

Hemswell and Harpswell Neighbourhood Development Plan 2022-2036

**A report to West Lindsey District Council on the
Hemswell and Harpswell Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by West Lindsey District Council in July 2022 to carry out the independent examination of the Hemswell and Harpswell Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 29 July 2022.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes two housing allocations in Hemswell and the designation of a package of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Hemswell and Harpswell Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 December 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Hemswell and Harpswell Neighbourhood Development Plan 2022-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Hemswell Parish Council and Harpswell Parish Meeting in their joint capacity as the qualifying body (QB) responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It addresses a range of housing, environmental and community issues and proposes a package of local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements subject to the recommended modification in 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 SEA/HRA screening report.
- the Hemswell Character Assessment
- the Hemswell Village Design Principles.
- the Site Assessment reports.
- the Hemswell Conservation Area Appraisal.
- the representations made to the Plan.
- the QB's responses to the Clarification Note.
- the Central Lincolnshire Local Plan 2012 to 2036 (adopted in April 2017).
- the Central Lincolnshire Local Plan Review Submission Document 2022.
- the National Planning Policy Framework 2021.
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 29 July 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the QB prepared a Consultation Statement. It provides specific details on the consultation process that took place on the pre-submission version of the Plan in January and February 2020.
- 4.3 The Statement also sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- the initial public meeting (March 2017);
 - the community questionnaires (April 2017);
 - the feedback from the questionnaire (Sept/October 2017);
 - the Call for Sites (February 2018);
 - the Call for Sites and Character Assessment events (November 2018);
 - consultation on the Draft Plan (February 2020); and
 - the ongoing use of newsletter articles and flyers
- 4.4 Tables 2 and 3 of the Statement set out details of the responses received on the pre-submission version of the Plan. In turn they also set out how the Plan responded to those representations. The exercise has been undertaken in a very thorough and proportionate fashion. It helps to explain the evolution of the Plan.
- 4.5 The Statement also includes other appendices and figures. In several cases, they reproduce earlier publicity material and summarise the results/feedback of those activities. This provides a degree of interest and distinctive flavour to the Statement.
- 4.6 From all the evidence provided to me as part of the examination, I am satisfied that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. WLDC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by the District Council. It ended on 14 April 2022. This exercise generated comments from a range of statutory and local organisations. They are listed below:

- Anglian Water
- Canal and River Trust
- Doncaster Sheffield Airport
- Environment Agency
- Forestry Commission
- Greater Lincolnshire Nature Partnership
- Hemswell Cliff Parish Council
- National Highways
- Historic England
- Marine Management Organisation
- Defence Infrastructure Organisation
- Health and Safety Executive
- Natural England
- NHS Lincolnshire Clinical Commissioning Group
- Nottinghamshire County Council
- Fytche-Taylor Planning and Design
- Severn Trent Water
- Shire Group of Internal Drainage Boards
- Sport England
- The Coal Authority
- Telecommunications Association
- Witham Internal Drainage Board
- West Lindsey District Council

4.8 In most cases the various bodies raise no comments or objections to the submitted Plan. This reflects the collaborative way in which the Plan has been produced in general, and the positive way in which the submitted Plan incorporates earlier comments from these and other bodies. This approach is a major achievement. It reflects the way in which the Plan has been prepared and how the QB managed the wider process.

