

Claypole Neighbourhood Development Plan 2021-2036

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by South Kesteven District Council in February 2023 to carry out the independent examination of the Claypole Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 3 March 2023.
- 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 its character and appearance. It proposes the designation of a series of local green spaces and allocates two sites for housing development.
- 4 The Plan has been underpinned by community support and engagement. 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 Claypole 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
19 June 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Claypole Neighbourhood Development Plan 2021-2036 (the 'Plan').
- 1.2 The Plan has been submitted to South Kesteven District Council (SKDC) by Claypole Parish Council (CPC) 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) 2012 and its updates in 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 has a clear focus on maintaining the character and appearance of the neighbourhood area. It designates a series of local green spaces and allocates two sites for housing development.
- 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 SKDC, with the consent of CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SKDC and CPC. 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 proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA/HRA screening reports;
- the Settlement Built Form Methodology (including detailed commentary on the Protected Settlement Break and the Newark Urban Area Buffer Zone);
- the Local Green Spaces Evidence;
- CPC's responses to the clarification note;
- the representations made to the Plan;
- the adopted South Kesteven Local Plan;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 3 March 2023. 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 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.

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 CPC prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (February to March 2022). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.
- 4.3 The Statement set out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the consultation on issues via a community questionnaire (February 2022);
 - the call for sites (July 2022);
 - the ongoing use of social media publication; and
 - the publication of documents on the Parish Council website.
- 4.4 Appendix 1 of the Statement reproduces the materials used in the first event. It also brings life, depth, and interest to a document of this nature which can otherwise be rather descriptive.
- 4.5 Appendix 3 of the Statement provides specific details about the comments received during the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submitted Plan. This process helps to describe the evolution of the Plan.
- 4.6 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. This was particularly appropriate and the key stages of plan preparation overlapped with the Covid pandemic.
- 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 towards 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 SKDC and ended on 1 February 2023. This exercise generated comments from the following organisations:

- Forestry Commission
- NHS Lincolnshire Integrated Care Board
- Historic England
- Natural England
- Lindum Group
- Canal and River Trust
- Witham Internal Drainage Board
- Environment Agency
- Mrs S Lalyk (via Robert Doughty Consultancy Limited)
- Sports England
- South Kesteven District Council

4.9 I have taken account of the various representations in examining the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Claypole. It sits in attractive countryside to the south and east of Newark and to the east of the A1. Its population in 2011 was 1382 persons living in 561 houses. It was designated as a neighbourhood area on 19 March 2014.
- 5.2 Claypole is an attractive village in open countryside to the immediate east of the River Witham. It developed as a linear village, oriented east-west along its main street with lanes off to the north and south. The character of the older parts of Main Street through the village is generally of buildings facing the road from each side in a linear arrangement. Significant growth has taken place since the 1980s through the three large-scale housing developments of Moore Close, Swallow Drive and Wickliffe Park. There is a small collection of houses on either side of the River Witham approximately 100 metres to the west of the main village.
- 5.3 The remainder of the parish is attractive countryside. It is largely in agricultural use.

Development Plan Context

- 5.4 The South Kesteven Local Plan was adopted in January 2020. Claypole is identified as one of a series of Smaller Villages in the settlement hierarchy in Policy SP2 of the Local Plan.
- 5.5 Policy SP2 comments that in the Smaller Villages development will be supported in accordance with Policy SP3, Policy SP4 and all other relevant policies, where development will not compromise the village’s nature and character.
- 5.6 Other more general policies in the Local Plan have been particularly relevant in influencing and underpinning the various policies in the submitted Plan, including:

Policy SP3	Infill Development
Policy SP4	Development on the Edge of Settlements
Policy SP6	Community Services and Facilities
Policy E4	Protection of Existing Employment Sites
Policy E5	Expansion of Existing Businesses
Policy EN1	Landscape Character
Policy EN3	Green Infrastructure
Policy EN6	The Historic Environment
Policy DE1	Promoting Good Quality Design
Policy OS1	Open Space

- 5.7 The Inspector’s report on the current Local Plan commits SKDC to undertake an early review of the Local Plan from April 2020 with submission by the end of December 2023. The Local Development Scheme has been revised to ensure that the timetable for review of the Local Plan is realistic and achievable. On this basis the submission of the

review of the Local Plan is now expected to be in Winter 2024/25. In these circumstances the submitted neighbourhood plan has not sought to take account of the emerging Local Plan review

- 5.8 In process terms, the timings involved have allowed the submitted neighbourhood plan directly to take account of the adopted Local Plan. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 3 March 2023.
- 5.10 I drove into the neighbourhood area from Fernwood to the north and west. This gave me an initial impression of its setting in the wider landscape and its relationship both to the strategic highway network and to the evolving settlement of Fernwood (in Newark and Sherwood District).
- 5.11 I looked initially at the collection of houses around the River Witham to the west of the main body of the village. It took the opportunity to look in detail at the proposed local green spaces in this part of the parish and the Settlement Breaks between the two parts of the village.
- 5.12 I then took the opportunity to look at the main village. I saw the importance of Main Street in providing important retail and community facilities in the village.
- 5.13 I looked in detail at the two proposed housing allocations. I saw the way in which they related to the existing built format of the village. I also looked at an alternative site in the village promoted in one of the representations made to the Plan. I also took the opportunity to look at the other proposed local green spaces.
- 5.14 I then looked at the proposed recreational area adjacent to the School. I saw the way in which it would relate to the school and the other buildings in this part of the village.
- 5.15 Throughout the visit I saw several buildings which helped to highlight the evolution of the village. Whilst looking at the proposed housing allocation in High Street/Chapel Street I saw the Wesleyan Chapel dating back to 1835. Whilst walking more generally along High Street I saw the very interesting arts and crafts-style Village Hall with its links to Harry Coulby. I also took the opportunity to look at the important views identified in the Plan.
- 5.16 I finished my visit by driving across the railway line to Stubton to the east. This highlighted the wider landscape setting of the neighbourhood area

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 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. This approach is reflected in the submitted Basic Conditions Statement.

