

# **WELTON-BY-LINCOLN NEIGHBOURHOOD PLAN**

Welton-by-Lincoln Neighbourhood Plan Examination,  
A Report to West Lindsey District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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## **1. Introduction**

### The Neighbourhood Plan

This Report provides the findings of the examination into the Welton-by-Lincoln Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was produced by a Steering Group working on behalf of Welton-by-Lincoln Parish Council. Welton-by-Lincoln Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by West Lindsey District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Welton-by-Lincoln Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by West Lindsey District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Welton Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (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);
- the Neighbourhood 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.

Subject to the content of this Report, I am satisfied that all of the above points have been met.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is clear in this regard.

The cover page of the Neighbourhood Plan states that the plan period is “2015-2030.” Furthermore, section 2.3 of the Neighbourhood Plan, “*Plan Period, Delivery & Contingency*” provides further relevant detail in this regard.

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in respect of specifying the period during which it is to have effect.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to West Lindsey District Council that I was satisfied that the Welton-by-Lincoln Neighbourhood Plan could be examined without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011 and require that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

I have examined the Neighbourhood Plan against each of the basic conditions above.

The wording of the basic conditions forms an essential part of planning legislation. It is the result of careful consideration and it is important that the basic conditions are not misinterpreted. The Neighbourhood Plan is not tested against emerging planning policy. For clarity, I recommend changes to the text on page 8, which refers to the basic conditions:

- **Page 8, change 1.4 to “*The Welton-by-Lincoln Neighbourhood Plan must meet the basic conditions. These require that:*”**
  - ***having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;***
  - ***the making of the neighbourhood plan contributes to the achievement of sustainable development;***
  - ***the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;***
  - ***the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations.”***
- **Para 1.4, third Para, delete and replace with “*Consequently, the Welton-by-Lincoln Neighbourhood Plan has regard to the NPPF and is in general conformity with the saved policies of the WLDC Local Plan 2006.*”**

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>2</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Planning Practice Guidance<sup>3</sup>).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening statement identifies likely significant effects, then an environmental report must be prepared.

West Lindsey District Council issued a screening statement on 10 February 2016. This stated that:

*“As the responsible authority under Regulation 9 of the SEA Regulations 2004, West Lindsey District Council have assessed the contents of the Draft NDP against criteria provided in Schedule 1 of the 2004 Regulations and have produced a Screening Assessment.”*

The screening statement went on to conclude that the Neighbourhood Plan:

*“...will not have significant effects on the environment and we (consider) that a full Sustainability Appraisal will not be required.”*

The Basic Conditions Statement confirms that the views of the statutory consultees, Natural England, Historic England and the Environment Agency, were sought and that they agreed with West Lindsey District Council’s conclusion in this regard.

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<sup>2</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

<sup>3</sup> Paragraph 027, *ibid*



A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. In respect of the need, or otherwise, for a Habitats Regulations Assessment, the basic conditions statement concludes that:

*“The Welton-by-Lincoln (Neighbourhood Area) is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by West Lindsey District Council.”*

The statutory consultees have all been consulted on the Neighbourhood Plan and none have raised any concerns in this respect.

Further to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

*“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance<sup>4</sup>)

West Lindsey District Council has considered the Neighbourhood Plan’s compatibility with EU obligations and has raised no concerns.

Taking everything into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>4</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

### **3. Background Documents and the Welton-by-Lincoln Neighbourhood Area**

#### Background Documents

In undertaking this examination I have considered various information in addition to the Welton-by-Lincoln Neighbourhood Plan. This has included:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- West Lindsey Local Plan (2006) (Saved Policies) (Local Plan)
- Basic Conditions Statement
- Consultation Statement
- Welton Neighbourhood Development Plan SEA Screening Statement

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Welton-by-Lincoln Neighbourhood Area.

## Welton-by-Lincoln Neighbourhood Area

The boundary of the Neighbourhood Area coincides with that of Welton-by-Lincoln Parish.

A plan showing the boundary of the Welton-by-Lincoln Neighbourhood Area is provided on page 59 of the Neighbourhood Plan.

