



Caistor Neighbourhood Plan

Pre-examination Review report for Caistor Town Council

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1. Introduction

I have been asked to prepare this report for Caistor Town Council as a pre-examination review and to check compliance with the basic conditions. In undertaking this work I have made comments in relation to the Neighbourhood Plan Area Designation; community involvement compliance; the basic conditions, namely to consider whether the Plan i) has regard to national policy ii) contributes to the achievement of sustainable development iii) is in general conformity with local planning policy notably the saved strategic policies in the West Lindsey District Council Development Plan and iv) is compatible with appropriate European legislation.

I have also made comment in relation to typographical errors and structure that I hope will help enhance the finished version of the document to be submitted to Independent Examination.

2. Neighbourhood Plan Area Designation

The Neighbourhood Plan for Caistor covers a geographical area beyond the Parish boundary, incorporating the area known as Caistor Top which sits within the Parish of Cabourne. This variation to the natural Parish Boundary for Neighbourhood Planning purposes was recognised by West Lindsey District Council which formally designated the wider area as a Neighbourhood Plan Area on 3 September 2013. I am therefore satisfied that the Plan has been produced in line with the legislation.

However, I could see no reference through the Plan document to the role that Cabourne has played in the production of the Plan beyond a single consultation event taking place in the Parish. Given the extension of the wider area specifically for this purpose it is important to demonstrate how Cabourne residents have been consulted and their views taken into account.

3. General

I make the following general observations in relation to the draft version of the Neighbourhood Plan that I have been asked to comment on:

- a) I consider it to be a well presented, professional and engaging document with a good 'house style' that clearly articulates the distinctive nature and character of Caistor.
- b) The report has a logical layout with good use of illustrations, although I make reference elsewhere to the sequencing of Policies.
- c) The introductory passages lead logically to a good vision statement that provides a framework for the Neighbourhood Plan, behind which partners can pool their interest and resources.
- d) The breakdown of the policy section into policy title; policy wording; context; evidence and compliance and monitoring is helpful.
- e) The evidence base is drawn from robust sources including consultation and statistical information but could benefit from reference to other sources such as the register of Listed Buildings, Conservation Areas etc. as well as making relative comparisons where possible for example comparative census figures for England.
- f) Policies within Neighbourhood Plans should be both 'clear and unambiguous' and 'concise and precise' (Planning Practice Guidance 5: Preparing a neighbourhood plan or order). Some policies need to be reconsidered to meet this criteria and this is highlighted where relevant.
- g) Some policies are broken down by numbers, others by bullet points. It would help the document if a consistent approach could be applied.
- h) Some policies are aspirational, whilst others are more detailed and are written to be taken into account when considering a planning application. Both are appropriate for a Neighbourhood Plan. Some of the criteria based policies may benefit from further development and justification if they are to effectively influence future planning decisions.
- i) A definition of development is necessary. For example does it include change of use? The Neighbourhood Plan seeks to influence some types of development that do not require planning permission, such as that which can be undertaken under permitted

development rights. It is right that the Plan seeks to influence all types of development however the supporting text should highlight those types of development that it has less influence over. In saying that development should trigger a range of requirements, this appears to apply irrespective of the scale of development being proposed. Clearly this is not the intention. The NPPF requires Neighbourhood Plans to ‘provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency’ (paragraph 17). In failing to define the scale of development below which these requirements will apply the Neighbourhood Plan does not conform to this test and this issue needs to be addressed.

- j) There are many references to consultation and the percentages of support for different elements of the plan. However I could find no indication of the scale of the consultation – actual numbers involved. This should be provided to the Independent Examiner to demonstrate the depth of involvement.
- k) Where compliance relates to the basic conditions – i.e. NPPF – it would be helpful if the relevant paragraphs are cited (this occurs in some cases but not in others – would benefit from a consistent approach).
- l) Monitoring and target setting is underdeveloped. The inclusion of specific targets would add weight.
- m) I have highlighted a number of typographical errors separately that should be addressed in order to enhance the document.

