhood area (Figure 1) and clearly defines the Plan period.
- 7.10 Section 2 comments about Morton and its surroundings. It relates its history to its current circumstances. It sets the scene for the Plan and its policies in a very comprehensive fashion.
- 7.11 Section 3 comments about the policy context within which the Plan was prepared. It helpfully includes commentary on the NPPF, the CLLP (and its review) and the contents of the Gainsborough neighbourhood plan (to the immediate south of the parish).

- 7.12 Section 4 comments about the way in which the Plan has been produced and how the community has been engaged. It overlaps with the Consultation Statement. Paragraphs 4.10 to 4.12 are particularly effective in summarising the outcome of the various engagement processes.
- 7.13 Section 5 comments about the evidence which has underpinned the Plan's production. In particular it highlights the key points which arise from each of the seven Evidence Papers. This wider process is both very effective and represents best practice. The approach clearly demonstrates that the Plan's production has been evidence-based.
- 7.14 Section 6 sets out a Purpose for the Plan. It properly describes the essence of sustainable development the wider neighbourhood area. The Purpose is underpinned by seven carefully-selected and distinctive objectives. The summary on page 21 of the Plan on the relationship between the policies and the objectives demonstrates this matter very clearly. The approach taken provides assurance to all concerned that the Plan has addressed key local issues.
- 7.15 The Plan also includes a Proposals Map and an inset to the Map. In both cases they are very informative. I recommend that they are referenced as Policies Map so that their purpose is clearer. Where I refer to either Map in this report, I use the term 'Policies Map'

Retitle the 'Proposals Maps' as 'Policies Maps'

- 7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

MNP1 Sustainable Development Principles.

- 7.17 This policy sets the scene for the other policies. It identifies a series of sustainable development principles. The principles are very distinctive to the parish. The policy seeks to apply the principles of sustainable development in the parish. This is best practice
- 7.18 As submitted the policy embraces all development. Whilst this is appropriate in general terms it fails to take into consideration that development proposals will affect the principles in different ways. I recommend a modification to address this matter.
- 7.19 I also recommend detailed modifications to some of the principles so that, in turn, they have the clarity required by the NPPF and, in some cases, follow on from the approach taken in the opening element of the policy. Otherwise, the policy meets the basic conditions.

Replace the opening element of the policy with: 'As appropriate to their scale, nature and location, development proposals should:'

At the beginning of the first and second bullet points add 'be'

In the fourth bullet point delete the reference to the map on page 27

Replace the seventh criterion with ‘Respect heritage and community assets identified in this Plan’

Replace the eighth criterion with ‘Minimise CO2 emissions’

MNP2 Flood Risk

- 7.20 This policy addresses the flood risk issues in the neighbourhood area. They are fully explained in the earlier parts of the Plan.
- 7.21 As submitted the policy is a combination of policy and supporting text. In addition, it has specific overlaps with both Policies MNP 1 and MNP 3. In its response to the clarification note the Parish Council identified the way in which the various policies had been designed.
- 7.22 I have considered this matter carefully. I have concluded that the policy should be modified so that it has a clear focus on measures to reduce flood risk and yet which has clear functional connections with the other two related policies. I also recommend associated modifications to the Justification to highlight the relationship of the policy with Policy LP 14 of the CLLP.

Replace the policy with:

‘Development proposals should take account of the relationship between the neighbourhood area and the River Trent and not increase the risk of flooding and/or exacerbate existing drainage problems.’

Where it is both necessary and appropriate individual buildings and spaces should be designed and arranged to facilitate flood resilience and protection’

Replace the third sentence of the Justification with:

‘The policy takes account of the location of Morton within Flood Zone 3 associated with the River Trent’

At the end of the Justification add:

‘Policy MNP2 has a clear focus on reducing the risk of flooding. It should be read in conjunction with Policy MNP 1 (on the overall approach to development) and MNP3 (on the specific requirements for new housing development) of this Plan’

MNP3 Criteria to consider new housing proposals

- 7.23 This policy incorporates a series of criteria for the development of infill housing proposals. Its opening element refers to proposals which otherwise comply with Policy MNP2. Thereafter it comments on a series of general planning matters (Part A) and a series of more detailed development management and design matters (Part B).
- 7.24 WLDC comments about the relationship between the policy with Policy LP2 of the CLLP. In the CLLP context Morton is identified as a medium sized village which could accommodate proposals of up to nine dwellings (subject to flooding matters).

