

Scotter Neighbourhood Development Plan 2017-2036

**A report to West Lindsey District Council on the
Scotter 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 Scotter Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 20 September 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 two sites for housing development and designates three local green spaces. It includes a distinctive policy on design and seeks to reduce the risks of flooding.
- 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 Scotter 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
16 October 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Scotter Neighbourhood Development Plan 2017-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Scotter 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. This conclusion reflects that the submitted Plan provides further detail to the two sites already allocated in the CLLP. No other new development is proposed. 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. Responses were received from Natural England and Historic England.
- 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 Scotter Character Assessment.
- 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 20 September 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 August to October 2016.
- 4.3 The Statement and the Plan itself (paragraph 3.8) 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. Specific events highlighted include:
 - The Village Hall event (September 2015)
 - The Plan area questionnaire (February 2016)
 - The business survey (April 2015)
- 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 The Statement reproduces several of the elements of consultation information that was used during the preparation of the Plan. This gives a degree of depth and colour to the process in general, and the Statement in particular.
- 4.6 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

a range of local residents and statutory organisations. They are listed below and have helped to inform some of the recommended modifications in this report.

- WLDC
- Historic England
- Highways England
- Anglian Water
- Lincolnshire County Council
- Natural England
- Sport England
- Trevor Matthews
- Russ Murray
- Richard Proctor
- Kevin Wilson and Samantha Hudson
- Jennifer Bradshaw

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 Scotter. In 2011, it had a population of 3068 persons living in 1332 dwellings. It was designated as a neighbourhood area on 25 June 2015.
- 5.2 The village of Scotter sits approximately 15km to the north east of Gainsborough and approximately 7 km to the south of Scunthorpe. The wider neighbourhood area extends both to the east and to the west of the village. Its western boundary is defined by the River Trent. The Plan area is primarily in agricultural use with the built-up area of the village at its heart. The A159 road runs through the village in a north-south direction. The River Eau passes through the village in an east-west direction as it drains into the River Trent. It forms a strong and easily-identifiable feature in the village and marks a distinction between the bulk of the village to its south, and to the area around North Moor Road to its north.
- 5.3 The village itself is predominantly residential in character. It has a clearly-defined core based around the junction of Messingham Road and High Street. The village centre and the village green off High Street represent the key focal point of the Plan area. They include a wide range of vernacular buildings that reflect the heritage and culture of the village. A significant part of the character of the village is defined by its relationship to the River Eau. It runs in an attractive environment to the immediate north of the village green area. It also contains various areas of open space to the east of High Street and Scotter Road. St Peter's Church sits in this context off Church Lane.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the central Lincolnshire area up to 2036.
- 5.5 The CLLP provides a very clear spatial context for development in the Plan area. Its Policy LP2 provides a focus for development by way of a settlement hierarchy 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 Scotter is identified as a Large Village.
- 5.6 Policy LP52 of the CLLP identifies a series of residential allocations in the larger villages. In Scotter two allocations are identified as follows:

CL 1456	Land to the east of North Moor Road
CL 4674	North Moor Road

Both of these sites are addressed in further detail in the submitted neighbourhood plan.

- 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
 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 20 September 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 the open countryside.
- 5.11 I looked initially at the proposed housing sites off North Moor Road. I saw their 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 H1 and H2 had been designed to reflect these matters.
- 5.12 I then walked into the historic core of the village based around the A159, High Street and The Green. I saw its interesting collection of traditional buildings and the variety of retail and other commercial uses.
- 5.13 I continued walking to the south along High Street so that I could see the proposed local green spaces. In doing so I was able to see the Library. I could see that it was an important part of the community in general, and for the display of local notices in particular. I saw that a slightly later visit to the Plan area may have allowed me to enjoy the Scotter Man Shed events on the History of Parachutes to 1945 and a visit to Humber Cars.
- 5.14 I continued walking along High Street so that I could see the identified Community Hub. It was particularly vibrant and popular with families with young children at the end of the school day.
- 5.15 I retraced my steps back to the village green and then walked down to the bridge over the River Eau. I then walked along Riverside back to the main road. I was able to

understand the role and purpose of Policy F11 by this part of the visit. I also saw the attractiveness of both the Village Green and the riverside area.