Further to an application made by Welton-by-Lincoln Parish Council, West Lindsey District Council approved the designation of Welton-by-Lincoln as a Neighbourhood Area on 16 July 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Welton-by-Lincoln Neighbourhood Plan Consultation

A Consultation Statement was submitted to West Lindsey District Council alongside the Neighbourhood Plan, in line with legislative requirements. As required by the neighbourhood planning *regulations*<sup>5</sup>, this sets out who was consulted and how, together with the outcome of the consultation.

Welton-by-Lincoln Parish Council established a Working Group further to the public launch of the Neighbourhood Plan in April 2013 at the Annual Parish Meeting.

The Working Group produced a questionnaire and this was sent to every household in the village in January 2014. A response rate of 23% provided the Working Group with an indication of the main concerns of residents and enabled them to identify main issues. Information was then gathered to draw up "a picture of Life in the Village." Amongst other information, this took into account the results of the questionnaire and was informed by a number of meetings with local groups.

The Consultation Statement confirms that four separate consultation events were held at locations including Manor Park, the Village Hall and the Social Club, between 2013 and 2015. These were publicised via a leaflet drop to every household, posters throughout the village and announcements in the monthly "Welton News." The views of attendees were recorded and taken into account.

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<sup>5</sup>Neighbourhood Planning (General) Regulations 2012.

As well as via posters, the distribution of leaflets and coverage in the “Welton News,” the public consultation was supported by information provided on a dedicated section of the Parish Council website.

The Consultation Statement demonstrates that matters raised were considered and that the reporting process was transparent. There is evidence to demonstrate that public consultation formed an essential part of the production of the Neighbourhood Plan.

Taking everything into account, I am satisfied that the consultation process was appropriate.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

For clarity, I recommend:

- **Foreword, end of Para 5, change to “...will not affect its legal status *as long as it meets relevant requirements.*”**

The Foreword also contains some information that is out of date. To avoid unnecessary confusion, I recommend:

- **Foreword, delete Paras 8 and 9, “A great deal...ultimate say.”**
- **Page 5, delete “Foreword Update”**

The Purpose, on pages 6 and 7, is confusing in parts. It states that the Plan “*raises other issues you raised*” but then refers to these other issues being in another document not yet published. It goes on to refer to a Review process not supported by legislation. For clarity, I recommend:

- **Page 7, delete first two paragraphs “The Plan also...its lifetime.”**

A Neighbourhood Plan is not “adopted” but is “*made*” and Welton-by-Lincoln is not the “Submitting Body” but the “*Qualifying Body.*” I recommend:

- **Page 7, third Para, last sentence, change to “...only *by the making of the Plan* that this can be realised.”**
- **Page 7, Para 1.2, change to “Qualifying Body” and “...(the Plan) was submitted...”**

I recommend changes to Para 1.4 earlier in this Report.

For clarity, I also recommend:

- **Page 11, last Para, change to “...evidence base can be found in *the following documents:*” and delete “Additional information on the WNP can be found in:”**

The Plan Period section, on page 12, refers to the Neighbourhood Plan running concurrently with a document that hasn't been adopted. At this stage, it would be clearer to simply refer to the plan period of the Neighbourhood Plan. Paragraph 2.3 goes on to suggest that the Neighbourhood Plan can somehow be changed via “*periodic revisiting*” which it cannot. Once made, the Neighbourhood Plan forms part of the development plan. It is possible for it to be replaced by a new Neighbourhood Plan, which would, like this Neighbourhood Plan, be subject to all of the relevant legislative procedures.

The delivery references in Paragraph 2.3 are confusing, unnecessary and detract from the clarity of the Neighbourhood Plan.

I recommend:

- **Para 2.3, change first paragraph to “...will run, *once made*, until 31 December 2035.”**
- **Para 2.3, delete paragraphs 2-4, “Welton-by-Lincoln Parish...financial constraints.”**

The Neighbourhood Plan includes a number of Statements of Intent. As set out, these are numbered. I find that, to some considerable degree, this leads to potential confusion with the Policies of the Neighbourhood Plan. The Statements of Intent set out Parish Council aspirations, they are not Policies and do not carry the same material planning weight as Policies. To avoid any confusion, I recommend:

- **Delete all of the numbers at the end of each Statement of Intent**
- **Above the first Statement of Intent, on page 12, add “*This Neighbourhood Plan includes a number of Statements of Intent. These set out tasks that the Parish Council will undertake. For clarity, they do not comprise Policies.*”**

The paragraphs entitled “The Future...Longer Term...Contingency” are confusing, unnecessary and detract from the clarity of the Neighbourhood Plan. The title to Paragraph 2.5, “Shorter Term,” does not reflect the content of that paragraph.

