

Carlby Neighbourhood Development Plan 2018-2036

**A report to South Kesteven District Council on the
Carlby Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by South Kesteven District Council in August 2018 to carry out the independent examination of the Carlby Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 19 September 2018.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and identifying the basis on which new residential can proceed.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Carlby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
13 December 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Carlby Neighbourhood Development Plan 2018-2036 (the 'Plan').
- 1.2 The Plan has been submitted to South Kesteven District Council (SKDC) by Carlby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2018. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental issues and proposes the basis by which new infill residential development can take place.
- 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 plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 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.
- 2.7 In order to comply with this requirement, SKDC undertook a screening exercise (March 2018) 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 SKDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. I am satisfied that the SEA report complies with the basic conditions.
- 2.8 SKDC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan. This work assessed the potential impact of the implementation of the policies in the Plan on the following European sites:
- Baston Fens SAC (in SKDC);
 - Grimsthorpe SAC (in SKDC);
 - Barnack Hills and Holes SAC (in Peterborough City); and
 - Rutland Water SPA/Ramsar (in Rutland).
- 2.9 The work concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report.
- 2.10 Since the assessments were undertaken in March 2018 a European court case (Sweetman/People over Wind April 2018) has had implications for how competent authorities undertake HRA screening assessments. SKDC helpfully reassessed the Plan in this context during the course of the examination. It concluded that the March 2018 assessment remains appropriate and that no changes are required in the light of the Sweetman/People over Wind judgement.
- 2.11 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the

Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.13 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan and its various maps.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SKDC SEA and HRA report.
- the information from SKDC of October 2018 assessing the HRA Screening report following the Sweetman/People over Wind court case.
- the Parish Council's responses to my Clarification Note.
- the representations made to the Plan.
- the adopted South Kesteven District Core Strategy.
- the adopted Site Allocations and Policies Development Plan Document 2014
- the saved policies of the South Kesteven Local Plan 1995.
- the adopted Carlby Village Design Statement.
- the emerging South Kesteven Local Plan 2036.
- the National Planning Policy Framework (March 2012 and July 2018).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 19 September 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised SKDC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. Any references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan (July-August 2017).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the initial 'Call for Action';
 - the Christmas 2016 Fayre leaflet;
 - the questionnaire delivered to every household in the neighbourhood area;
 - the organisation of the Community Day; and
 - the update leaflet to the community after the pre-submission consultation.
- 4.4 The Statement also provides specific details on the results of the questionnaire (section 18) and the follow up questions (Section 20). This provides confidence that public feedback has been properly recorded and analysed. In addition, the Consultation Statement includes relevant photographs of the various community events and reproduces details of the consultation literature. This gives depth, texture and interest to the document.
- 4.5 The Statement also provides specific details on the consultation process that took place on the pre-submission version of the Plan. Sections 33-37 identifies the principal comments received and how, as appropriate, they worked their way through into the submission version of the Plan. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SKDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 8 June 2018. This exercise generated comments from a range of organisations and private individuals as follows:

- Highways England
- Historic England
- National Grid
- NFU
- Woodland Trust

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Carlby. Its population in 2011 was 542 persons. It was designated as a neighbourhood area on 27 September 2016. It is located approximately 6 kilometres to the north east of Stamford and 6 kilometres to the north west of Market Deeping in pleasant countryside. Much of the neighbourhood area is in agricultural use.
- 5.2 The village of Carlby dominates the neighbourhood area. Whilst new development has taken place in recent years its traditional format has remained. It is based around High Street as it runs in an irregular fashion in a westerly direction from the A6121 road leading to Stamford. It has an attractive vernacular appearance. The buildings include a range of ages, styles and materials. The format of the village incorporates several open areas between the buildings. In turn this adds to its overall attractiveness. A key feature of the village is its distinctive Carlby walls and buildings with Collyweston stone roofs. These vernacular features add to the overall character and appearance of the neighbourhood area.
- 5.3 St Stephen's Church sits at the heart of the village. It is located in an extensively-planted churchyard. Several fine vernacular buildings are located to its immediate south. In combination they represent a very traditional village landscape that has remained largely unchanged over the centuries. The other community building in the village is the Village Hall. It is located at the junction of High Street and Templeman Drive.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area consists of the South Kesteven Core Strategy 2026, the Site Allocations and Policies Development Plan document and a series of saved policies from the South Kesteven Local Plan 1995. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period. Policy SP1 of the Core Strategy provides a focus for new development based around the existing principal settlements in the District (Grantham, Stamford, Bourne and the Deepings). It also identifies local service centres in its rural areas on the provision of essential services. Carlby is not one of the identified local service centres.
- 5.5 Policy SP1 addresses two important matters for the neighbourhood area. The first is that where there is an adopted Village Design Statement development should be in accordance with its design principles. It also establishes that in other settlements such as Carlby development will be restricted. Proposals will only be considered acceptable if they would deliver a limited range of development including affordable housing, agricultural, horticultural or equine development and local services and facilities. The policy also defines a series of criteria that would apply to building conversion proposals.

- 5.6 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.
- 5.7 The emerging South Kesteven Local Plan 2011-2036 was well-advanced at the time of this examination. The proposed submission version of the Plan was the subject of consultation that ended in July 2018. To a large extent the evolution of the submitted neighbourhood plan has allowed it to take account of this Plan.
- 5.8 The submitted Plan has been prepared within its wider adopted and emerging development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 19 September 2018. The weather was warm, bright and breezy as Storm Ali worked its way across the country.
- 5.10 I drove into the Plan area from Stamford to the south along the A6121. This gave me an initial impression of the agricultural character of the neighbourhood area.
- 5.11 I parked by the Village Hall. I saw the adjacent well-maintained open space including the tree planted in June 2002 to mark the Diamond Jubilee of Queen Elizabeth. The tree was clearly well-planted at that time and continues to flourish.
- 5.12 Thereafter I walked to the north and west along High Street. I saw a very attractive range of vernacular stone buildings with well-preserved boundary walls.
- 5.13 I continued to the north and west to look at the western edge of the village. The equestrian context of the village became clear as I reached Poplars Farm and Chestnut Barn. I saw the sharp distinction between the village and the countryside at the western end of High Street. I took the opportunity to walk along High Street to the railway line as the road was closed to traffic.
- 5.14 I then took the opportunity to look at St Stephen's Church. Its grounds were very well-maintained. Storm Ali had dislodged several conkers from the many impressive horse chestnut trees. I then followed the pathway to the equally impressive Church House and the Old Rectory. I took up the general offer from a benevolent local resident and helped myself to a bag of vegetables.
- 5.15 I then looked at that part of the village around the southern end of The Avenue. I saw the bowling green and the playing field. This part of the visit highlighted the importance of green spaces in the fabric of the village as shown on Map 3.

- 5.16 I finished my visit by walking around some of the footpaths running out of the village. This helped me to understand how the neighbourhood area sits within its wider landscape setting.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is an informative document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 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 March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Carlby Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted South Kesteven Core Strategy, the Site Allocations and Policies DPD and the saved elements of the South Kesteven Local Plan 1995;
 - 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;
 - always seeking to secure 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.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the

neighbourhood area within the context of its position in the countryside to the north of Stamford. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and its rural character. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

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

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for infill and brownfield housing development (D.1-D.3) and for equine facilities (E.0). In the social role, it includes a policy on housing mix (D.3.6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on village character (V.0), on design and layout (D.0). There are a range of environmental criteria within Policies D.1 to D.3. The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider South Kesteven District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. 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.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial sections of the Plan (Pages 1-8)*
- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way.
- 7.9 The Plan makes a very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.10 The Introduction provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve.
- 7.11 The 'Village Community' section includes very helpful details about the neighbourhood area. It also addresses how the Plan is intended to provide a local dimension to the NPPF and local planning policy.
- 7.12 Page 6 sets out a Vision for the neighbourhood area. It identifies a strong overlap with the objectives of the emerging Local Plan. The Vision is clear, concise and proportionate. It is also distinctive to the neighbourhood area.