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

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted South Kesteven Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- 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 subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. It proposes a series of policies based on its landscape and environmental character. It also proposes two sites for residential 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 is reinforced in Planning Practice Guidance Paragraph ID:41-041-20140306 which 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 residential development (Policy 13) and for housing allocations (Policy 14). In the social role, it includes policies on local green spaces (Policy 8) and community facilities (Policy 15). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy 5), views (Policy 6) and on boundary treatments (Policy 8). CPC 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 South Kesteven in paragraphs 5.4 to 5.8 of this report.
- 6.13 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 the policies in

the development plan. Subject to the recommended modification in this report, 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) (Amendment) 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, CPC commissioned a screening exercise (May 2022) 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 was concluded that the Plan is unlikely to have any significant effects on the environment and accordingly would not require a SEA.

Habitat Regulations

- 6.16 CPC commissioned a separate Habitats Regulations Assessment (HRA) of the Plan in May 2022. It advises that there are no protected designations in the neighbourhood area. Nevertheless, it comments about designated sites elsewhere in the District (Baston Fen SAC and Grimsthorpe SAC, both near to Bourne) and in Newark and Sherwood (the Birklands/Bilhaugh SAC which is west of Ollerton). The latter of these is the closest to the neighbourhood area lying approximately 27km to the north-west. Grimsthorpe SAC is the next closest at some 34km to the south-east. Therefore, following the advice of Natural England CPC considered it appropriate to consider the potential effects of any proposed development on these important habitats.
- 6.17 The HRA 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.
- 6.18 The HRA report is both thorough and comprehensive. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.19 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 neighbourhood plan 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 they have the necessary precision to meet the basic conditions.
- 7.2 The 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 neighbourhood area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a package of non-land use planning issues.
- 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. I address the non-planning issues after the policies.
- 7.6 For clarity, this section of the report comments on all policies.
- 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 section of the Plan

- 7.8 The initial elements of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional and thorough fashion. It includes well-selected maps. Map 2 shows the neighbourhood area and the Plan defines the Plan period.
- 7.9 This part of the Plan comments about the following matters:
- the concept of localism;
 - strategic environmental assessment;
 - the NPPF;
 - the four themed sections of the Plan;
 - the development plan and the South Kesteven Local Plan;
 - the neighbourhood area's relationship with Newark and Fernwood; and
 - the history and a current description of the village.
- 7.10 The section on the Vision for the Plan highlights the links between the Plan's objectives and its resultant policies. The Vision is as follows:

'To provide a planning framework and policies that will result in proportionate and sustainable growth for the local community, ensuring that appropriate services,

facilities and infrastructure are provided whilst also conserving the village and countryside environment.'

7.11 The Vision is supported by four objectives as follows:

- (A) Promote Sustainable Development
- (B) Conserve and Enhance Claypole's natural environment
- (C) Protect and develop the community of Claypole
- (D) Protect and enhance Claypole's built environment

The matrix in paragraph 0.68 of the Plan helpfully relates the objectives to the policies in the Plan.

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 of this report.

Policy 1 Settlement Boundary

7.13 The Plan comments that the South Kesteven Local Plan does not propose any settlement boundaries for the towns and villages across the district. On this basis the submitted Plan has chosen to define a settlement boundary of Claypole (as shown on Map 3). The Plan advises that it serves the purpose of containing the growth of the settlement and protecting the countryside from encroachment.

7.14 The policy comments that within the settlement boundary proposals will be supported for small-scale development on sites not allocated for development which do not adversely affect the structure and form of the existing settlement, respect its landscape setting and the undeveloped nature of the surrounding rural areas.

7.15 The approach to the definition of the settlement boundary is set out in the Settlement Built Form Methodology (May 2022). Paragraphs 8, 9 and 10 of this document set out key principles for the definition of the boundary (including areas which have been included within and excluded from the boundary). It comments that the two proposed housing allocations are included within the boundary. In the round I am satisfied that the approach taken is appropriate. CPC has undertaken this task in a very comprehensive and professional way.

7.16 I looked carefully at the proposed settlement boundary during the visit. I saw that it reflects the existing built-up extent of the village and identified a freestanding boundary based on the dwellings at Claypole Bridge. It will help to ensure that new development takes place within the village and therefore has access to its commercial and community facilities.

7.17 Both SKDC and the Lindum Group Limited comment that the land off Doddington Lane which was recently granted for housing development (S21/0415) should be included in the settlement boundary. In its response to the clarification note CPC advised that:

'it is noted that SKDC (or indeed any other party) did not object to the methodology or criteria used in this document to define the Settlement Boundary. Planning permission S21/0415 was for a rural exceptions scheme which by its nature was permitted despite the site being in the countryside in planning terms. A rural exceptions scheme is by definition permitted on a site that would not otherwise be acceptable for market housing. Inclusion of this site which is not yet completed would mean that the site would then be in the settlement in planning terms; this would make it impossible to resist a new planning application for market housing on this site which would undermine the Neighbourhood Plan process as development in this location scores the worst of all sites assessed against the site selection methodology. Lindum Homes are a market housing developer and there is a reasonable prospect in our view of a revised planning application for market housing potentially being forthcoming. As we also explain in the 'Settlement Built Form Methodology' on page 7 the inclusion criteria include: "Fully built-out sites that were originally permitted as rural exception sites for affordable housing outside of the village but have now become established parts of the settlement through the passage of time." The proposal permitted under S21/0415 does not meet these inclusion criteria – as such it is inappropriate to include the site in the settlement boundary at this point in time.'