I recommend:

- **Delete Paragraphs 2.4, 2.6 and 2.7**
- **Change title of Paragraph 2.5 to “*A Balanced Approach*”**

The box containing Objectives, provided on page 15, includes a series of numbers (H01, H02 etc). These numbers are unnecessary and present the potential for confusion with the Policies of the Neighbourhood Plan. The Objectives are not Policies and do not carry the same material planning weight as Policies.

For clarity, I recommend:

- **Delete the numbers in the left hand column of the box on page 15**



## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

### Housing

The “*Background*” section on page 24 comprises a confused commentary on a range of things. It does not provide a clear introduction to the Policies that follow. Consequently, it detracts from the Neighbourhood Plan. I recommend:

- **Delete the content of pages 24 and 25**

The first part of Section 6.2 on page 26 seeks to highlight that there is no adopted policy providing a housing land requirement for the Neighbourhood Area. However, rather than point this out in a concise manner, it presents a confusing commentary effectively suggesting that the Neighbourhood Plan has allocated land without “*clarification on suitability or potential numbers of dwellings.*”

It goes on to state that two land allocations were chosen on the basis that they already have planning permission and that a third allocation was allocated because “*it was felt that it was most likely to*” achieve a number of things.

The approach set out in Section 6.2, and as a consequence, the Policies that follow, fails to have regard to national policy.

Planning Practice Guidance<sup>6</sup> is clear in stating that a neighbourhood plan can be developed before or at the same time as the local planning authority is producing its Local Plan. However, it goes on to state that:

*“whilst a neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*

With reference to the above, national guidance is explicit in stating that:

*“...up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan...contributes to the achievement of sustainable development.”*

Whilst Section 6.2 points out the absence of relevant information, it does not provide substantive evidence of the use of up-to-date housing needs evidence in support of the Housing Policies of the Neighbourhood Plan.

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<sup>6</sup> Ref: 41-009-20160211.

In this respect, Planning Practice Guidance<sup>7</sup> goes on to require:

*“Proportionate, robust evidence...” to “...support the choices made and the approach taken.”*

As above, whilst Section 6.2 notes the absence of information, the Neighbourhood Plan does not indicate how the choices made within the Housing section have been supported by robust evidence. This could, for example, include reference to the testing and ranking of a variety of housing options and taking into account the most up-to-date evidence relating to housing available during the plan-making process.

Fundamentally in this regard, in considering the evidence needed to support a neighbourhood plan, Planning Practice Guidance goes on to point out that:

*“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to date evidence of housing need.”*

The Neighbourhood Plan does not provide or refer to substantive evidence to demonstrate that it has taken account of latest and up-to-date evidence of housing need. Consequently, it does not have regard to national policy. This is a significant concern, not least as *Policy H1 - Residential Development* addresses housing land supply matters and in so doing, seeks to prevent major development from coming forward on any site other than on the three sites “allocated” in the Neighbourhood Plan.

Taking all of the above into account, Policy H1 and its supporting information do not meet the basic conditions.

I recommend:

- **Delete text on page 26**
- **Delete plan on page 27**
- **Delete Policy H1 and “Housing Numbers” paragraph below it**

As a consequence of the above, the Neighbourhood Plan does not allocate any housing sites. Consequently, I recommend:

- **Delete Policies H2 and H3, together with supporting text**

In any case, I note that the Neighbourhood Plan states (in text recommended for deletion on page 28) that all three of the above sites have planning permission.

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<sup>7</sup> Ref: 41-040-20160211.

## **Policy H4 – Affordable Housing**

Policy H4 simply defers consideration of affordable housing to West Lindsey District Council. Consequently, Policy H4 does not comprise an affordable housing Policy specific to the Neighbourhood Area.