- 5.16 I finished my visit by driving around the various residential areas of the village as highlighted in the submitted Character Assessment. I then drove down Susworth Road to the River Trent.

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 Scotter 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 its position in the settlement hierarchy in the CLLP. It

includes a policy on design, a policy to safeguard a community hub of local facilities and it designates three areas as local green space. Table 1 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 two new housing sites (Policies H1/H2) and for infill development (Policy H4). In the social role, it includes policies on housing mix (Policy H3), to designate local green spaces (Policy DLG14) and to safeguard community facilities in a recognised hub (Policy C15). In the environmental dimension, the Plan positively seeks to protect the character and landscape of the neighbourhood area (Policy L12), to provide open space on new developments (Policy O11) and to safeguard against flood risk (Policy F11).

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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 2-4)

- 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 both to national policy and the recently adopted Local Plan. It sets out the Plan period and identifies the Plan area.
- 7.10 Section 3 provides helpful information about the Plan area. Sections 3.1 and 3.2 set out key elements of its history. The remainder of the section provides details about its population, housing stock car ownership levels and methods of travelling to work.
- 7.11 Section 4 sets out the community issues and opportunities to be addressed in the Plan. This then cascades into a Community Vision which is underpinned by nine Community Objectives. Both the vision and the objectives are clearly described and are distinctive to the Plan area.
- 7.12 The remainder of the Plan is arranged around topic-based chapters. The appropriate policies are included on a chapter-by-chapter basis.

- 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 H1: Housing Allocation on East of North Moor Road

- 7.14 This policy offers support for a comprehensive development of this site for residential purposes subject to a series of criteria. It is one of two sites allocated for residential purposes in Scotter in the CLLP (in this case CL1456). The site sits to the immediate east of North Moor Road on the northern edge of the village. It is self-contained within its wider agricultural landscape. The site is bounded to the south by substantial properties fronting North Moor Road and by more modern dwellings off Johnson Drive.
- 7.15 The criteria in the policy address a series of matters including building heights, integration with footpaths, drainage and flooding boundary treatments and open space contributions. They correctly reflect the circumstances of the site.
- 7.16 The policy has attracted a representation from the occupiers of a property that sit to the south of the site. It draws attention to comments in the Character Assessment on the character of the Johnson Drive part of Scotter. I have taken these comments into account in preparing this report and making recommendations to WLDC. Nevertheless, the site has already been allocated in the CLLP. In this context it is perfectly reasonable and appropriate for the submitted Plan to include a policy which provides a greater level of detail against which planning applications can be determined.
- 7.17 I recommend modifications both to the policy and to its supporting text. In relation to the former I recommend that criterion a) is modified so that it fully addresses the different characters of the properties that bound the site to the south. In relation to the latter I recommend the deletion of certain paragraphs of supporting text which describe the evolution of the CLLP (now adopted) and their replacement with paragraphs which more fully describe this site and the other proposed housing site (Policy H2). This approach will provide the level of detail required by the decision-maker during the Plan period.

Replace criterion a) with:

‘the height, scale, mass and layout of the new properties should respect the scale and location of adjacent properties to the south served either from North Moor Road or from Johnson Drive’.

Delete paragraphs 5.5 and 5.6 and replace them with the following:

Policies H1 and H2 provide detailed guidance and criteria for the development of the two separate sites. They consolidate the allocation of the sites in the Local Plan. In both cases they require the submission of comprehensive proposals that address the various criteria. Other policies in the Plan will also have a bearing on their development including Policy D5 on design. The two different sites bring their own challenges. In both cases however appropriate boundary treatments will be required where they adjoin the open countryside.