7.25 As submitted the policy has a complicated structure. As with the approach with MNP2 I recommend that this policy is modified so that its focus is entirely on setting parameters for new housing development whilst ensuring appropriate overlaps with Policy MNP2. In recommending modifications, I also include an approach towards the CLLP policy issue. It identifies that development should be up to nine dwellings on the one hand whilst identifying acknowledging the constraints to development in the parish based on flooding issues in the other hand. In doing so I have taken account of the Parish Council's responses to the clarification note. I also correct an error in the Justification.

Replace the policy with:

'Development proposals for residential development of up to nine dwellings within the built-up part of Morton or on the immediate edge of the settlement will be supported subject to the following criteria:

(A) They provide a suitable opportunity for infill or the redevelopment of previously used land and would:

- **retain the core shape and form of the village;**
- **not unacceptably harm the local character of the area in which it is located, taking account of Policy MNP5;**
- **respect the rural setting of Morton and avoid any increased coalescence between Morton and Gainsborough, especially along Front Street & Floss Mill Lane; and**
- **not have an unacceptable impact on the residential amenity on dwellings in the immediate locality**

(B) As appropriate to their scale, nature and location, they incorporate the following elements:

- **the use of topography, landscape, water, trees & habitats, to achieve sustainable development, including the retention of watercourses and ditches;**
- **the integration of car parking within plots;**
- **the provision of convenient, well-screened storage for bins, recycling and bicycles;**
- **the provision of good access to public transport, footpaths and cycle routes);**
- **the delivery of a range of dwelling types and sizes; and**
- **domestic scale renewable energy, sustainable urban drainage and carbon minimisation features, where they would result in a design which is appropriate to the location.**

(C) As appropriate to their location they incorporate flood resilience and protection measures and otherwise comply with Policy MNP3 of this Plan and Policy LP14 of the Central Lincolnshire Local Plan'

At the beginning of the Justification add:

‘Policy MNP3 provides detailed guidance on potential new developments within the neighbourhood area. It seeks to add particular value to the approach already included in Policies MNP1 and 2 of this Plan and the wider approach of Policy LP2 of the Central Lincolnshire Local Plan’

In the fourth paragraph of the Justification replace ‘LP5’ with ‘LP55’

At the end of the Justification add:

‘Policy LP 2 of the CLLP allows for the potential development of up to 9 dwellings on infill sites in Morton. However, it is considered that flooding constraints in Morton are such that dwelling numbers on otherwise acceptable infill sites may be much lower than that figure. Flood risk issues are considered in greater detail in Policy MNP2’

MNP4 Residential Extensions and Conversions

- 7.26 This policy addresses residential extensions and conversions. It requires that such developments respect the character and appearance of nearby buildings and their settings. It helpfully identifies key matters which development proposals should consider. It also offers support to the incorporation of sustainable design features.
- 7.27 I recommend two technical modifications to the second part of the policy so that it will have the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the second part of the policy:

- **add’ The incorporation of’ at its beginning;**
- **replace ‘are encouraged’ with ‘into extensions and conversions will be supported’**

MNP5 Local Character and the design of new development

- 7.28 This is an important policy in the Plan. It builds on the excellent Character Assessment work. It weaves the Character Assessment work with a more general approach to design in the parish. In the round it is an excellent response to the government agenda to raise the quality of design in the built environment.
- 7.29 I recommend modifications so that the language used has the clarity required by the NPPF and to ensure that appropriate attention is drawn to the maps showing the Character Assessment work. Otherwise, it meets the basic conditions.