4.9 A representation was also received from the owner of a property in the parish.

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

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parishes of Hemswell and Harpswell. It was designated as a neighbourhood area on 10 April 2017. In 2011 it had a population of 391 persons living in 183 households.
- 5.2 The neighbourhood area sits in open countryside approximately 14 miles to the north of Lincoln and seven miles to the east of Gainsborough. It is irregular in shape. The A631 runs through the neighbourhood area in a west-east direction. The B1398 runs through the neighbourhood area in a north-south direction. Hemswell is a nucleated village based along Church Street. It has traditional village amenities including the village hall. Harpswell lies around 500m to the south of Hemswell. It is dominated by the historically-important St Chad's Church and the scheduled monument and historic parkland to the west of Common Lane
- 5.3 The two villages are heavily-influenced by their location in the wider natural landscape. Both are located to the immediate west of the Lincoln Cliff. The neighbourhood area has a strong agricultural heritage which provides an attractive setting for the two communities.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the Central Lincolnshire area up to 2036. The CLLP provides a very clear spatial context for development in the neighbourhood area. 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 Hemswell is identified as one of a series of Small Villages. Harpswell is not identified in the settlement hierarchy.
- 5.5 Policy LP2 also provides a framework for the development of neighbourhood plan policies in the various settlement categories. Policy LP4 provides further details for the type of development proposed in the various villages and sets a growth requirement for Hemswell of 15% of the existing number of dwellings over the Plan period.
- 5.6 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following other CLLP policies have been particularly important in underpinning neighbourhood plan policies:

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

LP55 Development in the Countryside

- 5.7 The submitted Plan has been prepared within the context provided by the adopted Local Plan. In doing so it has relied on up-to-date information and research that has underpinned the Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 A review of the CLLP is now well-advanced. Consultation took place on a draft Plan between June and August 2021. The Plan was submitted for examination in July 2022. The hearing sessions started in November 2022. The overall strategy of the Plan remains largely unchanged. Policy S4 is refined and simplified. Whilst the Plan identifies a series of new residential allocations throughout the settlement hierarchy none are within the neighbourhood area. For examination purposes, the submitted neighbourhood plan is assessed against the existing adopted Local Plan. Nevertheless, I have referred to the CLLP review process later in this report insofar as it has a bearing on the monitoring and review of any 'made' neighbourhood plan.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 29 July 2022.
- 5.10 I approached the neighbourhood area from Gainsborough along the A631. This highlighted its relationship to the strategic road network. It also highlighted the very distinctive rural setting and context of the two parishes.
- 5.11 I looked initially at Hemswell. I saw the way in which the village was arranged around Church Street, Maypole Street, Brook Street and Dawnhill Lane. I saw the prominence of All Saints' Church, and the maypole.
- 5.12 I looked at the two proposed housing allocations. In doing so I saw the importance of the criteria included in the respective policies in the Plan.
- 5.13 I then took the opportunity to walk along Southfield Lane so that I could understand the character of the area to the immediate north of the village. This highlighted the significance of the Lincoln Cliff in the local landscape.
- 5.14 I then drove to Harpswell. I saw that it had a very different character and scale to Hemswell. I looked at the impressive St Chad's Church.
- 5.15 I then walked into the scheduled monument and the historic parkland to the immediate west of the Church. As the Plan describes it includes some clear and obvious features which help to explain its past significance and importance.
- 5.16 I left the neighbourhood area by driving along the A15 to the south. This further reinforced the way in which the parish was well-connected to the strategic road network in general and to the City of Lincoln in particular.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and the European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Hemswell and Harpswell Neighbourhood Plan:
- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted CLLP;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - addressing climate change and flood risk issues;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes policies to bring forward housing development in Hemswell. It also proposes the designation of local green spaces and a policy on the design of new development. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for housing development (Policies 1-3). In the social dimension, it includes policies on local green spaces (Policy 8) and on community facilities (Policy 9). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on landscape character (Policy 5), design (Policy 6), and on non-designated heritage assets (Policy 7). The QB has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in West Lindsey District in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.

- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement, a screening exercise was undertaken on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. This conclusion was reached as no sensitive natural or heritage assets will be significantly affected by policies contained in the Plan. In addition, the Plan's policies are in general conformity with those within the CLLP and the Plan does not allocate specific large development sites or promote a large amount of development.