I recommend:

- **Delete Policy H4 and supporting text**
- **For clarity, I recommend that Pages 24-30 of the Neighbourhood Plan be deleted. For consistency, the Housing Objective H01 on page 15 should be deleted**

The Statement of Intent at the bottom of page 31 reads as though it were a Policy, which it is not. Further, it refers to allocated sites. I recommend:

- **Change Statement of Intent at bottom of page 31 to *“The Parish Council will welcome proposals that would provide family homes...”***

## **Policy H5 – Type, Size and Mix**

In the interests of delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities, Paragraph 50 of the Framework requires planning for:

*“...a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.”*

Policy H5 has regard to national policy. However, as worded, the Policy is ambiguous in that it refers to *“an appropriate mix”* and requires any development of 10 or more dwellings to meet *“any”* identified local need. Without indication of what would be appropriate and via its broad reference to meeting *“any”* identified need, the Policy is imprecise. Planning Practice Guidance requires land use planning policies to be precise and concise<sup>8</sup>.

Taking the above into account, I recommend:

- **Policy H5, change to *“Proposals for more than ten dwellings should demonstrate how the the mix, type and size of dwellings has taken into account local need.”***

## **Policy H6 – Extra Care**

As set out above, Paragraph 50 of the Framework requires planning policies to meet the needs of different groups in the community. Policy H6 has regard to this. It comprises a positive planning policy that contributes to sustainable development.

No changes recommended.

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<sup>8</sup> Ref: Planning Practice Guidance 41-041020140306.

For clarity, I recommend that the text within the “*Future Growth*” Section on page 33 changes to:

- **“...accessible and the Parish Council *will seek to work with local authorities...*”**

The Statement of Intent that follows on from the above refers to the allocations recommended for deletion and goes on to “*identify*” a site for development. However, no such site is identified in the Neighbourhood Plan and no Policy is provided to reserve it for development. Consequently, this Statement of Intent reads as an afterthought. It is confusing and detracts from the clarity and precision of the Neighbourhood Plan.

I recommend:

- **Delete Statement of Intent on page 33**

The section entitled “*Deriving Benefit from Development*” provides an imprecise commentary relating to planning obligations. It detracts from the clarity of the Neighbourhood Plan and as it does not relate directly to any Policies, it is unnecessary.

I recommend:

**Delete Paragraph 6.8**

## Design Policies

Good design is recognised by national policy as comprising

*“a key aspect of sustainable development...indivisible from good planning”*  
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Local Plan Policy RES1 promotes high quality design.

The inclusion of the Design Section in the Neighbourhood Plan has regard to national policy, is in general conformity with the Local Plan and contributes to the achievement of sustainable development.

The opening sentence of the Design Policies Section appears as a somewhat random statement that relates more to the earlier parts of the plan concerning the Neighbourhood Area’s historic background, as opposed to an appropriate introduction to Design Policies.

I recommend:

- **Delete first sentence on page 34 and change following sentence to *“The Neighbourhood Plan provides an opportunity...”***

The introductory text to the Design Policies does not, itself, comprise a Policy of the Neighbourhood Plan. However, much of it is worded as though it were a Policy.

For clarity, I recommend:

- **Page 34, change second paragraph to *“The Parish Council would like to see development proposals supported by a Design and Access...”***
- **Page 34, change third paragraph to *“Where appropriate, the Parish Council would like to see Design and Access Statements refer to how development proposals:”***
- **Page 35, delete paragraph above Policy D1 *“There are...document.”* This refers to something not yet done and does not relate directly to the Policies that follow.**

## Policy D1 – Village Character

Whilst having regard to national and local policy, which supports good design and protects local character, Policy D1, as worded, is ambiguous.

It refers to developers “*demonstrating a commitment*” but does not indicate in what way the “*commitment*” referred to is a land use planning matter that can be implemented and controlled. The Policy also sets out a requirement to protect and enhance the “*function*” of the village. In this case, “*function*” is not defined and no indication is provided to demonstrate that this is a land use planning matter that can be implemented and controlled.

Neither national nor local policy requires all development to enhance its surroundings and no justification is provided for the inclusion of such a requirement in Policy D1.