In the case of site H1 (East of North Moor Road) proposals will be expected to be designed and arranged so that the height, scale, mass and layout of the new properties respect the scale and location of adjacent properties to the south served either from North Moor Road or from Johnson Drive. These matters will be critical to the successful incorporation of this new development into the wider urban landscape of the village. This importance is highlighted as the character and layout of the two existing groups of properties to the south of the site are very different. In the case of site H2 (North Moor Road) proposals should be designed and arranged so that the height, scale, mass and layout of the new properties respect the scale and location of adjacent properties in Arrandale to the south. This matter will be very important to the successful incorporation of this new development into the existing residential development to the west of North Moor Road.

Policy H2: Housing Allocation on North Moor Road

- 7.18 This policy offers support for a comprehensive development of this site for residential purposes subject to a series of criteria. This is one of two sites allocated for residential purposes in Scotter in the CLLP (in this case CL4674). The site sits to the immediate west of North Moor Road on the north-western edge of the village. It sits within its wider agricultural landscape and occupies the eastern part of a more extensive field in active agricultural use. The site is bounded to the south-east by Arrandale, a relatively recently-constructed development of bungalows.
- 7.19 The policy has attracted representations from residents in Arrandale and elsewhere. They draw attention to the potential conflict between the layout of the existing dwellings in Arrandale and the proposed new development. They also comment on previous discussions that have taken place on this matter. I looked at this issue carefully when I visited the Plan area in general, and looked at the proposed site in particular. As submitted neither the policy nor the supporting text provides the clarity on this matter as required by the NPPF.
- 7.20 I recommend modifications both to the policy and to its supporting text. In relation to the former I recommend that criterion a) is modified so that it fully addresses the scale and character of the properties in Arrandale that bound the site to the south. In relation to the latter I recommend the deletion of certain paragraphs of supporting text which describe the evolution of the CLLP (now adopted) and their replacement with paragraphs which more fully describe the site and the other proposed housing site (Policy H1). This approach will provide the level of detail required by the decision-maker during the Plan period. This modification overlaps with that already recommended for Policy H1 in paragraph 7.17. This reflects that the two policies share the same supporting text.
- 7.21 Several of the representations comment about the purpose and significance of the Indicative Master Plan for this site included in Section 21 of the Plan. I can see that paragraph 5.6 of the submitted Plan properly draws attention to the need for further engagement with the local community before the two sites are developed. It also welcomes the opportunity to work with landowners to develop master plans.

Nevertheless, there is no direct context for the inclusion of the master plan for this site in Section 21 of the Plan. Whilst paragraph 21.1 comments that it is an indicative scheme and is included for illustrative purposes only, it has the ability to create uncertainty. In addition, it may be given greater significance than would otherwise be the case due to its inclusion in the submitted Plan. Plainly it has generated confusion for local residents. In all the circumstances I recommend that it is deleted from the Plan.

Replace criterion a) with:

‘the height, scale, mass and layout of the new properties should respect the scale, character and location of adjacent properties in Arrandale to the south’.

Delete Section 21 of the Plan

Policy H3: Housing Mix

- 7.22 This policy sets out a requirement for major residential development to deliver a range of house sizes. It reflects that there is a concentration of three and four-bedroom dwellings in the neighbourhood area.
- 7.23 The policy reflects local evidence and has regard to paragraph 50 of the NPPF. It meets the basic conditions.

Policy H4: Small Scale Residential Development

- 7.24 This policy offers support to developments of nine or less dwellings within the built form of the settlement where they are of an appropriate scale and form and where they are appropriately designed.
- 7.25 I sought clarification from the Parish Council on the nine-dwelling threshold and to understand the approach that it has taken in relation to the future growth in the village that may come forward in addition to the development of the two allocated sites. Nevertheless, no evidence has been submitted to support the nine-dwelling threshold. In the CLLP the threshold figure of nine dwellings applies to medium villages. In larger villages such as Scotter a threshold figure is not used. The CLLP anticipates that such villages will accommodate an appropriate level of growth and that most of the growth will be within sites allocated in that Plan (as is the case in Scotter).
- 7.26 I acknowledge that this is likely to be an academic matter given the limited opportunities that exist for significant levels of new residential development within the built form of the village. Nevertheless, the neighbourhood plan needs to be in general conformity with strategic policies in the development plan. On this basis I recommend a modification to the policy to address this matter. The importance of the scale/density/form and design criteria would remain.