- 7.18 On the balance of the information I am satisfied that the submitted Plan has taken an appropriate approach to this matter. The recent planning permission was for affordable housing on an exceptions site. In addition, the inclusion of the site within the settlement boundary would conflict with the approach taken in the Methodology. In the event that the site is fully developed to the details shown in the 2021 planning permission the settlement boundary could be reviewed at that point (either in its own right or as a part of a wider review of the Plan). The Methodology anticipates such an approach for sites of this type.
- 7.19 The Lindum Group also suggests that the parcel of land to the north of this site should be included in the settlement boundary.
- 7.20 I am not convinced that this would be an appropriate outcome. It has been considered and not pursued by CPC as part of the plan-making process. In addition, it is not my role to examine an alternative Plan which has not been subject to consultation (at either Regulation 14 or 16 stage) or considered in the screening exercises.
- 7.21 The policy itself defines the settlement boundary and then sets out a context for its delivery through the development management process. I recommend that the second part of the policy is reconfigured so that it would have the clarity required by the NPPF. In doing so I recommend that the specific requirements of the policy incorporate an assessment of the potential impact of proposals in the settlement boundary on residential amenity. As submitted the policy's focus is on broader matters (such as the format of the village) which, whilst important to the definition of the SB, will not directly assist in the determination of planning applications within the settlement boundary. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the second part of the policy with: 'Within the settlement boundary proposals for small-scale development will be supported which respond

positively to the structure and form of the existing settlement, respect its landscape setting and the undeveloped nature of the surrounding rural areas and respect the amenities of residential properties in the immediate locality.'

Policy 2 Development in the Open Countryside

- 7.22 This policy complements the first policy. It has two related parts. The first comments that land outside of the settlement boundary is designated as open countryside. It continues by commenting that development outside the settlement boundary will be strictly controlled and proposals will only be supported for development which requires a countryside location. The second comments that residential development will only be permitted in the countryside where it meets the exceptions referred to either in Policies SP4 and SP5 of the South Kesteven Local Plan or national planning policy.
- 7.23 In general terms the policy takes an appropriate approach. However, I recommend that the policy is recast so that it will have the clarity required by the NPPF and properly and fully take account of the contents of Policies SP4 and SP 5 of the adopted Local Plan. I also recommend that the policy is simplified by referring only to the settlement boundary. As submitted it unnecessarily seeks to designate land outside the settlement boundary as open countryside. Otherwise, it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

'Development proposals outside the settlement boundary will only be supported where they require a countryside location and/or would deliver appropriate community, leisure, or recreation uses.

Proposals for residential development outside the settlement boundary will only be supported where they are consistent with either Policies SP4 or SP5 of the South Kesteven Local Plan or are for the specific residential types identified in national planning policy.'

Policy 3 Protected Settlement Break

- 7.24 This policy reflects the historic development of the village. Claypole is a settlement in two parts: the main village; and the area adjacent to the River Witham that is referred to as Claypole Bridge. The Plan comments that the main village and Claypole Bridge have remained visually and spatially distinct from each other and that this has allowed the historic settlement form to be retained.
- 7.25 The policy proposes a settlement break between the two parts of the settlement. It identifies the two areas of land as a protected settlement break to prevent the coalescence of the main village of Claypole with Claypole Bridge. It comments that proposals for built development within the protected settlement break will not be supported where it would conflict with the purpose of preventing coalescence and retaining spatial, physical, and visual separation and openness between the main village of Claypole and Claypole Bridge.

7.26 I looked at the two components of the proposed Settlement Break carefully during the village. On the balance of the evidence, I am satisfied that the northern Break is appropriate for inclusion in the Plan. It relates to a well-defined parcel of land.

7.27 I sought CPC's comments on the purpose of including the southern Break in the Plan given its scale and the lack of any defined south and eastern boundaries. In its response CPC commented:

'Orchard Farm to the rear of Nos.32 & 34 Main Street has recently (2nd February 2023) had Reserved Matters Consent granted on appeal APP/E2530/W/22/3290717 for 4 dwellings. The remainder of the immediate farmyard and paddocks were put forward for development as SHLAA Site CLA16-312. This included the land up to the eastern side of Nos.18 & 20 Main Street which are the bungalow and two-storey house immediately to the east of the protected settlement break southern parcel. The redevelopment of the farmyard is likely to increase pressure from the landowner to look for alternatives for the remaining farm building and adjacent paddocks including potentially to look for replacement agricultural built development

Claypole has been under ongoing development pressure for proposals in the countryside such as rural exception housing and entry level exception housing. As such we consider that there is a threat of coalescence between the two parts of the settlement, both on the northern and southern parcels.'

7.28 I have considered this matter very carefully. On the balance of the evidence and my observations I recommend that the southern Settlement Break is deleted from the policy. I have reached this decision for three related reasons. The first is that it is part of a larger field and without a defined southern and eastern boundary it will be difficult to apply with clarity through the development management process. The second is that the character of the two settlement breaks is very different and the northern Break more closely relates to the existing gap between the two components of Claypole. The third is that the overall package of development plan policies will be sufficient to control development in what was proposed as the southern Settlement Break in the Plan period. I also recommended consequential modifications to the supporting text and to Map 4.