4. Specific comments

The following comments relate to specific wording within the draft Plan:

- a) In the section ‘why do we have a plan?’ on page 5, the third paragraph says ‘the Neighbourhood Plan will form part of the statutory framework within the local plan’. This would be better worded as ‘the Neighbourhood Plan will form part of the Development Plan, of which the Local Plan is also a part’.
- b) The timescales on page 21 cannot be achieved and need amending.
- c) On page 22 – the scale of community consultation should be stated as previously indicated.
- d) On page 26 – the last paragraph on compliance with the Development Plan states that there are two issues that do not lend themselves to land use which are highlighted after the main policies. I consider that they both address issues to do with land use but are perhaps more aspirational than the other policies.

- e) On page 28, **Policy number 1: Growth and the presumption in favour of sustainable development** – This contains one policy (the first paragraph) and two supporting statements. The first of these supporting statements references the need for community consultation with those affected by the proposals, which is a statement about process. The second supporting statement refers to the ‘Central Lincolnshire Local Development Framework’ and this should read ‘Central Lincolnshire Local Development Scheme’. Whilst it is good practice for planning applications to have regard for emerging planning policy, it should be noted that planning decisions will only be made on the basis of existing policy and the Neighbourhood Plan should not require applications to accord with legislation that does not exist.
- f) On Page 29, **Policy number 2: Type, scale and location of development** – This could be made clearer and more precise as a policy. It states that new development should trigger issues such as provide walking and cycling connectivity and a range of other measures. Reference to ‘major new development’ is imprecise and is not defined. Is it the intention of this policy to insist on these measures being applied to single plot developments for example?

This policy is headed ‘type ... of development’ yet fails to address types of housing (which is contained in policy number four).

The evidence box fails to list the specific clauses within the NPPF or Core Strategy which would be helpful in building the evidence base.

- g) On page 30, **Policy number 3: Design Quality** – numbers are used here rather than bullet points elsewhere. A consistent approach should be applied.

The policy requires all development to trigger a range of requirements. This should specify a scale of development above which these requirements would apply.

The evidence box fails to list the specific clause in the Core Strategy.

- h) On page 31, **Policy Number 4: Housing mix and affordable housing provision** – the policy statement says ‘all new housing proposals must deliver a Caistor specific housing mix ...’ This cannot be achieved in small or single plot developments and the Policy should make clear the numbers below which this blanket policy will not apply.

Policy Res 2 of the Local Plan says ‘Planning permission will be granted for proposals containing a range of housing types, sizes, styles and densities including low cost and smaller homes. Where proposals fail to provide an appropriate mix of housing then permission will be refused’. The Neighbourhood Plan should therefore define the ‘Caistor Specific housing mix’ to identify differences with the Local Plan and to enable a judgement to be made as to whether this policy meets the requirements of the basic conditions.

The evidence box references the Local Plan and the Core Strategy but fails to list the specific clauses.

- i) On page 33, **Policy Number 5: Empty Homes/derelict land** – This is titled ‘empty homes/derelict’ land but the sole focus is on empty homes. The policy should be re-written to include derelict land or the title should be amended.
- j) On page 34, **Policy Number 8: Improved cycling and pedestrian linkages** – requires all new development to demonstrate enhancements. This should have a minimum size requirement for this policy to be applicable.
- k) On page 35, **Policy Number 9: Business Units and start up units** – the policy statement allows for new business units to be within existing defined development areas or conversions of existing empty derelict property on previously developed land. This wording allows the development of new business units outside of existing employment areas which I don’t believe is the purpose of the Policy. This is a good example of where greater use of guidelines and detailed criteria within the policy statement might be helpful not only in terms of the Plan but also when considering any future development proposal.
- l) On page 36, **Policy Number 10: Social Infrastructure** – a more detailed explanation of the term ‘social infrastructure’ would be useful to make the policy clearer.
- m) On page 38, **Policy Number 12: Broadband access** - requires new development to demonstrate a contribution to broadband connectivity. This should specify the scale of new development for this policy to apply.
- n) On page 38, **Policy Number 13: Tourism** – this is described in the context box as an aspirational policy. This is confusing when other aspirational policies have been separated off and described separately at the end of the policy section.
- o) On page 41, **Policy Number 17: Existing schools** – the policy wording seems to preclude re-provision of schools on alternative sites as opposed to the expansion of existing sites, although the policy context suggests both options may be necessary.

The monitoring indicator box includes targets that should be placed in the target box.