At the end of the first sentence of A add: ‘(as shown on the map on p19)

In A replace ‘Where applicable to the development proposal, some or all the following detailed criteria will need to be satisfied:’ with ‘As appropriate to their scale, nature and location development proposals should comply with the following criteria:’

In B after ‘rural lanes’ add: ‘(as shown on the Policies Map)

MNP6 Key Views

- 7.30 This policy identifies a series of key views. It has been informed by the wider work on the Character Study. The policy requires that new development respects the key views and that they are not compromised by the scale and location of development.
- 7.31 The policy takes an appropriate and non-prescriptive approach to this matter. I recommend a very specific modification to the policy so that it clarifies the extent to which development proposals may be acceptable.
- 7.32 Some of the identified views (1/3/4/7) begin within the parish and extend outside its boundaries. This is understandable given that views do not respect administrative areas. However, as a neighbourhood plan cannot influence development outside its designated area, I recommend that the Justification clarifies this matter.
- 7.33 WLDC comments about the precise location of some of the identified key views. In its response to the clarification note the Parish Council clarified that the views are more accurately shown on the Policies Map rather than in the plan associated with the policy itself. To remedy this potential lack of clarity I recommend that the map associated with the policy is deleted and that the detail on the Policies Map becomes the definitive source of information on this matter.
- 7.34 The Parish Council's responses to the clarification note comment about the refinements which may be needed to the source of some of the key views. I am satisfied that this is a local matter which can be resolved within the wider flexibility provided to WLDC and the Parish Council to include general and consequential modifications to the Plan (in paragraphs 7.62 and 7.63 of this report).

Replace 'and not be compromised' with 'and not be unacceptably compromised'

Replace (listed/mapped.... Map) with '(listed below and as shown on the Policies Map)

At the end of the Justification add: 'Some of the identified key views originate within the neighbourhood area and extend outside the designated area. This is not unusual and views do not respect administrative boundaries. However, for development plan purposes Policy MNP6 applies only within the Morton neighbourhood area'

MNP7 Designated heritage assets

- 7.35 This policy addresses listed buildings in the parish. They are identified in the policy.
- 7.36 I recommend that the second sentence of the policy is replaced with wording to ensure that it has regard to Section 16 of the NPPF. I also recommend that other wording is modified so that it has the necessary clarity required by the NPPF. Otherwise, the policy meets the basic conditions.

In the first sentence replace 'Planning applications' with 'Development proposals'

Replace the second sentence with:

‘Development proposals affecting a listed building should have regard to the desirability of sustaining and enhancing the significance of heritage asset concerned and putting it to viable uses consistent with their conservation and the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality’

MNP8 Protecting and enhancing local built heritage assets

- 7.37 This policy takes a similar approach to the previous policy. In this case it addresses non-designated heritage assets. They were identified through the Character Study work.
- 7.38 I am satisfied that the proposed assets have been carefully-selected. In their different ways they contribute to the character and the appearance of the parish.
- 7.39 The policy seeks to ensure that development affecting the local built heritage assets respects their architectural and/or historic interest. Thereafter it identifies the way in which development proposals would be determined where harm would be caused to the buildings concerned. However, its prescriptive approach does not have regard to the more nuanced approach in paragraph 197 of the NPPF. I recommend a modification to ensure that the policy has regard to national policy. I also recommend a detailed modification to the wording in the first sentence of the policy. Otherwise, it meets the basic conditions

In the first sentence replace ‘will be required to’ with ‘should’

Replace the second sentence with:

‘The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the planning application concerned. In weighing development proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset’

MNP9 Existing open spaces and sports facilities

- 7.40 This policy identifies a series of open spaces and sports facilities to be protected from development. I looked at the various spaces and facilities and saw their importance and significance in the local community.
- 7.41 The policy also identifies a limited number of circumstances where the loss of existing open spaces and sports facilities would be supported. Where replacement facilities are provided the policy comments that financial arrangements should be in place to secure the establishment and future maintenance of the replacement facility. I can understand the way in which the Parish Council has approached this matter. However financial concerns of this nature (including long term maintenance issues) are not directly

planning-related matters. In these circumstances I recommend that this part of the policy is deleted. Plainly matters of this type would be considered by WLDC in making its own judgement on the extent to which any replacement facilities met the requirements of this policy and any other relevant development plan policy.