I also note that information relating to local landscape character is contained in the *Welton Landscape Character Report 2015*. Whilst there is no evidence to demonstrate that this is a document that has undergone a rigorous examination process or that it comprises an adopted land use planning document, as an evidence-based report in support of the Neighbourhood Plan’s approach to local character, it provides relevant and helpful background information. The recommendation below takes this into account. The recommendation below addresses this point.

Whilst the encouragement of features that, themselves, encourage wildlife, has regard to national policy, which promotes biodiversity (Chapter 11, the Framework), the final part of the Policy is confusingly worded.

Taking the above into account, I recommend:

- **Policy D1, change to “*Development should respect local character. Development proposals are encouraged to have regard to the Welton Landscape Character Report 2015. The development of design features that attract local wildlife, such as bat boxes and gable ends for nesting birds, will be supported.*”**

## **Policy D2 – Existing Dwelling Extensions**

Policy D2 supports the provision of additional off-street parking. However, no indication is provided to demonstrate where such parking might be provided or that such provision will, in all cases, be acceptable. Consequently, the Policy could have unintended consequences, such as causing harm to residential amenity.

Further to the above, the Policy supports any extension that includes additional off street parking. This could result in support for inappropriate extensions and there is no substantive evidence to the contrary. Consequently, I cannot conclude that the proposal would contribute to the achievement of sustainable development.

I recommend:

- **Delete Policy D2 and supporting text**

## **Policy D3 – External Lighting**

Policy D3 commences with a requirement for lighting to be “*managed*.” This is not a land use planning matter.

Further to the above, the Policy is ambiguous. It refers to the provision of “*sufficient details*” without stating what these must comprise. Consequently, the Policy is imprecise and does not provide decision makers with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

In addition, the Policy goes on to require proposals to comply with a document not the responsibility of, or controlled by the Neighbourhood Plan. In this regard, I note that, whilst technical standards provide a helpful tool, a recent Ministerial Statement<sup>9</sup> established that house building standards will be incorporated into new building regulations and that optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and that “*Neighbourhood plans should not be used to apply the new national technical standards.*”

Having regard to all of the above and with reference to Policy D1, which protects local character, I recommend:

- **Delete Policy D3 and supporting text**

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<sup>9</sup> Ref: Ministerial Statement 25<sup>th</sup> March 2016.



## **Policy D4 – Safe Environment**

Paragraph 58 states that planning policies should aim to ensure that developments:

*“...create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*

Policy D4 has regard to this.

The Policy goes on to require consultation with the Police. However, whilst national policy recognises that early engagement is a positive thing, with significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community, it also states that pre-application engagement cannot be a requirement (Paragraph 189, the Framework).

I note that Secured by Design provides helpful guidance. It is not a compulsory requirement and nor is it relevant or appropriate for many planning proposals. Also, the supporting text reads as though it were a Policy, which it is not.

Taking the above into account, I recommend:

- **Policy D4, delete last two sentences “Early discussions...this policy.”**
- **Delete supporting text to Policy D4**

## Section 8 - The Village Environment

The introductory paragraphs to Section 8 are confusing and imprecise. I recommend:

- **Top of page 37, delete from “The environmental to...contained in this section.”**

The end of page 37 includes a somewhat random and incomplete list of what development might do. As such, it comprises unnecessary information that detracts from the clarity of the Neighbourhood Plan. I recommend:

- **Delete end of page 37, from “Development might damage...Council policy.”**

### Policy EN1 – Environmental Capital

Policy EN1 refers to a need to protect and enhance “*the environmental capital of the Parish.*” However, no definition is provided to describe what this is. Consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

The Policy states that the loss of the best and most versatile agricultural land will be discouraged. No indication is provided as to why this will be the case, or how it will be achieved. National policy does not afford specific protection to the best and most versatile agricultural land, but simply requires the use of poorer quality land in preference to that of a higher quality wherever significant development of agricultural land is demonstrated to be necessary (Paragraph 112, the Framework).

The Neighbourhood Plan does not define land with “*high environmental quality or which serves an important function in the Parish’s landscape and setting*” and consequently, this part of Policy EN1 is imprecise. No indication is provided with respect to how all development “*will protect and wherever possible, enhance*” biodiversity and why this is relevant or appropriate to, or possible for all development to achieve.