7.29 In general terms the policy takes an appropriate approach to this matter. I recommend that the first part is modified to take account of my judgement on the southern proposed Break second part is modified so that it has a positive as well as a negative element. Otherwise, the policy meets the basic conditions.

In the first part of the policy replace 'The two areas of land shown on Map 4 are' with 'The area of land shown on Map 4 is'

Replace the second part of the policy with:

'Proposals for built development within the protected settlement break should retain the spatial, physical, and visual separation and openness between the main village of Claypole and Claypole Bridge.'

Proposals for built development within the protected settlement break which would unacceptably reduce the separation and openness between Claypole and Claypole Bridge, and/or result in their coalescence, will not be supported.'

Remove the proposed southern Settlement Break from Map 4.

At the end of paragraph 2.12 add: 'The extent of the Settlement Break was modified as an outcome of the examination of the Plan.'

Policy 4 Newark Urban Area Buffer

- 7.30 This is a very distinctive policy which addresses a matter of considerable importance to the local community. It comments about the relationship between the village and Fernwood to its north and west. The expansion of Fernwood is central to the Newark and Sherwood housing strategy and numerous planning permissions have been granted for the expansion. The Plan comments that the development of Fernwood will impact on the rural and village nature of Claypole, bringing the village physically closer to the Newark conurbation with only 1km between the eastern edge of Fernwood and the western edge of Claypole.
- 7.31 In this context the Plan identifies the area of land shown on Map 5 as the Newark Urban Area Buffer and comments that its purpose is to protect the spatial and visual separation of Claypole from the Newark Urban Area and to preserve the rural setting of Claypole. The policy comments that proposals for built development within the Newark Urban Area Buffer will not be supported where it individually or cumulatively (with existing or proposed development) leads to the loss of the visual or spatial gap between Claypole and the Newark Urban Area.
- 7.32 I looked at the proposed buffer area very carefully during the visit. I saw the importance of the proposed buffer area. I also saw the limited distance between Fernwood and Claypole. On the balance of the evidence, I am satisfied that a policy of this nature is both appropriate and would serve a clear purpose.
- 7.33 I recommend detailed modifications to the wording used in the second part of the policy to bring the clarity required by the NPPF and to allow it to be applied consistently through the development management process.
- 7.34 I recommend detailed modifications to the wording of elements of the supporting text. The recommended modification to paragraph 2.18 will result in a more realistic assessment of the potential risk of coalescence between the Newark Urban Area and Claypole. As submitted, that paragraph overestimates the risk of coalescence which will be tempered by the existing distance between the two settlements (approximately 1000m) and that they are in separate administrative areas with different planned growth profiles. The recommended modification to paragraph 2.19 has been designed to explain the community's approach to the policy in a more rounded way rather than a reaction to the lack of any such policy on the buffer area in the adopted Local Plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the second part of the policy with:

‘Proposals for built development within the Newark Urban Area Buffer which would individually or cumulatively result in an unacceptable reduction of the visual and spatial gap between Claypole and the Newark Urban Area will not be supported

Replace paragraph 2.18 with:

‘Given this strategic development immediately adjacent to the parish boundary which is proposed to be developed in the Plan period, the Parish Council wishes to safeguard the village from any potential risk of coalescence with the Newark urban area and against unchecked growth between the western side of Claypole and the planned eastern edge of the Fernwood strategic housing allocation.’

In 2.19 replace ‘Consequently, the Neighbourhood Plan needs to secure this important community objective’ with ‘In these circumstances the Parish Council has decided to include a specific policy in this Plan’

Policy 5 Design of New Development and Local Distinctiveness

7.35 This is an important policy in the Plan. It relates to design and local distinctiveness. The policy is heavily underpinned by the work carried out on the Character Appraisal of the village and the associated production of Design Guidelines. The Appraisal identifies a series of character areas in the village and includes a summary of the characteristics of each of the area. It then sets out a series of design guidelines as follows:

- General Guidelines (Guideline 1);
- New Buildings (Guideline 2);
- Extensions (Guideline 3);
- Alterations and Conversions (Guideline 4);
- External Works (Guideline 5); and
- Infrastructure Works (Guideline 6).

7.36 The policy aims to ensure that any new development or change to buildings should respond to local character and the history and identity of local surroundings. It comments that maintaining local distinctiveness includes ensuring that the form of a vernacular building is respected. This includes architectural detailing and the nature of the locally available construction materials.

7.37 The policy comments that all new development proposals should demonstrate good quality design that reinforces local distinctiveness and complements the fabric of the existing built-up area, use good quality harmonious materials and respect views around the village with reference to the height, scale, density, layout, siting, and orientation of new buildings. It also comments that all new development proposals should have regard to the design guidelines set out in the Character Appraisal in Annexe 1.

- 7.38 The policy has been well-considered. It will help to ensure that new development in the Plan period is of a distinctive and high-quality design. In the round the policy is an excellent local response to Section 12 of the NPPF. In this context I recommend a series of modifications to bring the clarity required by the NPPF and to ensure a more natural flow of the policy. I also recommend that some elements of the policy should be applied in a proportionate way. As submitted, elements of the policy apply in a sweeping and general fashion and which will not relate to minor planning applications.
- 7.39 Otherwise the policy meets the basic conditions. It will contribute significantly to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with:

‘Development proposals should demonstrate good quality design that reinforces local distinctiveness, complements the fabric of the existing built-up area, uses good quality harmonious materials, and ensures that the height, scale, density, layout, siting, and orientation of new buildings respect views around the village.’

Replace the second part of the policy with: ‘Development proposals should respond positively to the relevant design guidelines in the Character Appraisal (Annexe 1 of the Plan).’