- 7.42 The policy also refers to replacement facilities being in locations agreed by the Parish Council. This approach does not bring any clarity to the development management process. In any event it fails to acknowledge that WLDC, in its capacity as the local planning authority, will continue to determine planning applications in the parish. I recommend a more general approach to this matter which comments about the appropriateness and accessibility of the location of any proposed replacement facility.
- 7.43 Finally I recommend that the final sentence of the policy (which lists the facilities) is set out as a separate part of the policy.

In the second sentence replace

- ‘may be permitted only’ with ‘will only be supported’
- ‘and in a location agreed by the Parish Council with ‘and in an appropriate and accessible location’

Delete the third sentence.

Set out the final sentence of the policy (whilst lists the facilities) as a separate part of the policy.

MNP 10 Proposed Local Green Spaces.

- 7.44 This policy proposes the designation of three local green spaces (LGSs) as follows:
- Mill Wood
 - Field Lane
 - The Gymes/Morton Breach
- 7.45 The Justification identifies the ways in which the proposed LGS meet the criteria in paragraph 100 of the NPPF. I looked at the proposed LGS carefully when I visited the neighbourhood area. I concur with the assessments made about the three areas. They are local in scale and demonstrably special to the local community. Whilst the Gymes is a slight walk from the main village along the River Trent footpath I am satisfied that it is in reasonably close proximity to the village. In their individual ways the proposed LGS are very distinctive to Morton.
- 7.46 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was

brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

- 7.47 The policy identifies the three LGSs and then applies the approach to such designations as set out in paragraph 101 of the NPPF. However, it then attempts to identify circumstances where development may be supported in a LGS in general, and for works associated with flood relief measures in particular. I can understand the circumstances which have caused the Parish Council to take this approach. Nevertheless, it goes well beyond the approach in national policy. I recommend that it is deleted accordingly. I also recommend that the supporting text is expanded to address the general issue of how planning applications within LGSs would be determined. WLDC will be able to take its own balanced judgements on a case-by-case basis giving appropriate weight to development plan policies and material planning considerations which may apply to individual proposals.
- 7.48 Otherwise the policy meets the basic conditions. It will assist in the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘The Plan designates the following parcels of land as shown on the Policies Map as local green spaces.

[List the three LGSs at this point]

Development proposals within the designated local green spaces will only be supported in very special circumstances’

In the Justification at the end of paragraph 57 add:

‘The policy takes the matter-of-fact approach set out in paragraph 101 of the NPPF. In the event that development proposals come forward within designated local green spaces within the Plan period the District Council will be able to assess them to establish if they present any very special circumstances on a case-by-case basis.’

MNP 11 Community Buildings, Shops and Public Houses

- 7.49 This policy identifies four community facilities in the parish. The policy then has two related parts. The first identifies the circumstances in which proposals that would involve the loss of the identified facilities would be supported. The second offers support for proposals which would enhance or improve the facilities concerned.
- 7.50 I recommend detailed modifications to the wording used in the policy to bring the clarity in the NPPF.
- 7.51 The second paragraph of the policy comments on the procedural issues surrounding the viability test in the first part of the policy. It is very helpful. However, it is a process matter rather than a policy and I recommend that it is repositioned into the Justification.
- 7.52 WLDC correctly identifies that some of the identified community facilities are separately identified as heritage assets elsewhere in the Plan. Plainly WLDC will need to take

account of all relevant development plan policies in determining planning applications. This potential overlap is already addressed in the Justification.

In the first part of the policy replace ‘will be resisted’ with ‘will not be supported’

Delete the second part of the policy

At the end of the first paragraph of the Justification add the deleted second paragraph of the policy.

MNP 12 Local employment and businesses

7.53 This policy sets out a positive approach towards local employment and business. Its first part addresses a wide range of potential employment activities. It does so in a criteria-based fashion. The second part of the policy comments specifically about home working.

7.54 I recommend a series of modifications to the elements of the policy to ensure that it has the clarity required by the NPPF as follows:

- the language used in the opening section;
- the criterion in Part A of the policy with regard to the rural lanes – as submitted the policy is very prescriptive and may have unintentional consequences; and
- to simplify the wording on home-working in Part B of the policy.