Further to the above, national policy requires development to be viable and deliverable. In this regard, the Framework states that development “*should not be subject to such...policy burdens that their ability to be developed viably is threatened*” (Paragraph 173).

No evidence is provided to demonstrate that a requirement for all development to provide “*new features and areas to enhance the local natural environment*” has regard to Paragraph 173 of the Framework. I also note that pollution control is a matter outside the area of responsibility or control of the Neighbourhood Plan.

Notwithstanding all of the above, to some considerable degree, Policy EN1 has regard to Chapter 11 of the Framework, “*Conserving and enhancing the natural environment*,” which promotes biodiversity. Subject to the recommendations below, it meets the basic conditions.

I recommend:

- **Policy EN1, delete first paragraph “Development proposals...and setting.”**
- **Policy EN1, change second paragraph to “*Development will be required to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Ancient woodland and aged or veteran trees will be protected from loss. The enhancement and/or provision of new of natural features, including trees, woodlands hedgerows and wildlife, fauna and flora will be supported.*”**

### **Policy EN2 - Habitat**

Policy EN2 refers to “*development and other land use proposals.*” No indication is provided as to what these other “*proposals*” might be and I take this into account in the recommendations below.

The second part of Policy EN2 is a statement and not a land use planning policy. This is better located in the supporting text.

Subject to the above, in promoting the enhancement of habitats, Policy EN2 contributes to the achievement of sustainable development and meets the basic conditions.

I recommend:

- **Policy EN2, change first sentence to “*Development that encourages and provides...*”**
- **Policy EN2, move second sentence from Policy to supporting text below the Policy and change this new supporting text to “*Policy EN2 encourages wildflower corridors. These can also make what are often...*”**

The supporting text below Policy EN2 is confusingly worded. For clarity, I recommend the following:

- **After introducing the recommendation re: the new supporting text for Policy EN2 above, move the fifth bullet point of existing text on page 39 to the top of the bullet points. Remove the bullet at the beginning of this sentence and add to the end, “*The Parish Council notes that:*”**
- **Next bullet point, change to “*The opportunity exists for grassed areas...*”**
- **Page 39, delete “*Risk Assessment*” and the five bullet points that follow. I note that this does not comprise a Policy, although it is worded as though it does.**

### **Policy EN3 – Flood Risk**

The first part of Policy EN3 comprises a statement and is not a land use planning policy. This would be better located in the supporting text.

Policy EN3 has regard to Paragraph 99 of the Framework, which requires planning to take account of climate change over the longer term, including factors such as flood risk.

I note that it is not necessarily the case that designing development to reduce site run off will automatically improve “*the current flooding problems within the community,*” as suggested by Policy EN3, and no evidence has been provided to support this statement. Further, it is not clear how “*an increase in mosquito breeding*” can be measured, as no indication of what current levels of mosquito breeding are is provided as a baseline. I also note that the future management of SuDS schemes is a matter that can be appropriately controlled at the time a planning application is determined.

Taking the above into account and for clarity, I recommend:

- **Move first paragraph of Policy EN3 to supporting text below Policy EN3. Change the start of this new supporting text to “*The Parish Council notes that in those areas shown to be at risk on the Environment Agency flood maps, flood risk...will be safe.*”**
- **Policy EN3, second paragraph, change to “*Development proposals should seek to reduce surface water run off through sustainable drainage strategies (SuDS). Drainage schemes must not increase flood risk to the***

*development site or increase flood risk elsewhere. SuDS schemes should provide for simple and straightforward maintenance.”*

- **Delete the four short paragraphs of supporting text immediately below Policy EN3, which do not form part of the Policy, but are worded as though they comprise a Policy.**

#### **Policy EN4 – Green Wedge**

The “WNP Landscape Character Assessment” refers to but does not “maintain” the Green Wedge, which is designated by Policy STRAT 13 of the Local Plan (and not Policy STRAT12, as stated in the Neighbourhood Plan).

I recommend:

- **Supporting text to Policy EN4, page 40, change to “...by a Green Wedge.” *This Green Wedge is designated by Policy STRAT13 of the West Lindsey Local Plan (2006).*” (delete rest of paragraph)**

Policy EN4 seeks to maintain the Green Wedge between Welton and Dunholme and in so doing, it is in general conformity with Local Plan Policy STRAT13.