Replace the policy with the following:

‘Residential developments will be supported within the existing built form of the settlement subject to the following criteria:

- **they are of an appropriate scale, density and form to the size, character and appearance of Scotter:**
- **where appropriate they provide for a mix of dwellings in accordance with Policy H3 of this Plan; and**
- **they deliver good quality design in general, and comply with Policy D5 of this Plan in particular.’**

Policy D5: Design of New Development

- 7.27 This policy sets out key principles for the design of new developments in the Plan area. It draws on the findings of the submitted Scotter Village Character Assessment 2016. This is an exemplary document. It outlines key characteristics that define Scotter and which should be used to inform the design of new development proposals.
- 7.28 The policy is distinctive to the Plan area. It sets out important criteria in relation to building scale, form and mass, access to community services and the use of sustainable urban drainage. The second part of the policy requires developers to explain in their design and access statements how the proposed development meets the various criteria in the first part of the policy in general terms and how it relates to Building for Life 12 principles in particular.
- 7.29 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).
- 7.30 I recommend three modifications to the policy. The first is in relation to criterion b) to ensure that it is consistent with the modifications that I have recommended to Policies H1 and H2. It will be these two housing developments that this criterion will be most applicable.
- 7.31 The second is in relation to the Building for Life 12 matter. This is an excellent document which provides the industry standard for the design of new residential development. Nevertheless, the March 2015 ministerial statement comments that development plans should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. As such I recommend that this element is deleted from the policy. I also recommend modifications to paragraph 8.7 of the supporting text so that developers can refer to these guidelines should they wish to do so.

- 7.32 The third is in relation to the requirement for details to be submitted in a Design and Access Statement. This is more of a procedural matter rather than a policy issue. In any event it is for WLDC as the local planning authority to determine what should be included in design and access statements for applications to be submitted in the district. I recommend that this issue is deleted from the policy and addressed in the supporting text.

In the introductory section of the policy replace ‘must’ with ‘should’

Replace criterion b) with:

‘be of a scale, height, mass and layout that respects its immediate surroundings including where appropriate, the scale and location of adjacent properties or the character and appearance of the countryside’

Delete part 2 of the policy.

Replace paragraph 8.7 with the following:

Developers are encouraged to address how they have incorporated the various design principles in Policy D5 in their design and access statements when planning applications are submitted. The Parish Council recognises the significance of the new residential developments that may come forward within the Plan period. Developers are encouraged to apply the principles set out in the Design Council’s Building for Life 12. They provide the industry standard for the design of new residential development.

Policy R6: New Development in the Village Centre

- 7.33 This policy applies to proposed development in the village centre. Paragraphs 9.1 to 9.4 set out the importance of the village centre and its provision of an important range of facilities used both by residents in the Plan area and its wider hinterland. These matters were reflected in the consultation process. A boundary for the village centre is defined as part of the policy.
- 7.34 The thrust of the policy and the boundary of the village centre in Proposals Map 2 are entirely appropriate. A vibrant village centre has the ability to contribute significantly to all three dimensions of sustainable development in the Plan area. The policy sets out to resist changes of use from existing A1-A5 uses in the defined area. The second part of the policy sets out an expectation that proposals should contribute to the overall enhancement of the village centre. It also supports the use of upper floors for residential use.
- 7.35 I recommend a series of modifications to the policy so that it has regard to national policy in general terms, and has the clarity required by the NPPF in particular. In the first instance national policy has become more flexible in recent years with regard to changes of use between different commercial use types. Permitted development rights have been extended, and further changes to this regime may occur during the Plan period. On this basis, I recommend a modification that reflects that some proposals may not need planning permission.