- 7.13 Page 7 sets out the Plan's objectives. They are helpfully set out under three headings which capture the evolution, the effect and the future of the Plan (referred to as The What, The Where and The How).
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy P.O. Pollution Control

- 7.15 The policy sets out the Plan's ambitions to maintain the quiet village character and its general atmosphere. I saw evidence of this character when I visited the neighbourhood area. It supports development where its environmental impacts are limited and/or where any negative impacts can be mitigated. The second part of the policy refers to noise and light pollution and the Noise Act 1996.
- 7.16 I sought clarification from the Parish Council on the application and the remit of the policy. It accepted that the overriding purpose of the policy was to ensure that the new development respected the existing residential amenities of the neighbourhood area. It also agreed that the second part of the policy should be supporting text rather than policy. This reflects its references to other environmental legislation. I recommend accordingly.
- 7.17 In recommending modifications to the policy I also ensure that the policy overlaps with national and local planning policy. Taken in a very literal sense the policy would support any development of any size where its impact of amenity was acceptable.

Replace P1 with the following:

'Subject to the provisions of other development plan policies, development that would conserve the rural character and tranquillity of the neighbourhood area will be supported where they have no unacceptable impact on residential amenity, air and light quality, and traffic movements or where the impacts can be satisfactorily mitigated.'

Delete P2

Replace the deleted P2 as supporting text as a free-standing paragraph after the second paragraph of text under the 'Conserving the rural character' heading.

Policy E.O. Equine Facilities

- 7.18 This policy has a focus on supporting existing and new equine facilities in the village. This aspect of the life and culture of the village was immediately apparent on my visit. The policy has three separate components. The first seeks to resist the loss of existing facilities to other uses (E1). The second supports the development of new equine facilities within the village envelope (E2). The third relates to equine and agricultural uses in the open countryside (E3).

- 7.19 I sought the views of the Parish Council on the second and third components. On the second I was advised that the intention of the policy was to support both the creation of new or extended facilities. On the third I was advised that the intention was to safeguard the sharp edge between the village and the surrounding countryside. In this context equine development could sit side-by-side with agricultural development and safeguard the integrity and the purpose of the countryside. I recommend modifications to the second component accordingly. I recommend that the third component is deleted. The Parish Council's intention is more about protecting the countryside rather than promoting equine development. In any event the matter is already addressed in Policy V3.
- 7.20 I also recommend a modification to the format of the first part of the policy. Whilst its intention is clear its structure is overly complicated and does not have the clarity required by the NPPF.

Replace E1 with:

'Proposals for the change of use and/or the redevelopment of existing equine facilities will not be supported unless it can be demonstrated that the use is no longer commercially viable and that the existing facility has been marketed for at least six months at a realistic market price without attracting any proceedable interest'.

Replace E2 with:

'Proposals for new and extended equine facilities within the existing village envelope will be supported subject to the provisions of Policy P1 of this Plan'.

Delete E3.

Policy V.0. Rural Character and appearance

- 7.21 This policy addresses rural character and appearance. Given the nature of the neighbourhood area it is at the heart of the Plan.
- 7.22 It has five components as follows:
- new development should respect the character of the village (V1);
 - safeguarding the rural and open aspects to the west of the village (V2);
 - maintaining and safeguarding traditional building materials (V3);
 - safeguarding existing trees and hedgerows (V4); and
 - providing policy guidance on the acceptability or otherwise of proposals for renewable energy generation (V5).
- 7.23 The first component of the policy is effectively a high-level approach towards safeguarding the character of the village through appropriate and sensitive design. Subject to recommended modifications below it meets the basic conditions.