However, Local Plan Policy STRAT13 does not seek to prevent all development in the Green Wedge. In seeking to prevent any development that results in even partial loss to the Green Wedge, Policy EN4 conflicts with Local Plan Policy STRAT13.

Taking the above into account and for clarity, I recommend:

- **Policy EN4, change to “*Development that would detract from the purpose of the Green Wedge, which is to protect the open rural character of land between Welton and Dunholme and prevent the coalescence of the two settlements, will not be supported. Proposals to conserve, protect and/or otherwise enhance the Green Wedge for the benefit...*”**
- **Provide a plan showing the location and boundary of the Green Wedge**

## **Policy EN5 – Heritage**

Chapter 12 of the Framework, “*Conserving and enhancing the historic environment,*” recognises that the nation’s heritage assets are an irreplaceable resource and establishes a policy framework to safeguard them in a manner appropriate to their significance.

The first part of Policy EN5 seeks to place a blanket requirement upon all development, requiring that it does not “*detrimentally impact local heritage assets,*” including non-designated assets or their setting. Such an approach does not allow for the balanced approach set out in the Framework, whereby any harm arising from development is considered against benefits.

Consequently, Policy EN5 fails to have regard to national policy, which, in recognition of the assumption in favour of sustainable development, establishes a need to take account of the effect of an application on the significance of a heritage asset, rather than impose a blanket requirement for development not to have a detrimental impact.

The second part of Policy EN5 has regard to national policy.

Taking the above into account, I recommend:

- **Policy EN5, delete first sentence**

## Traffic Infrastructure

The start of this Section comprises bullet points, which, without supporting text, appear as a random list. The text below these provides a more relevant and explained introduction.

I recommend:

- **Delete bullet points at top of page 43**

## Policy T1 – Highway Infrastructure

Paragraph 32 of the Framework states:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Policy T1 fails to have regard to this. Neither the Policy, nor its supporting text, refer to, or provide substantive evidence relating to, the severity of residual cumulative impacts. Rather, the Policy seeks to impose a negative requirement upon development without regard to national policy requirements.

In the absence of substantive evidence to the contrary, I find that the approach set out in Policy T1 would serve to prevent the achievement of sustainable development.

I recommend:

- **Delete Policy T1**

## **Policy T2 – Parking**

Paragraph 40 of the Framework supports improvements to the quality of car parking in town centres. Policy T2 has regard to this, although its reference to “*appropriate land uses*” is ambiguous and results in the Policy being imprecise.

I recommend:

- **Policy T2, change to “*The provision of an increase in public parking spaces to support the vitality and viability of the village centre will be supported.*”**

## **Policy T3 – School Travel**

The “*delivery of pupils to school*” is not a land use planning matter. Further, Policy T3 refers to supporting “*changes to existing site access.*” No indication of what these comprise is provided and the Policy is imprecise.

I recommend:

- **Delete Policy T3**

Page 45 comprises “*Location specific recommended initiatives.*” These do not form a Policy of the Neighbourhood Plan, but comprise local aspirations.

For clarity, I recommend:

- **Top of page 45, underneath title, add “*The Parish Council would like to explore the following possible initiatives further.*”**

On page 46, part of the text relating to cycling is worded as though it comprised a Policy, which it does not.

I recommend:

- **Page 46, fourth paragraph, change to “*...is in place and the Parish Council will seek to encourage similar initiatives.*”**



- **Page 46, sixth paragraph, change to “*The Parish Council would like to see existing cycle capable footways being marked out as such and would, ideally, like future developments in the village to include a network of cycleways. It would also like to see more secure cycle parking facilities.*”**

The last paragraph on page 46 is not a Policy and does not relate to any Policies in the Neighbourhood Plan. I recommend:

- **Page 46, delete “*Weight Restrictions*” and related text**

### **Policy T4 – Cycling**

The Framework promotes walking and cycling (Chapter 4, “*Promoting sustainable transport*”) and requires planning policies to “*protect and enhance public rights of way and access*” (Paragraph 75).

Subject to the comments below, Policy T4 has regard to national policy.