- 7.36 In the second instance I recommend a modification to the third criterion in the policy. Its reference to the 'exasperation' of parking issues does not have the clarity required by the NPPF. In any event a vibrant village centre will attract more visitors either by foot or by car. This is ultimately a matter that would be addressed by Lincolnshire County Council as the highways authority in the event that parking issues affected highways safety.
- 7.37 In the third instance I recommend modifications to the second part of the policy. I can understand its ambition that development proposals should contribute to the overall enhancement of the village centre. I can see that this policy element relates back to paragraph 9.5 of the Plan. However, the policy and the supporting text offer no guidance about the measures that a developer would need to implement in order to comply with the policy. Its language provides no basis for WLDC to apply the policy on a consistent basis throughout the Plan period. On this basis I recommend the deletion of this part of the policy. The recommended modification below replaces this part of the policy.

At the start of part 1 of the policy insert 'Insofar as planning permission is required'

In part 1 of the policy replace 'permitted' with 'supported'

Replace criterion c) with:

'the proposal would not have a detrimental impact on the overall availability of car parking spaces within and adjacent to the village centre'.

Replace the second part of the policy with the following:

Proposals for new retail and commercial uses (Classes A1-A5) in the village centre will be supported. Proposals for the use of upper floors in the village centre for residential use will also be supported.

Replace paragraph 9.5 with the following:

'Within the village centre boundary proposals for additional retail and commercial uses will be supported. Proposals will be particularly welcomed for additional uses that would increase the viability and vitality of the village centre and add to attractiveness for the local population. The policy also supports the use of upper floors for residential use. Such uses can add to vitality throughout the day and night and contribute towards the overall safety of the village centre. Plainly individual building owners will come to their own judgements about the relative merits of the use of upper floors for retail storage or residential accommodation.'

Policy T7: Public Realm

- 7.38 This policy sets out a requirement that all major planning applications will deliver the very highest quality in the public realm. It identifies five areas where planning applications should demonstrate this quality. It comments that the relevant details should be incorporated into Design and Access Statements.
- 7.39 I recommend a series of modifications to the policy. The first is in relation to the requirement for details to be submitted in a Design and Access Statement. This is more

of a procedural matter rather than a policy issue. In any event it is for WLDC as the local planning authority to determine what should be included in design and access statements. I recommend that this issue is deleted from the policy and addressed in the supporting text. This follows an identical approach to that recommended for Policy D5

- 7.40 The second is in relation to the standards expected by the policy. It comments that the planning applications concerned will be expected to deliver ‘the very highest quality in the public realm’. This approach is very laudable. However, there is no guidance in the Plan about what this might mean on a day-to-day basis. On this basis it would be impractical for WLDC to apply it consistently throughout the Plan period. I recommend that the requirement for quality is expressed in a more general fashion.

Replace the opening part of the policy with the following:

Major planning applications should deliver a high quality public realm as part of their wider proposals. Where appropriate proposals should demonstrate the ways in which they have addressed the following factors:

Add at the end of paragraph 10.6 the following additional text:

‘Developers are encouraged to address how they have incorporated the various design principles in Policy T7 in their design and access statements when planning applications are submitted. The Parish Council recognises the significance of major developments that may come forward within the Plan period. It is on this basis that the second part of the policy sets out an expectation that such proposals are designed in such a fashion that they will retain their freshness through appropriate and straight-forward maintenance regimes’.

Policy T8: Roads and Streets

- 7.41 This policy sets out the Plan’s approach to highway considerations. It comprehensively addresses matters such as pedestrian access, vehicular access and servicing, water run-off and links between new development and the village centre.
- 7.42 I am satisfied that the policy addresses land use issues rather than technical highways issues which would otherwise fall to the County Council as the highways authority. The policy meets the basic conditions.

Policy T9: Parking and Parking Standards

- 7.43 This policy identifies a series of parking and amenity issues. It also sets out specific car parking standards for different sizes of houses.
- 7.44 I recommend a modification to the second part of the policy so that it is consistent with other policies and has the clarity required by the NPPF

In the second part of the policy replace ‘will be expected to’ with ‘should’

Policy T10: Footpaths and Cycle Routes

- 7.45 This policy offers support for three sets of initiatives for footpath and cycle routes. They are all distinctive and appropriate to the Plan area.
- 7.46 I recommend a modification to the second component of the policy. As submitted it omits to offer support for this element.