Replace the third part of the policy with:

‘New development should be integrated into the street scene and include appropriate landscape design and suitable green buffers and planting (including trees).

As appropriate to their scale, nature and location, development proposals on the edge of the settlement boundary should incorporate a transition from the countryside to the village through use of landscaping, layout, and design features such as varied building heights.

Development proposals which would introduce an abrupt or harsh urban edge on the important road gateways into the village identified in the Character Appraisal in Annexe 1 will not be supported.’

Replace the opening element of the fifth part of the policy with: ‘As appropriate to their scale, nature and location proposals for residential extensions, extensions to other buildings, and outbuildings should:’

In the first bullet point of the fifth part of the policy replace ‘Are subordinate’ with ‘Respond positively’

Policy 6 Views and Vistas

- 7.40 This policy identifies a series of key views and vistas. They are illustrated on Map 6(b) and are explained in detail in the character area profiles in the Character Appraisal in Annexe 1.

- 7.41 The policy comments that proposals should not result in the loss of the important public views and vistas. It also advises that proposals which actively enhances or promotes the important views and vistas will be supported.
- 7.42 The policy takes an appropriate approach to this matter. I looked at the identified views and saw that they helped to describe and capture the essence of the relationship between the village and its surrounding landscape.
- 7.43 I recommend modifications to the policy so that it will have a more understandable format which can be applied clearly and consistently through the development management process in the Plan period. The revised structure identifies the views, sets out requirements for the way in which development proposals should respond to the views and indicates the types of development which will and will not be supported.
- 7.44 SKDC suggest that the views defined within the policy are individually labelled and that labels are added to the maps in Annex 1 and Map 6(b). This would bring the clarity required by the NPPF and I recommend accordingly.
- 7.45 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘The Plan identifies the following important views and vistas (as shown on Map 6b): [List the views as bullet points].

The design, layout, scale, and massing of development proposals should respond positively to the significance of the identified views and vistas.

Development proposals which would enhance or promote the important views and vistas will be supported.

Development proposals which would result in the loss of or unacceptable harm to an important public view and vista will not be supported.’

Label the views defined within the policy and add the labelling to Map 6(b).

Policy 7 Boundary Treatments, Trees, and Public Realm

- 7.46 This policy addresses boundary treatments and trees. It sits within the wider context provided by the two previous policies. It comments that development proposals which negatively impact boundary treatments, landscaping or trees which make a positive contribution to the public realm will not be supported. It also comments that any new development will be expected to demonstrate, where relevant, how it will contribute to high quality streets, pavements, and other publicly accessible areas (the public realm) within Claypole.
- 7.47 In general terms the policy responds to this important component of the character of the parish. Nevertheless, I recommend that the order of policy is reversed so that it has a positive rather than negative approach. I also recommend a recast of the wording used so that the revised first part of the policy can be applied on a proportionate basis.

- 7.48 I also recommend that the details about important boundaries are repositioned into the supporting text.

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals should demonstrate the way in which they will contribute to the delivery of high-quality streets, pavements, and other publicly accessible areas within Claypole.

Development proposals which would have an unacceptable impact on boundary treatments, landscaping or trees which make a positive contribution to the public realm will not be supported. ‘

At the end of paragraph 3.10 add: ‘Policy 7 addresses this important issue. Important boundaries in the form of walls and hedges are illustrated on the character profile Maps 16(a) to 16 (j) in the Character Appraisal (Annexe 1).’

Policy 8 Local Green Spaces

- 7.49 This policy proposes the designation of six local green spaces (LGSs). They are shown on Maps 7a to 7f. In each case the supporting text comments about the extent to which the proposed LGSs meet the criteria set out in paragraph 102 of the NPPF. The supporting text is underpinned by the excellent LGS Evidence Paper.
- 7.50 I looked at the proposed LGSs during the visit. Based on all the information available to me, including my own observations, I am satisfied that apart from Claypole Bridge Common Area & Sheepwash (Map 7e) they comfortably comply with the three tests in paragraph 102 of the NPPF and therefore meet the basic conditions.
- 7.51 I am satisfied that most of the Claypole Bridge Common Area & Sheepwash proposed LGS meets the criteria in the NPPF. However, I sought clarification from CPC on its proposal to include small (separate) grassed area at the road junction within the designated area. In its response CPC advised that:
- ‘The small grassed area in the Claypole Bridge Common Area & Sheepwash Local Green Space contains an attractive tree and has traditionally been well managed as part of the overall gateway into Claypole. This is why it has been included in the LGS area, principally for completeness; it is however disconnected from the rest of the LGS area.’*
- 7.52 On the balance of the evidence, I recommend that this separate parcel of land is excluded from the proposed LGS. In my view it brings no added value to the designation and would not warrant separate LGS designation.
- 7.53 I am also satisfied that the proposed designation of the LGSs 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.

- 7.54 The policy generally follows the matter-of-fact approach towards LGS as set out in the NPPF (paragraph 103). However, I recommend the deletion of the unnecessary second sentence of the policy. In addition, I recommend that the supporting text explains that SKDC will be able to come to a case-by-case decision on whether any development proposals affecting LGS demonstrate the very special circumstances required by the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

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

In the proposed Claypole Bridge Common Area & Sheepwash (Map 7e) remove the small (separate) grassed area at the road junction.

At the end of paragraph 3.13 add: 'Policy 8 designates a series of local green spaces. The District Council will be able to assess any development proposals based on the contents of paragraph 103 of the NPPF.'