- 7.24 The second component of the policy refers to a policy in the Core Strategy rather than set out its own policy context. I recommend accordingly. The effect will be to retain the views and open aspect to the west of the village which is appreciated by the community.
- 7.25 The third component meets the basic conditions subject to a modification which re-orders the structure of the policy.
- 7.26 I recommend modifications to the fourth component of the policy so that it takes on a more general approach. As submitted the policy overlaps with separate consent procedure for protected trees.
- 7.27 With a minor modification the fifth component of the policy meets the basic conditions. However, to provide a more positive format for the policy I recommend that the order of the sentences is reversed.

In the first component of the policy replace ‘Any’ with ‘All’ and replace ‘compromise.... village’ with ‘unacceptably impact on the character or the appearance of the village’.

In the second component of the policy replace ‘assessed...be resisted’ with ‘not be supported’.

**Replace the third component of the policy with:
‘Developments which would affect ‘Carlby Rag’ dry stone and dressed wall features will be supported where they retain, repair and/or reinstate these vernacular materials as appropriate to the particular proposal’.**

**Replace the fourth component of the policy with:
‘Developments should safeguard and where appropriate incorporate traditional hedgerows and trees both in general, and on the approaches into the village in particular. Development that results in the loss of such features will not be supported’.**

In the fifth component of the policy:

- **reverse the order of the two sentences;**
- **replace ‘allowed’ with ‘supported’ (in the first sentence as submitted);
and**
- **in the second sentence relocate ‘up to a.... per year’ so that it appears immediately after ‘installations’.**

Policy T.0. Traffic Impact

- 7.28 The policy has been designed to address the concerns of local residents about traffic safety and speed on the A6121 and the potential for further traffic.
- 7.29 It has three components as follows:

- Access arrangements for infill development (T.1);
- Access arrangements for brownfield development (T.2); and
- Access arrangements for developments over 6 properties (T.3)

7.30 I recognise the importance of traffic issues within the neighbourhood area. Nevertheless, the three components of the policy are addressed elsewhere in the Plan where they are more closely related to policies for new development proposals (mainly in Policies D2 and D3). As such I recommend that the policy is deleted. However, in order to recognise the importance of this issue to the community and to provide the connection to other sections of the Plan I recommend the insertion of an additional paragraph of text to replace the policy.

Delete policy

After the relevant supporting text on page 11 add an additional paragraph of text as follows:

‘Other sections of this Plan address the relationship between new development and their means of traffic access. Policy D.2 addresses the need for infill development to have and use existing access to High Street. Policy D3 addresses the need for brownfield and adjacent development to have access to the A6121, and the need for new development to contribute towards highways improvements where necessary.’

Policy D.0. Generic Development

7.31 This policy has a focus on the relationship between new development and the character and appearance of the village. The stated intent is also to encourage creative and innovative designs.

7.32 The policy has four components as follows:

- promoting good quality design that reflects local character (D.0.1);
- not supporting poor quality design (D.0.2);
- supporting infill development (D.0.4); and
- indicating that new development should conform to the village design statement (D.0.5).

7.33 The first and second components of the policy positively support good quality design. In effect the second component of the policy is the reverse of the first. As such I recommend that they are combined into a single component. I also recommend that the explanation of the policy immediately after D.0.1. is deleted and repositioned into the supporting text. It explains the purpose and the application of the policy rather than operating as policy in its own right.

7.34 The third component of the policy meets the basic conditions.

- 7.35 The fourth element of the policy properly relates new development to the adopted Village Design Statement. I recommend detailed modifications to its wordings so that it has the clarity required by the NPPF and therefore meets the basic conditions.

In D.0.1 replace ‘must’ with ‘should’.

Delete the paragraph of text after D.0.1

In D.0.2 replace ‘Planning permission.... development of’ with ‘Development proposals that would result in poor design that’.