At the end of the second element of the policy add 'will be supported'

Policy F11: Flood Risk

- 7.47 This policy appropriately comments that new development should not increase flood risk. It then requires that planning applications are accompanied by site-specific flood risk assessments and other technical information.
- 7.48 I sought clarification from the Parish Council on the policy. As submitted its requirements are extensive both in their technical implications and their applicability to all planning applications. Plainly there will be some major applications in the Plan period. At the same time the majority of planning applications will be minor which will reflect the predominantly residential nature of the Plan area.
- 7.49 The Parish Council referred me to the significance of flooding in the Plan area as set out in Section 11 of the Plan. Flooding was also raised as part of the various consultation exercises. Plainly the Plan area is most significantly at risk from flooding in those areas adjacent to the River Eau as it drains into the River Trent to the west of the village. This sensitive area is very clearly identified as Flood Zone 3 on Proposals Map 4.
- 7.50 I can understand the Parish Council's wish to demonstrate to local residents that it has properly addressed flooding issues as part of the preparation of the Plan. Nevertheless, the requirements of the policy would be excessively onerous for the majority of planning applications which will come forward within the Plan period. In any event most of those planning applications will be well away from either Flood Zones 2 or 3.
- 7.51 In addition the policy does not have regard to the sequential test principles as set out in paragraphs 99 to 104 of the NPPF. Whilst paragraphs 11.1 to 11.3 of the submitted Plan comment about the NPPF and identify the extent of flood zones 2 and 3 in the Plan area these matters are not translated into the policy itself. This leads to the issues that I have highlighted in paragraph 7.48 of this report.
- 7.52 I am satisfied that a policy to address flooding issues should be retained in the Plan. This approach would reflect public concerns expressed during the preparation of the Plan. However, I recommend modifications so that the policy applies only to built development within the identified Flood Zones 2 and 3. This would ensure that the

policy has appropriate regard to national policy. It would also be proportionate to the types of planning applications that will come forward within the Plan period.

- 7.53 In taking this approach, I acknowledge that the principal elements of new development supported by the Plan (Policies H1/H2) lie outside Flood Zones 2 and 3 and would therefore not be covered by this policy. However, their locations will have been an important part of the site selection process used in the CLLP. In addition, both policies H1 and H2 include a criterion on drainage as a precautionary measure. Drainage and surface water run-off issues will be assessed by WLDC as part of the development management process.

In the first paragraph of the policy insert 'built' between 'for' and 'development'
In the first paragraph of the policy replace 'the Neighbourhood.... area' with 'Flood Zones 2 and 3 as shown on Proposals Map 4'

In the second part of the policy insert 'such' between 'All' and 'proposals'

In the second part of the policy replace 'must' with 'should'

Policy L12: Landscape and the Countryside

- 7.54 This policy is a key element of the Plan's contribution to the environmental dimension of sustainable development. It sets out ways in which proposed new developments should take account of the local landscape character and its historical development. It addresses a series of related matters including safeguarding the separation of Scotter from surrounding settlements and safeguarding the countryside for leisure and recreational purposes.
- 7.55 The policy is well-constructed and is distinctive to the Plan area. It meets the basic conditions.

Policy O13: Open Space within New Developments

- 7.56 This policy establishes the Plan's approach towards the delivery of open space within new developments. It comprehensively addresses open spaces, recreation facilities, accessibility and the location of open space within new developments.
- 7.57 Certain elements of the policy are either narrative or statements of intent. I recommend modifications to ensure that these elements of the submitted policy take on a policy format.
- 7.58 I also recommend modifications to the interplay between the first and the second parts of the policy and the supporting text. As submitted the policy suggests that developers will be required both to provide open spaces on site and to contribute towards the improvement of other off-site facilities. In some cases, this approach may well apply. However, in most cases it will be appropriate for open spaces to be provided on site where it is both accessible and safe for use by the local community. In any event open space can only be required where the development concerned generates a direct and functional need for such provision in accordance with the Community Infrastructure

Regulations. The recommended modifications address these overlapping issues. They also provide a reference point for the delivery of open space. As submitted the Plan requires its provision but does not clarify what is required.