- p) On page 43, **Policy Number 20: Renewable energy** – the policy as described in the policy box should include a definition of ‘community-scale’ and similarly the description in the context box of a ‘large-scale’ renewable development could usefully be defined also.
- q) On page 45, **Policy Number 22: Allotment provision** – this requirement to provide open space strategies should apply to developments over an agreed size.

5. Typographical errors:

Page 10, Housing land allocations section – statement says ‘if the housing number being promoted within the Core Strategy are to be delivered ...’ Should either be ‘housing numbers’ or ‘is to be delivered’

Page 22, section headed ‘a balanced community’ – last sentence should say ‘able TO enjoy ...’.

Page 28, in the evidence box, the final paragraph should say ‘the need for growth is acknowledgeduwithin ...’

Page 30, in the policy box replace ‘inobtrusive’ with ‘unobstrusive’.

Page 32, in the context box remove the word ‘exist’ from the fourth line.

Page 33, in the policy box complete the sentence at the end of the policy description.

Page 38, in the policy description box, remove the word ‘and’ from the second line.

Page 38, in the context box remove the word ‘in’ from the first line.

Page 41, in the policy box remove the word ‘and’ from the fourth line.

6. Sustainability Appraisal

Section 2 on page 5 identifies that ‘a simple scoring matrix of six ratings was used’ however only 4 are shown (neutral; some positive benefits; significant positive impact and uncertain). There are no ‘negative’ or ‘significantly negative impacts’ sections – this may be because none were judged to fall into those categories, however the actual categories should be shown even if they were not used.

7. Basic Conditions compliance statement

a) Community Consultation

The summary statement of compliance with community consultation lists the range of events that have taken place (pages 6-7) to promote the Plan and to engage with the community.

As referenced above, there is no indication in the text submitted to demonstrate the scale of community involvement. Percentage figures showing the level of support amongst those who attended events is diminished without an awareness of the numbers who took part and against which the percentage figures relate. In addition I can see only limited reference to the involvement of residents and stakeholders from Cabourne except for consultation as an adjoining Parish which I believe fails to

adequately reflect its position as an area that forms part of the Neighbourhood Plan itself.

Neighbourhood Planning Regulations state that the consultation statement must contain details of the persons and bodies consulted and also summarise the main issues and concerns and how they have been considered and addressed. I could see no evidence of this in the consultation statement and this needs to be addressed in the final Plan document or in the supporting information provided to the Independent Examiner.

Neither was I able to see the extent of stakeholder involvement except for a reference to 'specific meetings with landowners (and) community groups'. This information should be made available to the examiner and is necessary to ensure a wide ranging opportunity to comment has been made available.

b) Conformity with the NPPF, Sustainability and European legislation

I consider that this Plan does conform subject to comments on the Sustainability Appraisal grid (6 above) and consultation.

c) Conformity with Local Plan 2006 Saved Policies

The grid layout of this section is helpful, but it would be beneficial to say where it conforms within the policy documentation. The following comments relate to the boxes headed 'WLDC Local Plan 2006 12 objectives', 'WLDC Local Plan 2006 saved policies' and 'Neighbourhood Plan conformity'.

The first box states that it is the District Council's objective to set a clear vision. The Neighbourhood Plan conformity box should say how it conforms to this vision not that it has 6 vision statements of its own. This doesn't in itself reflect a failure to comply but it is a statement that fails to respond to the District Council objective as it intends to do.

The second box states that the Neighbourhood Plan encourages and promotes the re-use of derelict land. In fact, policy 5; Empty Homes/Derelict Land' only addresses empty homes NOT derelict land.

The fourth box states that the Neighbourhood Plan includes policies relating to the number and type of new housing. In fact it only does this with general reference to the Core Strategy and a 'Caistor specific housing mix' that is not defined.

In the box 4 on page 14, criteria for development outside of settlement boundary is responded to by saying that the Plan provides criteria for when new development outside of the settlement boundary would be justified. In fact this is not specified in

the Plan, except in saying that planning applications should accord generally with the LDF - I presume this should be LDS (Local Delivery Scheme) as the LDF was abolished in 2010.

d) Conformity to emerging core strategy

It is recognised as good practice to align Neighbourhood Plans with emerging Local Plans, however this will not form part of the Independent Examination. Nevertheless it is helpful to have regard for the emerging Local Plan and helps to demonstrate that the Plan is deliverable.

Gary Kirk

11 April 2014