Habitats Regulations Assessment

- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It comments that there are no protected sites within 15kms of the neighbourhood area. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site and that none of the policies in the Plan are likely to have a significant effect on a European Site whether alone or in combination with other plans and projects. As such, the Plan is not considered to require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).
- 6.17 The screening reports include the responses received as part of the required consultation process with statutory bodies. In doing so, they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of the Habitats Regulations.

Human Rights

- 6.19 In a similar fashion, I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no

evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

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

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. 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 QB have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance Section (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. Section 16 of the Plan also includes a package of Community Projects.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Community Projects are addressed after the policies.
- 7.6 For clarity, this section of the report comments on all policies whether I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-3)

- 7.8 The initial elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the Plan area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by tables and maps.
- 7.9 Section 1 introduces the Plan. It includes information about the background to how it was prepared. It is a particularly effective introduction to a neighbourhood plan. It identifies the neighbourhood area (on Map 1) and defines the Plan period (in paragraph 1.2.). In addition, it addresses the following matters:
- the involvement of stakeholders (Figure 1);
 - the reasons for producing the Plan;
 - the policies relating to each settlement (Table 1);
 - the consultation processes;
 - the Community Projects; and
 - a SWOT analysis of the neighbourhood area (Table 5).

- 7.10 Section 2 comments about the neighbourhood area to very good effect. It addresses the following matters:
- the history of the two settlements;
 - the wider character of the landscape; and
 - its population, housing, and amenities.
- 7.11 Section 3 identifies a series of community issues and opportunities. It then goes on to set out a Vision and a series of Objectives for the Plan. They are clearly related to the key issues as identified in Section 1 of the Plan. The approach taken provides assurance to all concerned that the Plan has addressed key local matters.
- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

General comments on housing allocations and site selection process

- 7.13 The Plan has been developed to respond positively to the requirements for new development in Hemswell in relation to its position in the settlement hierarchy. It has pursued this important matter with an appropriate degree of vigour and detail.
- 7.14 The approach towards housing allocations is underpinned by work undertaken on the Hemswell Site Assessment (June 2018) by AECOM on behalf of the QB. It is a well-constructed and very comprehensive assessment of the various sites which were considered. It assesses the extent to which the various sites are suitable, available, and achievable for development.
- 7.15 The representation from Fytche-Taylor Planning and Design on behalf of its clients proposes an additional housing allocation to the north of Church Street, Hemswell. It is site CFS05 'Garden of The Willows 5A Church Street as assessed in the AECOM study. The representation comments that access to this land is available, and the access has been improved further by the acquisition of the adjacent land and property in 2021 and provides a further opportunity for access to the land.
- 7.16 Plainly the ability of land to be suitable, available, and achievable for development will alter within the Plan period. In these circumstances, I am satisfied that the QB's decision to allocate sites was based on robust information available at the relevant time. In any event, any emerging development proposals for site CFS05 can be assessed against Policy 3 of this Plan as it falls within the village boundary of Hemswell.
- 7.17 That representation also raises the issue of the review of the CLLP. I have addressed this matter in both paragraphs 5.8 and 7.56 of this report. It is ultimately a matter which the QB will need to address once the review of the CLLP has been adopted.

Policy 1: Development of the Garden West of No 7 Church Street

- 7.18 This policy proposes the allocation of land the west of 7 Church Street for residential use.

- 7.19 I looked at the site during the visit. Based on all the available evidence, I am satisfied that it would represent a good infill development opportunity with satisfactory space to incorporate a new dwelling which would meet appropriate design standards.
- 7.20 I recommend that the opening element of the policy is reconfigured so that it allocates the site for development rather than simply commenting about how planning applications would be determined. In addition, I correct a grammatical error in criterion e) and recommend a modification to criterion g) so that it uses wording which relates to the relevant legislation on conservation areas. Otherwise, it meets the basic conditions.