In the first part of the policy replace ‘will be required to’ with ‘should’

At the end of the first part of the policy add ‘to development plan standards’

Incorporate the second part of the policy into the first part of the policy.

In doing so replace ‘Via planning obligations’ with ‘Where the provision of all or part of the required open space on a development site is not practical those development proposals should provide the outstanding amount off-site through the improvement of existing facilities, or through the provision of new open space, sport and recreational facilities’.

In the third part of the policy replace ‘will’ with ‘should’

In the fifth part of the policy replace ‘will be key to connecting’ with ‘should connect’

At the end of paragraph 13.3 add:

‘Policy O13 sets out the Plan’s approach to this open matter. The first part of the policy recognises that the provision of on-site open spaces may not be appropriate for all sites. It is on this basis that a degree of flexibility is introduced for a contribution towards off-site provision. Other parts of the policy refer to the design of open spaces and their connections to existing communities.’

Policy DLG14: Designating Local Green Spaces

- 7.59 This policy designates three parcels of land as local green space (LGS). They are shown on Proposal Map 6. They are the Playing Field, Parsons Field and Riverside. Proposed local green spaces are addressed in paragraphs 76 to 78 of the NPPF. The context is that such designation will not be appropriate for most green areas or open spaces. On this basis, the designation should only be used where three circumstances apply as described in paragraph 77 of the NPPF.
- 7.60 I am satisfied that all three sites meet these criteria. They are appropriately assessed against the NPPF in Appendix C of the Plan.
- 7.61 The policy itself is however more narrative than policy. I recommend modifications to its structure so that it has the clarity required by the NPPF and delivers locally on its paragraphs 76 and 78. For clarity I also recommend that the three sites are listed in the policy.
- 7.62 The second part of the policy expresses support for the development of changing facilities on the Playing Field (LGS1). There is a similar overlap in Policy C15 which encourages new community facilities within the community hub which largely corresponds with LGS1. In this case I recommend that these local policy overlaps are addressed within the context of the supporting text rather than the policy. They are

matters which WLDC will balance in the round in determining any such planning applications.

Replace the policy with:

‘The following parcels of land as shown on Proposals Map 6 are designated as Local Green Spaces:

LGS1 Playing Field

LGS2 Parson’s Field

LGS3 Riverside

New development will not be supported on these Local Green Spaces except in very special circumstances.’

At the end of paragraph 14.4 add:

‘The local community is keen to make the best possible use of the Playing Field. In principle the development of changing facilities will be supported on this site where any proposal meets the requirements of other policies in the Plan and is located and of a size that does not affect the integrity of its designation as a local green space in Policy DLG14’.

Correct the size of Riverside in paragraph 14.3

Policy C15: Community Facilities and Hub

- 7.63 This policy safeguards land to the east of Scotter Road for community facilities. It currently enjoys a range of facilities including the primary school, the surgery and the village hall. I saw its vibrancy when I visited the Plan area.
- 7.64 I recommend a series of modifications so that the policy has the clarity required by the NPPF. The overlap issue between the community hub and local green space policies is addressed in the recommended modification to the second part of the policy.

In the first part of the policy replace ‘for community use only’ with ‘safeguarded for community uses’ and ‘permitted’ with ‘supported’

Incorporate criterion a) directly into the preceding wording losing ‘a)’ in the process.

Replace the second part of the policy with the following:

Proposals for the development of new community facilities in the community hub will be supported where they are located and of a size that does not affect the integrity of the designation of the eastern part of the site as a local green space in Policy DLG14.

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 Scotter 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 Scotter 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 25 June 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
16 October 2017