Combine D.0.1 and D.0.2.

Replace D.0.5 with ‘Development proposals will be supported where they conform with the design principles in the Carlby Village Design Statement.

At the end of the supporting text on page 13 add:

‘Policy D.0 sets out key principles for new development in the neighbourhood area. They both promote infill development and good quality design. [insert here the deleted paragraph from the policy].

A key principle for new development will be its compliance with the Carlby Village Design Statement. It includes a comprehensive series of design principles (its page 14) and an equally comprehensive series of photographic good examples (its pages 15 & 16)’.

Policy D.1. Garden/green space size retention

- 7.36 This policy both individually and in harness with Policy D.2 sits at the heart of the Plan. Its ambition is to ensure that all properties do not exceed a footprint that is above 35% of its overall plot/land/garden area.
- 7.37 The policy has five components as follows:
- restricting domestic additions/extensions to 35% of the wide plot size (D.1.0);
 - garden/backland development (D.1.1);
 - demolition of existing residential development (D.1.2);
 - gardens and open space (D.1.3); and
 - domestic curtilages and the countryside (D.1.4).
- 7.38 The supporting text sets out the case for the policy approach. It also includes definitions for the various policy components. It comments that the curtilages of the perimeter buildings define the established envelope of the building. This is suggested as being the case for establishing a policy to resist inappropriate development of residential gardens that would result in a disproportionate addition over and above the size of the original building.
- 7.39 The thrust of the policy also overlaps with the adopted Village Design Statement. Its section on Assets and Values points out that there is a strong relationship between plot ratios and the inherent character of the village.

- 7.40 I have sympathy with the 35% plot ratio approach included in the submitted Plan. I saw some of the spacious properties in spacious grounds when I visited the neighbourhood area. Nevertheless, its approach is very prescriptive. Furthermore, it is not underpinned with any direct evidence.
- 7.41 In addition, the imposition of a limit of 35% through planning policy is somewhat artificial. On the one hand indifferent schemes which would bring forward built development on 35% or less of a plot would be supported by the policy. On the other hand, otherwise, high quality developments that would bring forward built development on slightly over 35% of a plot would not be supported by the policy. To remedy this matter, I recommend that the 35% element of the policy is addressed in the supporting text as a guideline. The policy would then refer more generally to development plot ratios that respected the existing character of the neighbourhood area in general, and that of the village in particular. Plainly the important policy point is that of the relationship between the dwellings and the sites in which they sit.
- 7.42 I am satisfied that the second and third components of the policy meets the basic conditions. They address the character of the village. I recommend some detailed modifications to their wording.
- 7.43 I recommend the deletion of the fourth component of the policy. The first part has little significance as part of the planning process. The second part (which addresses vernacular features) is addressed elsewhere in the Plan.
- 7.44 The fifth component meets the basic conditions in general terms. In particular it adopts the restrictive approach as already set out in the adopted Core Strategy. I recommend some detailed modifications to its wording.

Replace the first component of the policy (D.1.0) with the following:

‘Proposals for new residential development and extensions to existing properties will be supported where the relationship between the built development and the plot size respects the open and spacious character of properties within the village envelope.’

In the second component of the policy (D.1.1) replace ‘is not permissible’ with ‘will not be supported.’

Replace the third component of the policy (D1.2) with the following:

‘Proposals that would involve existing dwellings being demolished to secure access for additional residential development or to accommodate a new highway access to proposed new residential development will not be supported’.

Delete the fourth component of the policy (D.1.3).

Replace the fifth component of the policy (D.1.4) with the following:

‘Proposals for the extension of domestic curtilages beyond the village envelope into the surrounding countryside will not be supported.’

At the end of the final paragraph of supporting text on page 14 insert:

‘Policy D1 addresses this important and distinctive matter in the neighbourhood area. Policy D.1.0 in particular sets out to ensure that the relationship of new development to its plot size has regard to the character and appearance of the village envelope. Plainly the District Council will consider each proposal on its merits and on a case-by-case basis. Nevertheless, a guide of a 35% ratio between built development and plot size should be used by developers.’