Replace the opening element of the policy with:

‘Land is allocated for residential development for one dwelling on the land to the west of 7 Church Street (as shown on Map 15)

Development proposals on the site should demonstrate that:’

In criterion e) replace ‘principle’ with ‘principal’

In criterion g) replace ‘respect and enhance’ with ‘preserve or enhance’

Policy 2: Development of the Former Stud Buildings, Dawnhill Lane

- 7.21 This policy proposes the allocation of land at the former Stud Buildings, Dawnhill Lane for residential use.
- 7.22 I looked at the site during the visit. Based on all the available evidence, I am satisfied that it would represent a good infill development opportunity which would meet appropriate design standards.
- 7.23 I recommend that the opening element of the policy is reconfigured so that it allocates the site for development rather than simply commenting about how planning applications would be determined. In addition, I recommend modifications to criteria f) and g) so that they have the clarity required by the NPPF and can be applied with certainty in the development management process.
- 7.24 I also recommend that the second sentence of the second part of the policy and the third part of the policy are deleted given that they comment on process matter (based on the details which should be included in planning applications) rather than propose a land use policy. However, to ensure that the intentions of the QB are retained, I recommend that these elements are repositioned into the supporting text.
- 7.25 Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the economic dimension of sustainable development.

Replace the opening element of the policy with:

‘Land is allocated for the redevelopment and conversion of the existing buildings for up to nine dwellings on the former stud yard site, Dawnhill Lane, Hemswell (as shown on Map 16).

Development proposals on the site should demonstrate that:’

In criterion f) replace ‘takes advantage of’ with ‘responds positively to’

In criterion g) replace ‘possible’ with ‘practicable’

In the second part of the policy delete the second sentence.

Delete the third part of the policy.

At the end of paragraph 3.34 add:

‘Policy 2 sets out the Plan’s approach to the development of this site. The second part of the policy comments about the disposal of surface water. Development proposals should ensure that a suitable outfall for surface water is identified early within the site design process. Planning applications for the development of the site should be supported by information explaining how the proposals have been discussed with the local community, and how any issues or concerns raised by local people and the Parish Council have been addressed.’

Policy 3: Windfall Developments (in Hemswell only)

- 7.26 This policy comments about potential windfall development in Hemswell. Paragraph 4.1 of the Plan clarifies that the Plan intends to apply the approach in Policy LP4 of the CLLP to such residential development proposals. Any development which may come forward will supplement the proposed allocated residential development in Policies 1 and 2 of the Plan.
- 7.27 In its response to the question in the clarification note on the broader purposes of the policy the QB helpfully commented that:
- ‘... it was deemed appropriate that a policy supporting additional ‘windfall development’ would be a useful addition to the plan to support growth above the target and provide a mechanism for the community to define the criteria by which this additional development could achieve community support. It was also felt that this would be useful for developers when considering applying for planning not supported within the plan.’*
- 7.28 Taking account of all the information available, I am satisfied that the approach taken in the Plan seeks to focus new residential development on the allocated sites on the one hand whilst providing the flexibility for other sites to come forward on the other hand where they meet appropriate design standards and have secured community support.
- 7.29 The policy provides an extensive range of advice about how any such proposals will be considered and addressed. I have considered them carefully and taken account of the QB’s response to the various questions in the clarification note. In this context I recommend that the second, third and fourth parts of the policy are deleted given that they are process matter (based on the details which should be included in planning applications) rather than policy matters. However, to ensure that the intentions of the QB are retained I recommend that they are incorporated into the supporting text.

Delete the second third and fourth parts of the policy.

In paragraph 4.2 replace Section 4 with Section 3

Replace paragraph 4.4 with: ‘Policy 3 sets out the Plan’s approach to any additional windfall development proposals. [At this point insert the deleted second and third parts of the policy with appropriate paragraph numbering]. Proposals which do not have demonstrable support from the local community in Hemswell will not be supported’

Policy 4: Classification of Harpswell Parish as open Countryside

- 7.30 Policy LP2 of the CLLP sets out the spatial strategy for delivering growth across Central Lincolnshire. Within this policy, the settlement of Harpswell is not specifically named. The Plan comments that the Harpswell community consider the settlement to fall within the classification of open countryside.
- 7.31 Paragraph 5.2 provides evidence to support this assertion. On this basis I am satisfied that the policy meets the basic conditions.