Policy 9 Opportunities for Enhancement

- 7.55 This policy offers support to proposals which would directly or indirectly enhance the quality of the local environment. It comments that proposals which deliver opportunities for enhancement of the built and historic environment in the following areas will be supported subject to compliance with other development plan policies:
- Common Land South-east of Claypole Bridge (including safer access improvements);
 - Land adjacent to Railway Line and signal Box, north of Main Street;
 - Northern end of Hough Lane; and
 - Car Park at Village Hall.
- 7.56 The policy takes a positive and non-prescriptive approach to this matter. I recommend detailed modifications to the wording used in the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace 'Proposals which deliver opportunities for enhancement of' with 'Development proposals which would enhance'

Policy 10 Highways Impact

- 7.57 The context to this policy is that traffic has been identified as a major issue of concern to the parish residents in consultation that has been undertaken. It is the volume and nature of inappropriate through traffic that are the primary concerns. The supporting text comments that:
- the character of Claypole comes from its narrow informal lanes which either have a single narrow footway or have no footway, as such the safety of pedestrians and cyclists is a key consideration;
 - Main Street has changed little over decades and due to the nature of the cottages along it, the road requires substantial on-street car parking; and
 - the Parish is reasonably well served with footpaths and bridleways, which mostly perform a recreational role.
- 7.58 The policy has a series of overlapping elements. The first comments that where new development significantly impacts on the highway network, developers will be required to appropriately mitigate these impacts by highway improvements or contributions towards their mitigation. Contributions will be used to mitigate the impacts associated with the development to ensure there is no unacceptable detriment in terms of congestion or highway safety. The second comments that Proposals for major development which impacts on traffic volume or safety must be supported by a transport assessment which considers the impact of traffic movements on the highway network across the Parish of Claypole. The third comments that Proposals for commercial, industrial, or other forms of HGV generating development which will result in additional HGV movements through the centre of Claypole village will only be supported where routing agreements can be secured to avoid HGV movements through the centre of Claypole village. Other parts of the policy comment in detail about car parking and the need for mitigation measures
- 7.59 The policy is supported by extensive supporting text.
- 7.60 The policy is commendably comprehensive. However, in places it incorporates elements of explanatory text within the policy. In other places the language used does not have the clarity required by the NPPF.
- 7.61 In order to remedy these matters I recommend a package of modifications as follows:
- the broadening of the first part of the policy so that it sets out what is expected of development proposals rather than anticipating that they will have unacceptable impacts on the capacity of the highways network;
 - repositioning of the second and third parts of the policy into the supporting text;
 - refining the order of the parking elements of the policy so that they follow a more logical structure;
 - ensuring that the policy sets out requirements for new development rather than seeking to anticipate the outcomes of planning applications (which may be affected by other matters and/or material considerations); and
 - consequential modifications to the supporting text.

- 7.62 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the economic dimensions of sustainable development.

Replace the policy with:

'Highways Capacity

Development proposals should be designed to ensure that they are capable of being incorporated into the local highways network. Where development proposals would have a significant impact on the highway network, developers will be required to mitigate those impacts in an appropriate way by highway improvements or contributions towards their mitigation.

Vehicle Parking and EV charging

Development proposals should incorporate adequate on-site provision for car parking to the following standards: [Insert table from the submitted policy]

Development proposals which would result in the displacement of car parking provision from off-street to on-street will not be supported.

As appropriate to their scale, nature and location, development proposals should incorporate space suitable for secure cycle parking and electric vehicle charging points

Refuse Provision

Development proposals should incorporate on-site provision for the storage of refuse collection bins and which are accessible to the collection point. The storage of the collection bins should be appropriately screened from the public highway and from other properties.'

Replace paragraph 4.13 with:

'Access to and from any development would be governed by the design standards set out by Lincolnshire County Council as the Highway Authority. These standards set out the requirements for highway infrastructure for new development in terms of access and internal layout. Policy 10 of the Plan addresses the wider impact of new developments on the overall capacity of the highways network. Proposals for major development which impacts on traffic volume or safety must be supported by a transport assessment which considers the impact of traffic movements on the highway network across the Parish of Claypole. Where development proposals would have a significant impact on the highway network, developers will be required to mitigate those impacts in an appropriate way by highway improvements or contributions towards their mitigation. Any such contributions will be used to mitigate the impacts associated with the development to ensure there is no unacceptable detriment in terms of congestion or highway safety. Proposals for commercial, industrial, or other forms of HGV generating development which will otherwise result in additional HGV movements through the centre of Claypole village should be accompanied by routing agreements in order to avoid the social and environmental impacts of HGV movements through the centre of Claypole village.'

Policy 11 Heritage Assets

- 7.63 This policy addresses heritage assets in the parish. The assets are listed in paragraph 5.1 of the Plan and shown on Map 9a. The policy comments that proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the adopted development plan.
- 7.64 The policy overlaps with Policy 12 which identifies a series of non-designated heritage assets. To avoid repetition, I will address the two policies together.
- 7.65 As submitted the two policies do not have the clarity required by the NPPF. Policy 11 brings no added value beyond national and local planning policies on heritage matters. Policy 12 identifies non-designated assets but does not provide any policy context against which planning applications would be determined.
- 7.66 In these circumstances I recommend that the heritage assets in paragraph 5.1 are linked to the contents of Policy 11 and that Policy 12 is underpinned by the relevant element of national policy. In both cases this will result in locally-distinctive policies by virtue of their relationship with specific assets in the parish.

Replace the policy with: ‘Development proposals which would affect the designated heritage assets and their settings as identified in paragraph 5.1 and shown on Map 9(a) should respond positively to Section 16 of National Planning Policy Framework and relevant policies in the South Kesteven Local Plan.’