Policy D.2. Infill

- 7.45 This policy refers specifically to proposed infill development. Its stated intent is to allow small infill development to come forward without causing overdevelopment and/or resulting in a loss of privacy and amenity of adjacent dwellings.
- 7.46 The policy has four components as follows:
- a development to plot ratio (D.2.1);
 - replacement dwellings (D.2.2);
 - access to infill sites (D.2.3); and
 - a limit on the number of properties (D.2.4).
- 7.47 I recommend the deletion of the first component. It is already addressed in the previous policy (as recommended to be modified).
- 7.48 The second component strikes an appropriate tone. I recommend a modification so that its wording is modified to bring the clarity required by the NPPF.
- 7.49 The third component is appropriate given the character of the neighbourhood area. I recommend a modification so that its wording has the clarity required by the NPPF.
- 7.50 The fourth component of the policy reads in a rather prescriptive way. However, the supporting text clarifies that it refers to a specific site. As such I recommend that the policy should remain in the plan with suitable modifications.

Delete the first component (D.2.1).

In the second component replace ‘Individual replacement of a’ with ‘Proposals for the replacement of an existing’

Replace the third component with the following:

‘Proposals for infill residential development will be supported where they provide access and servicing from the existing access into the proposed site concerned.’

**Replace the fourth component with the following:
‘Proposals for infill development up to six dwellings will be supported subject to meeting the requirements of other development plan policies.’**

Policy D.3. Brownfield sites

- 7.51 This policy adds to the detail of the suite of policies that address potential new residential developments in the neighbourhood area. In this case it has a specific focus on brownfield sites. In principle the development of previously-developed land has regards to national policy. The policy in the submitted Plan seeks to give a very local effect and interpretation to this national approach.
- 7.52 The policy has eight components as follows:
- sites that would yield 7 dwellings or more should be developed as a series of smaller developments (D.3.1);
 - the use existing access points to the A6121 (D.3.2);
 - any site needs to address its wider infrastructure requirements (D.3.3);
 - new properties should respect the privacy and amenity of existing dwellings (D.3.4);
 - new properties should respect the scale and design of existing properties (D.3.5);
 - new development should cater for specific property types and sizes (D.3.6);
 - new developments should provide specified levels of off-street parking (D.3.7); and
 - new brownfield development should secure the replacement of any commercial development that would otherwise be lost to the proposed development (D.3.8).
- 7.53 This first component of the policy sits at the heart of the Plan’s approach to this important matter. It requires that any brownfield developments that would yield 7 or more dwellings should be developed as a series of sites rather than as one single development. I sought clarification from the Parish Council on this matter. It commented on its concerns about proposals which had emerged on a potential brownfield site and its potential scale and limited mix of house types. I was also advised that the threshold of seven dwellings had been selected to take account of the character of the neighbourhood area and of national planning policy.
- 7.54 I have given this matter careful consideration. On the one hand the implementation of the policy would have the ability to restrict rather than to boost significantly the supply of housing in the neighbourhood area (as required by paragraph 47 of the NPPF). In particular it would introduce additional steps and/or stages in the planning application process. On the other hand, its approach has a clear relationship with the approach for development in Carby set out in the adopted Core Strategy. This overlaps with the rural character and appearance of the village itself. On balance I am satisfied that the approach taken meets the basic conditions. Nevertheless, I recommend modifications to its wording so that it has appropriate clarity.