Policy 5: Protecting the Wider Landscape Character and Setting of Neighbourhood Plan Area

- 7.32 This policy celebrates the landscape character and setting of the neighbourhood area. It is underpinned by both the Hemswell & Harpswell Character Assessment 2018 and the Hemswell Village Design Principles 2019.
- 7.33 The first part of the policy establishes a general approach. The second part of the policy sets out a series of criteria to control new development and its relationship to the wider countryside. The approach taken is both comprehensive and well-considered. In general terms the criteria are both appropriate and distinctive to the neighbourhood area. I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. I recommend that the reference to AGLV in the second part of the policy is replaced with an appropriate reference to the Cliff Landscape Character Area. Otherwise, it meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the first part of the policy replace ‘are required to’ with ‘should’ and ‘taken into account’ with ‘responded positively to’

In the second part of the policy replace ‘any new development’ with ‘development proposals’ and ‘it has’ with ‘they have’

In the second part of the policy replace ‘AGLV’ with ‘Cliff Landscape Character Area’

In criterion a) replace ‘a significant’ with ‘an unacceptable’

In criterion b) replace ‘a significantly’ with ‘an unacceptable’

In criterion c) replace ‘a significant’ with ‘an unacceptable’

Policy 6: Design Principles

- 7.34 This policy sets out a series of design principles for the neighbourhood area. Part One of the policy applies to Hemswell and Part Two applies to Harpswell.
- 7.35 The policy is underpinned by the excellent Character Assessment and Design Principles documents.
- 7.36 In the round this is an excellent policy. Its criteria are distinctive to the neighbourhood area and there is a clear and functional relationship between the policy and the two supporting documents. It is an excellent local response to Section 12 of the NPPF.
- 7.37 I recommend a series of modifications to bring the clarity required by the NPPF and to ensure that it can be applied consistently through the development management process. They will ensure that the policy to be applied in a proportionate fashion based on the nature of the development proposed. Otherwise, it meets the basic conditions. It will assist significantly in delivering the environment dimension of sustainable development.

In Part One of the policy replace ‘Any new’ with ‘As appropriate to their scale, nature and location’

In Part Two of the policy replace ‘any new proposals’ with ‘as appropriate to their scale, nature, and location development proposals’

In criterion e) replace ‘possible’ with ‘practicable’

Policy 7: Protecting Non-Designated Heritage Assets

- 7.38 This policy celebrates the importance of heritage assets in the two parishes. During the development of the Plan the QB consolidated existing sources of non-designated heritage assets, and identified additional built form and landscape assets which make a positive contribution to the character of the settlements. The communities see these as valuable heritage assets, and the Plan proposes to recognise them as an important part of the environment by identifying them as non-designated heritage assets. The assets are shown on Maps 18 and 19 and details of all built form heritage assets are set out in Appendix C.
- 7.39 I have considered the representation made by the property owner about the appropriateness of including 19 Brook Street (the former smithy) in the schedule of property affected by this policy. Based on the recent decision on a planning application on the site (141128) and the resulting appeal (APP/N2535/W/21/3282132), I am satisfied that the Plan’s inclusion of this building in the policy is entirely appropriate. In addition, the property was identified as an important building in the Conservation Area Appraisal (November 1985). I note that an Urgent Works Notice was served on the Forge in February 2021 and that the condition of the building has deteriorated recently. Nevertheless, on the balance of the evidence, I am satisfied that the building retains sufficient historic importance to be identified in this policy as a non-designated heritage asset. However, to bring the clarity required by the NPPF, I recommend that the description of the property in the policy is revised.