In the opening part of the policy replace ‘should be permitted’ with ‘will be supported’

Replace A iv) with: ‘Traffic generated by the proposal, including deliveries by HGVs and larger farm vehicles will be consistent with the visual and nature conservation value of the rural lanes identified in Policy MNP 6’

In part B replace ‘In the case ofproposals’ with ‘Insofar as planning permission is required proposals for home working or home-based activities’

MNP 13 Transport issues arising from development

7.55 This policy seeks to ensure that new developments can be satisfactorily incorporated within the local highways network. The Justification helpfully identifies the extent to which this is an important matter locally.

7.56 The policy includes elements of both policy and process requirements. I recommend that the order of the policy is modified so that the process requirements follow on from policy element. I also recommend that the wider policy objective is included at the outset. I also recommend that the procedural element on the potential requirement for a Traffic Assessment is deleted from the policy itself and captured in the Justification.

Replace the policy with:

‘Development proposals should be of a type and of a scale which can be satisfactorily incorporated within the local highway network. Proposed

developments that would generate a significant amount of movement or would affect a known and evidenced traffic hazard should be accompanied by appropriate measures to maintain highway safety and avoid vehicular/pedestrian conflict.

Development proposals that would have an unacceptable impact on highway safety and/or the free flow of traffic will not be supported'

Add the following at the end of the first paragraph of the Justification:

'Where appropriate, development proposals should be supported by a Transport Statement or Assessment which sets out details of the transport issues relating to the development, including the measures to be taken to deal with the traffic impacts of the scheme and opportunities for improving the pedestrian and cycle connectivity'

MNP 14 Active Travel

- 7.57 This policy has two parts. The first protects existing footpaths and rights of way. The second looks to explore opportunities for their improvement in general, and to provide accessibility to the wider countryside and Gainsborough in particular.
- 7.58 In its response to the clarification note the Parish Council acknowledged that the second part of the policy was a community aspiration rather than a planning policy. I recommend modifications to address this matter. I also recommend that the first part of the policy addresses the circumstances where new development would need to incorporate an existing footpath.

Replace the policy with:

'Existing footpaths, bridleways and other designated routes, as defined on the County Rights of Way Map, will be protected. Where necessary development proposals should incorporate such routes in a safe and attractive way'

Add a new Community Aspiration to read:

'CA4: In conjunction with the County and District Councils, the Parish Council will investigate opportunities for extending and improving routes to increase pedestrian and cycle connectivity to and from Gainsborough and into surrounding countryside'

At the end of the Justification add: 'Community Aspiration 4 comments about the work which the Parish Council will undertake to explore opportunities for extending and improving routes to increase pedestrian and cycle connectivity to and from Gainsborough and into surrounding countryside'

Community Aspirations

- 7.59 The Plan includes three Community Aspirations. They have naturally arisen during the production of the Plan. They are not land use matters. As such they are included in a separate part of the Plan.

7.60 The Aspirations are as follows:

- CA1: Local history and various sources, including the Heritage Lottery Fund.
- CA2: Countryside Management/Nature Conservation.
- CA3: Traffic management and speed limits

7.61 I am satisfied that the Aspirations are appropriate to the parish and reflect its distinctive characteristics.

Other Matters - General

7.62 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.

7.63 This flexibility also extends to refinement to the source of the various views in Policy MNP6 (and as identified in paragraph 7.33 and 7.34 of this report)

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

Other matters – Monitoring and Review

7.64 The Plan correctly comments about how it would be monitored and reviewed in Section 16. For completeness I recommend that it makes reference to the ongoing review of the CLLP and its potential impact on a 'made' neighbourhood plan

At the end of paragraph 16.3 add:

'The Parish Council will give particular attention to the ongoing review of the Central Lincolnshire Local Plan. Its eventual adoption will be a key element in any potential review of this Plan'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the context of significant flood risk challenges 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 Morton 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 Morton 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 3 September 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
2 March 2021