- 7.55 The second component on highways access is appropriate to the neighbourhood area. I recommend modifications to its wording so that it has appropriate clarity.
- 7.56 The third component effectively requires that the component parts of a larger brownfield site are developed in a comprehensive fashion. I recommend a modification to the policy to achieve the desired effect.
- 7.57 The fourth and fifth components of the policy relate to spacing and design/mass issues respectively. They are clearly important to the successful development of brownfield sites. Nevertheless, I recommend modifications to their wording so that they have appropriate clarity.
- 7.58 The sixth and seventh components of the policy address housing mix and car parking respectively. They are clearly important to the successful development of brownfield sites. Nevertheless, I recommend modifications to their wording so that they have appropriate clarity.
- 7.59 The eighth component of the policy requires the replacement of existing commercial development that would otherwise be lost to brownfield residential development. Whilst I have a degree of sympathy for the approach taken I am not satisfied that it meets the basic conditions. I have reached this view for the following reasons:
- commercial operations will be driven by their own financial and viability circumstances. In certain cases, a lack of viability may itself have generated the proposal for a residential redevelopment;
 - the policy proposes no mechanisms by which the proposals for the replacement commercial development would be assessed and determined; and
 - the policy takes no account of the possibility that commercial operations in the neighbourhood area may propose any necessary relocation to a site outside the neighbourhood area (and therefore beyond policy control in the submitted Plan).

For these reasons I recommend that this component of the policy is deleted.

In the first component of the policy replace ‘must’ with ‘should’ and ‘be laid out...developments’ with ‘be developed as a series of separate but related proposals.’

**In the second component of the policy replace ‘A site must’ with ‘Development proposals should’. Replace the second sentence with:
‘Where necessary development proposals should provide appropriate traffic calming or capacity measures at the point at which the site connects with the A6121.’**

**Replace the third component of the policy as follows:
‘Where the combined size of a site would yield seven or more dwellings the separate developments required by Policy D.3.1 should be associated with a**

master plan for the development of the wider site. The master plan should be submitted and approved with the first application associated with the development of the site.'

In the fourth component replace 'must' with 'should' and 'at a distance...overlooking' with 'in a way that would safeguard the amenities of existing dwellings in the immediate vicinity of the site'. Thereafter delete the second sentence of the policy.

Replace the fifth component with the following:

'All new dwellings should reflect the scale, character and mass of dwellings in the immediate vicinity of the site.'

In the sixth component:

- replace 'will' with 'should'.
- replace '20%' with 'a 20% variance'.
- delete 'reflecting the.... questionnaire'.
- at the end of the first paragraph insert '25% of low-cost starter houses for first time buyers.'

In the seventh component replace 'All domestic...areas must' with 'Residential development should'.

Delete the eighth component of the policy.

Policy D.4. Development – facilities and services

7.60 This policy addresses the Parish Council's views about securing financial contributions from developments that take place in the neighbourhood area.

7.61 I recommend that the policy is deleted for the following reasons:

- it is intended to apply to all developments (D.4.1) irrespective of any assessment of the direct relationship between the development concerned and the contribution sought;
- the unspecified requirement that 'new development should bring substantial benefits to the village'
- the unspecified requirement that all facilities should be accessible for all members of society.

7.62 I reaching this conclusion I am satisfied that SKDC already has adequate measures in place to secure developer contributions from appropriate developments. These measures would be further refined in the event that the District Council adopts a Community Infrastructure Levy charging regime during the Plan period.

Delete the policy

Other matters

- 7.63 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 SKDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

- 7.64 The various policy numbers in the Plan take on an unusual format. Most begin with a letter and then a zero (such as V.0). Each policy is then detailed further with sub components with sequential numbering (such as V.1-V.5).
- 7.65 This is not a basic condition point and is therefore a matter for the judgement of the Parish Council in the event that the Plan is made. Nevertheless, the policy format would have greater clarity throughout the Plan period if it adopted one of the following alternative models below:

Removing the numbering from the title and leaving the sub component numbering; or

Retaining a single policy number within the title and then removing the numbering from the sub components of each policy.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Carlby Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to South Kesteven District Council that subject to the incorporation of the modifications set out in this report that the Carlby Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 27 September 2016.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
13 December 2018