- 7.40 In the round the policy has been well-developed and is underpinned by proportionate supporting evidence. I recommend that the opening element of the policy is reconfigured so that it explicitly proposes the identified assets as non-designated heritage assets. I also recommend a modification to the second part of the policy so that it has regards to paragraph 203 of the NPPF which sets out national policy for such assets. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the environmental dimension of sustainable development.

Replace the opening part of the policy with: ‘The Plan identifies the built and landscape assets listed below (as shown on Maps 18 & 19) as non-designated heritage assets for the two settlements.’

Replace the second sentence of the second part of the policy with: ‘In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Revise the description of the former smithy in the schedule of non-designated heritage assets in Hemswell listed in the policy so that it accurately reflects the building concerned.

Policy 8: Designated Local Green Spaces

- 7.41 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on Maps 20 and 21 and in greater detail on maps in the supporting text. The proposed LGSs reflect the character and the nature of the two villages. In the case of Harpswell, the Plan proposes the designation of the scheduled ancient monument and the associated historic parkland as LGS.
- 7.42 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also provides detailed commentary on the way in which the QB considers that the various proposed LGSs meet the criteria for such designation. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.43 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs comfortably comply with the three tests in the NPPF and therefore meet the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.
- 7.44 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was

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

- 7.45 The policy itself has various related parts. The first lists the proposed LGSs. The second sets out the implications for LGS designation. The second part seeks to follow the approach as set out in paragraph 103 of the NPPF. The third comments about opportunities for public access and recreational use in the proposed LGSs. The fourth comments about the acceptability for flood alleviation schemes in the proposed LGSs
- 7.46 Given the number and diversity of proposed LGSs I can understand the circumstances which have caused the QB to submit the policy in this way. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.47 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by WLDC. WLDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

Replace the policy with:

'The Plan designates the following sites (as shown on Maps 20 and 21) as local green spaces:

[List the sites as bullet points]

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

At the end of paragraph 9.3 add: 'Policy 8 follows the matter-of-fact approach in the NPPF. Should development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy 9: Community Facilities

- 7.48 This policy identifies a series of community facilities in the neighbourhood area. The second part of the policy offers support to proposals which would improve or expand the facilities concerned. It offers specific support for proposals for the provision of a public house or a village/farm shop. The third part of the proposal seeks to ensure that development proposals retain the facilities concerned other than in defined circumstances.
- 7.49 I recommend a series of modifications to bring the clarity required by the NPPF and to ensure that it can be applied consistently through the development management process. The modifications will bring clarity to the structure of the policy whereby the

facilities are identified in the first part of the policy and that the policy implications are set out in the second and thirds parts. The recommend modifications involve the deletion of the fourth criterion as there is no need for a neighbourhood plan to confirm that all relevant development plan policies apply to planning applications which come forward in the Plan period.

- 7.50 Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of the social dimension of sustainable development.

Replace the initial element of the first part of the policy with: ‘The Plan identifies the following as key community facilities’

In the second part of the policy replace ‘Development that improves these facilities or expands’ with ‘Development proposals which would improve the identified facilities or expand’

In criterion c) replace ‘it does not adversely’ with ‘does not unacceptably’

Delete criterion d)

In the third part of the policy replace:

- **‘In order to protect and enhance the existing community facilities, and not withstanding permitted development rights, the redevelopment’ with ‘Proposals for the redevelopment or re-use’**
- **‘will be resisted’ with ‘will not be supported’**
- **‘in question’ with ‘concerned’**

Policy 10: Public Rights of Way

- 7.51 This policy celebrates the importance of rights of way in the neighbourhood area. It also takes account of emerging proposals to extend the network in the parish. It has five related parts.
- 7.52 I recommend modifications to the first, third and fifth parts of the policy so that they more closely relate to the development management process and clarify the way in which developers should respond to the policy. The recommended modification to the first part of the policy introduces a proportionate approach towards its applicability. I also recommend that the elements of the policy are traditionally numbered. Otherwise, it meets the basic conditions.