Policy 12 Non-designated heritage assets

- 7.67 The Neighbourhood Plan proposes a series of non-designated heritage assets (shown on Map 9). Further details of the assets are detailed in the Character Appraisal.
- 7.68 Based on the commentary as set out for Policy 11, I recommend that the policy is modified accordingly.

Replace the opening element of the policy with: ‘The Neighbourhood Plan designates the following buildings as shown on Map 9(b) as non-designated heritage assets;’

At the end of the policy add:

‘The effect of an application on the significance of an identified non-designated heritage asset as shown on Map 9(b) should be taken into account in determining the application. 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.’

Policy 13 New Housing

- 7.69 The policy builds on the approach taken in Policy 1. It comments that small-scale infill residential development within the settlement boundary that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the South Kesteven Local Plan. It also comments that proposals within the settlement boundary that involve redevelopment or regeneration schemes or involve the re-use of sites where the current use becomes no longer required, such as farmyards will be supported where it complies with other policies in the Plan and the South Kesteven Local Plan. It also advises that such proposals should be of a scale appropriate to the size of the site and the density of the surrounding area. Finally, it comments that the layout and design of such proposals should reflect the existing built footprint of the village and the character or appearance of the surrounding area. It comments that proposals should respect the characteristics and local distinctiveness of the relevant Character Area profile detailed in the Character Appraisal in Annexe 1 and the design guidelines included in the Annexe.
- 7.70 The policy is commendably comprehensive. Nevertheless, I recommend that it is re-ordered so that the starting element is the relationship of proposed development to the Character Area profile. I also recommend that the policy wording requires development proposals to ‘respond positively’ rather than simply to ‘respect’ the character of the surrounding area. Otherwise, it meets the basic conditions.

Replace the policy with:

‘Development proposals should respond positively to the characteristics and local distinctiveness of the relevant Character Area profile detailed in the Character Appraisal in Annexe 1 and the design guidelines included in the Annexe.

Small-scale infill residential development within the settlement boundary that respond positively the character and appearance of the surrounding area and the living conditions of their eventual residents and the residential amenities of residential properties in the immediate locality will be supported.

Development proposals within the settlement boundary that involve redevelopment or regeneration schemes or involve the re-use of sites will be supported where they are of a scale appropriate to the size of the site and the density of the surrounding area. The layout and design of such proposals should respond positively to the existing built footprint of the village and the character or appearance of the surrounding area.’

Policy 14 Housing Allocation

- 7.71 This policy allocates two sites for residential development. The first is in Main Street and the second is on Barnby Lane. In each case the policy sets out important criteria for the development of the site.

7.72 The selection of the two proposed housing allocations is underpinned by the Site Selection Methodology. In the round I am satisfied that it is a very comprehensive document which assessed the potential for the development of ten sites for housing purposes.

7.73 In both cases the language used in the site-specific policies suggest that there may be ownership issues which may affect the development of the sites. In these circumstances I sought information from CPC about the availability of the two sites for development and their delivery within the Plan period. CPC responded as follows:

'Site Ho/CLA/1 has been promoted through the SHLAA process under reference CLA14-126 - Land r/o 35 Main Street, Claypole. It was also promoted as site CFS-01 through the Call for Sites process, in the process the landowner indicated it was anticipated to be developed in the period 0 to 5 years; as such the site is available and deliverable under the NPPF glossary definition. Also, SKDC has drawn attention to planning application S21/0720 which was only refused under Local Plan Policy SP4 on the basis of criterion A (community support). There was also planning application S20/0682 on the site that was also only refused on the same basis.

Site Ho/CLA/2 had a planning application S18/0402 refused under Local Plan Policies on the basis of it being outside the settlement. It was promoted again as a site by the landowner at the Regulation 14 consultation stage and an indication was given that it was anticipated to be developed in the short-term. As such the site is available and deliverable under the NPPF glossary definition.

Both site allocations are supported by SKDC. The wording used in the policy is intended to ensure that comprehensive development occurs for each site; it does not allude to any anticipated delivery issues but instead merely wants to avoid mistakes that have occurred elsewhere in Claypole from dealing with sites in a piecemeal manner. For example, the approved scheme at Orchard Farm has left one agricultural building landlocked without any vehicular access; this was the case from the outline stage and has been compounded by the recent reserved matters granted on appeal. The Neighbourhood Plan (does not) want similar issues to arise on either allocated site.'

7.74 Taking account of all the circumstances I am satisfied that the Plan has addressed these matters in a balanced way. No objections have been received from the landowners of the sites about the format of the policy and the principles applied to the two sites.

7.75 In its representation to the Plan the Robert Doughty Consultancy comments that land to the rear of Main Street and Oster Fen Lane (Site M) should be allocated for development of approximately 16 dwellings and the two smaller sites (as proposed in the policy) should de-allocated. In doing so it submitted a detailed analysis of surface water flooding of Site M in response to the comments in the Site Selection Methodology.

7.76 I have considered this representation very carefully and looked at Site M from the access off Oster Fen Lane. On the balance of the evidence, I am satisfied that CPC

has reached a balanced and well-informed judgement on the selection of housing allocations. The Site Methodology is both thorough and comprehensive. The Stage 3 assessment addressed the relevant sites in a measured fashion. In the round, I am satisfied that the two sites selected are of an appropriate size for the parish and are well related to its built-up form.

- 7.77 The policy allocates the two sites and then provides a series of development principles for each site. This results in a very practical and well-structured approach. I am satisfied that the development principles are appropriate for each of the sites and will provide a helpful context as proposals are worked up and then considered through the development management process.
- 7.78 Within this context, I recommend two detailed modifications to the policy. The first provides a clearer opening context. The second relates to the first of the two sites. I recommend that the information on the range and type of houses is presented in a more matter-of-fact way. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

Replace the opening element of the policy with: ‘The Plan allocates two sites for residential development as follows:’

In Cla1 (Section 3 Housing) delete ‘which can provide an option for the local community to access market housing at a cost below that found within the established village housing market.’