It may not be relevant, possible, viable or appropriate for many development proposals to improve the provision of and facilities for, cycling, or to take an opportunity to connect pathways and cycleways. There is no evidence to demonstrate that such a requirement has regard to paragraph 173 of the Framework.

Also, the term “*facilities*” is ambiguous and no indication of what “*facilities for walking*” comprise, is provided. This results in the Policy being imprecise.

I recommend:

- **Change Policy T4 to “*The enhancement of existing and/or provision of new cycleways and paths, will be supported, especially where this improves connectivity. New residential development must provide convenient, safe and secure cycle storage facilities.*”**

## **Policy T5 – Off Street Parking**

Policy T5 is dependant upon standards set out by and consequently, the responsibility of, other public bodies. I recommend:

- **Delete Policy T5**

The last sentence of supporting text on page 47 is an unconnected statement that appears out of place and detracts from the clarity of the Neighbourhood Plan. I recommend:

- **Delete last sentence of supporting text on page 47 “There are...A15.”**

## Employment

Chapter 1 of the Framework, “*Building a strong, competitive economy,*” sets out a commitment to achieving economic growth. It requires the planning system to do everything it can to support sustainable economic growth (paragraph 19).

### **Policy EM1 – Creating Employment**

Whilst Policy EM1 has regard to national policy its opening sentence does not define what the generation and enhancement of employment opportunities comprise. As worded, it is not clear that this part of the policy relates to land use planning.

The Policy’s reference to “*conversion of suitable buildings*” is vague and imprecise, as it does not indicate the circumstances under which an existing building would be considered suitable. Similarly, no definition of “*satisfactory effect*” is provided and it is unclear what “*satisfactorily addressing traffic and transport issues*” entails, or who will be the arbiter of this, or, what the “*traffic and transport issues*” that must be satisfied actually comprise. Also, no indication of what a “*satisfactory level of parking*” might be is provided.

As a consequence of the above, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

Taking all of the above into account, I recommend:

- **Policy EM1, change to “*The development of offices, light commercial and start-up units, and tourism-related development, including tourist accommodation, will be supported subject to consideration of local character, residential amenity and highway safety.*”**

## Healthcare

### **Policy W1 – Healthcare**

The Neighbourhood Plan cannot control healthcare provision. However, the Framework supports development that creates healthy communities (Paragraph 69). Subject to the clarification below, Policy W1 has regard to this.

I recommend:

- **Policy W1, change to “*Development to expand existing and/or provide new healthcare facilities will be supported.*”**

## Sport and Recreation

### **Policy W2 – Sport and Recreation**

As above, national policy supports development that creates healthy communities. In so doing, it recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to health and wellbeing (Paragraph 73, the Framework).

Policy W2 has regard to this, although I note that there is no national or local policy requirement for sport and recreation facilities to demonstrate that they enhance the wellbeing of the community and that Policy W2 does not set out ways to measure such.

I recommend:

- **Policy W2, change to *“The development of public sports and recreation facilities for the community will be supported.”***

## Education

The three bullet points at the top of page 55 are without introduction. Relevant information relating to these is provided in the supporting text below. For clarity, I recommend:

- **Delete three bullet points at top of page 55**

### **Policy ED1 – Improving Education**

National policy states:

*“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”*

and goes on to:

*“give great weight to the need to create, expand or alter schools.”*  
(Paragraph 72, the Framework)

Policy ED1 has regard to national policy. To ensure that the Policy is precise, I recommend:

- **Policy ED1, change to “*Development to improve or provide new educational facilities at...supported.*”**

## **7. The Neighbourhood Plan: Other Matters**

- **Further to the recommendations above, delete Appendix A, Appendix B and Appendix D**
- **Further to the recommendations above, update Contents, Policy Numbering, Page Numbering and any related changes**

## **8. Summary**

I have recommended a number of modifications further to consideration of the Welton-by-Lincoln Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
- the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

Taking the above into account, I find that the Welton-by-Lincoln Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.



## **9. Referendum**

I recommend to West Lindsey District Council that, subject to the modifications proposed, the **Welton-by-Lincoln Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Welton-by-Lincoln Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Welton-by-Lincoln Neighbourhood Area approved by West Lindsey District Council on 16 July 2013.

**Nigel McGurk, June 2016**  
**Erimax – Land, Planning and Communities**

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