Replace the first part of the policy with:

‘As relevant to their scale, nature and location, development proposals should respond positively to, and where practicable enhance, existing public rights of way (as identified on Maps 9, 10 & 23) and the route of the footpath from Glentworth to Harpswell as shown on Extract 1’

Replace the third part of the policy with:

‘Development proposals for new public rights of way will be supported where they are safe and accessible paths and complement existing connections between the two parishes and where practicable provide direct linkages to other villages.

In the fifth part of the policy replace ‘The’ with ‘Development proposals for the’

Renumber the policy elements so that they read 1-5 rather than 2-6.

Community Projects

- 7.53 The Plan includes a series of Projects. They have naturally arisen during the production of the Plan. They are not land use matters. As such they are included in a separate part of the Plan. They are as follows:

Project 1: A footway from Harpswell to the post office in Hemswell Cliff. This would link the three communities of Hemswell, Harpswell and Hemswell Cliff, providing a safe walking route, improving access to shops and employment opportunities. It would also reduce environmental impacts by lowering car use.

Project 2: Support the upgrading of the children’s play facilities and activities for young people to do in the village.

Project 3: To support Glentworth Parish Council in pursuing the recognition of the ‘missing link’ in the ‘The Low Road’ public right of way between Glentworth and Harpswell (Definitive Map Modification Order application 371).

- 7.54 I am satisfied that the Projects are appropriate to the neighbourhood area and reflect its distinctive character. In their different ways they will be complementary to the land use policies in the main body of the Plan.

Monitoring and Review

- 7.55 Section 12 of the Plan helpfully comments about how it would be monitored and reviewed. In general terms it does so to good effect. However, it does not directly acknowledge that the review of the CLLP will be a key stage in the ongoing effectiveness of a made neighbourhood plan.
- 7.56 In this emerging context, I recommend that the Plan includes a more explicit reference to the ongoing review of the CLLP. This will be particularly important if the strategic approach taken in that Plan differs significantly from the adopted CLLP.

At the end of paragraph 12.2 add:

‘The two councils will give particular attention to the ongoing review of the Central Lincolnshire Local Plan. Its eventual adoption will be a key element in an assessment of the need or otherwise for a potential review of the neighbourhood plan. In this context, the Parish Council and the Parish Meeting will assess the need for a ‘made’

neighbourhood plan to be reviewed within six months of the adoption of the review of the Local Plan.'

Other Matters - General

- 7.57 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WLDC and the QB to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

Other Matters – Specific

- 7.58 WLDC has made a series of helpful comments on the Plan. Where those comments relate to specific policies in the Plan, I have incorporated them as appropriate within the recommended modifications earlier in this report.
- 7.59 The comments also include a more general series of matters. I set out below a broader series of modifications which have not been included earlier in this report. In most cases they will ensure that the final version of the Plan takes account of progress made on other documents and initiatives. They are proposed only where required to ensure that the Plan meets the basic conditions:

Update any references in the Plan to NPPF 2021 paragraph numbers (where necessary).

Table 6 – update details where necessary.

From Section 4 the chapter and paragraph numbers have gone out of sequence. This needs to be resolved as the Plan proceeds to the final stages of the process.

In paragraph 4.1 delete the text within the brackets.

In Section 7 of the Plan update the references to 'Building for a Healthy Life' to 'Building for Life 12'

In Section 13 (Basic conditions) and Section 14 (Glossary) replace 'SRA' with 'SEA'

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 the independent examination of the Plan, I have concluded that the Hemswell and Harpswell Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications to the policies in the Plan will ensure that it has the clarity required by the NPPF. Whilst some details will change, the Plan 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 Hemswell and Harpswell 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 on 10 April 2017.
- 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
14 December 2022