Policy 15 Community Facilities

- 7.79 This policy advises that the retention of community facilities is integral to ensuring that Claypole remains a sustainable and balanced community. It also advises that the retention of appropriate facilities to meet the needs of the local community is important to retain the identity of the village. In addition, it comments that the Plan will support the extension or expansion of the existing community facilities subject to certain criteria.
- 7.80 The policy identifies important community facilities. It then comments that development proposals that would result in the loss of community facilities will not be supported unless it can be shown that they are under-used, not viable in terms of community need, or that adequate replacement provision is made elsewhere nearby within or close to the Parish.
- 7.81 The policy also identifies land at Rectory Lane (shown on Map 11) for community use and advises that proposals to create new or enhanced community facilities relating to Claypole Community Park will be supported. It goes on to comment that proposals to use this land for any alternative use will not be permitted. The policy also includes elements relating to the expansion of existing community facilities and where enabling development is proposed.
- 7.82 In general terms the policy takes an appropriate approach to this matter. Nevertheless, I recommend detailed modifications to the wording of the policy to ensure that it has the clarity required by the NPPF. In this context, I recommend that the third part of the

policy (on enabling development) is repositioned into the supporting text. It is more of an explanation of the implementation of other parts of the policy rather than a policy statement. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the first part of the policy replace ‘permitted’ with ‘supported’

In the second part of the policy (first bullet point) replace ‘adversely’ with ‘unacceptably’

In the second part of the policy replace the second bullet point with: ‘The proposal can be satisfactorily accommodated in the local highways network’

Delete the third part of the policy.

Replace the fourth part of the policy with:

‘Development proposals that would result in the loss of community facilities will not be supported unless it can be demonstrated that:

- **the facility is under-used; or**
- **the facility is not commercially viable, or**
- **an appropriate and conveniently-located replacement facility is provided as part of the wider proposal.’**

At the end of paragraph 9.1 add:

‘Policy 15 sets out the Plan’s approach to these matters. Proposals which look to develop existing community facilities as a broader package of enabling development on part of the land or buildings will be supported where it can be demonstrated through viability evidence that all the surplus or developer contributions are being reinvested in the development of enhanced or additional community facilities.’

Policy 16 Setting of Claypole Village

7.83 This is a comprehensive and wide-ranging policy. It comments generally about:

- the Plan will support proposals which protect and enhance the natural features that are a key component of the landscape and provide habitat for biodiversity enhancement. It identifies two specific types of proposals which will be supported;
- development which adversely affects the character, appearance, setting, and tranquillity of the River Witham corridor will not be supported;
- development which results in harm to or loss of the areas and features considered important to the overall setting of Claypole Parish including the medieval ridge and furrow landscape around the village and the agricultural landscape will not be supported unless as part of a balanced judgement the benefits outweigh the harm; and
- proposals which result in the loss of the tree planting along the eastern end of Hough Lane and then running southwards along the East Coast Mainline into

Long Plantation or the tree planting around Claypole Bridge will not be supported.

- 7.84 In general terms the policy takes an appropriate approach to this range of matters. I recommend a series of detailed modifications to several of the component elements of the policy so that they will have the clarity required by the NPPF. This will allow them to be applied clearly and consistently through the development management process throughout the Plan period. Otherwise, the policy meets the basic conditions.

In the first part of the policy replace the various uses of ‘&’ with ‘and’

In the second part of the policy replace ‘Development which adversely affects’ with ‘Development proposals which would unacceptably affect’

In the third part of the policy replace ‘unless as part of a balanced judgement the benefits outweigh the harm’ with ‘unless it can be demonstrated that the benefits of the proposed development outweigh the harm which would be caused to the wider setting of the parish’

In the fifth part of the policy replace ‘encouraged’ with ‘supported’

Non-land use issues

- 7.85 The Plan includes a series of non-land use planning issues. They are set out in a separate part of the plan (Section 2) in accordance with national policy. The issues focus on traffic and transport issues. Paragraph 8.5 sets out a series of specific issues which CPC will address with other bodies in the Plan period.
- 7.86 I am satisfied that the issues raised in Section 2 are appropriate and distinctive to the parish.

Other matters - General

- 7.87 This report has recommended a series of modifications both to the policies and to the 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 CPC 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.

Other Matters – Specific

- 7.88 I also recommend specific modifications to the initial sections of the Plan which are necessary to ensure that the Plan meets the basic conditions. They are based on comments from SKDC.

Replace paragraph 0.9 with: 'The Steering Group on behalf of the Parish Council considers that there will be no significant environmental effects arising from the Claypole Neighbourhood Plan. This is set out in the SEA Screening Assessment which demonstrates that a SEA is not required.'

In paragraph 0.24 – refer to Long Bennington as a 'Larger Village' rather than as a 'Local Service Centre'

Revise paragraph 0.26 to acknowledge that the revised timetable for the emerging Local Plan expects submission and examination in the Winter of 2024/25, with adoption being anticipated twelve months later.

In paragraph 0.63 refer to 'Larger Villages' rather than 'Local Service Centres'

Revise paragraph 2.2 to acknowledge that the Rutland & South Kesteven Design SPD was adopted in November 2021.

In paragraph 2.4 replace 'settlement' with 'settlements'

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 Claypole Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 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 the Claypole Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 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 South Kesteven District Council on 19 March 2014.
- 8.5 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
19 June 2023