

Holton-le-Clay Neighbourhood Development Plan Steering Group feedback, comments and actions to the Development Plan Health Check

Holton-le-Clay Neighbourhood Development Plan 'Health Check' Review for Holton-le-Clay Parish Council

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Health Check Feedback and Recommendations (dated October 2016) NDP Team Decisions and Actions

Policy No	Feedback/Recommendation	NDP Team Decision	Action / Changes
Plan Introduction	Include definitive reference in Plan Introduction to supported Parish Plan Area.	Valid point and agree to amending Introduction to include reference to support Parish Plan Area.	Introduction to the Holton-le-Clay Neighbourhood Development Plan placed at beginning of the plan.
NDP Project Plan	NDP Project Plan should be included in the list of supporting documents on the Neighbourhood Development Plan website. It is now appropriate to review the future timetable in the context of progress to date and actions outstanding including issues arising from this 'health check' review and update the project plan against which progress can be monitored as the Neighbourhood Plan is taken to a successful outcome of being 'made'.	Valid point about reviewing the NDP Project Plan and placing it on the NDP page of the Parish Council Website	Update Project Plan and place on Web Site
Basic Conditions Statement	A statement should however be included in the Basic Conditions Statement, confirming, whether the NDP will have any likely significant effects on a European site or a European offshore marine site and whether a Habitats Regulations Assessment (HRA) is required.	Basic Conditions Statement - The Plan is in conformity with strategic policies contained in East Lindsey's District planning policies; and meets relevant EU obligations.	No actions required
Plan Front Cover Period of Plan	It is a requirement of the Planning and Compulsory Purchase Act 2004 that the Neighbourhood Plan should state the period in which the plan will have effect. It would be helpful if the plan document on the front cover clearly stated the period for which the NDP will have effect which is to 2029.	Valid Point to have the Plan Period on the front cover of the plan	Plan Period 2017 – 2029 on front cover of plan.
Vision	Although the intended construction and presentation of the Draft Neighbourhood Plan is generally	Valid point.	Introduction updated to include a statement on how the Vision was

	clear, I consider that it would be advantageous to identify how the Vision was arrived at and how it has been ‘market tested’.		informed and how it was market tested in the community.
Introduction	The introduction, would also benefit from a brief explanation as to why the Parish Council decided to pursue a NDP and the key issues identified. This would ensure that the main issues identified by the community link neatly and flow logically to the Vision and Objectives of the Plan. As example, identification of ‘the needs of the community’ (or should this reference be ‘aspirations’) referenced at 2.1, within the Introduction would provide better understanding for the relevant objectives.	Valid point.	Update plan introductions to show direction from Localism Act to Community Aspirations to Vision to Objectives and the plan.
Policy 2.2.1	At 2.2.1, there is an objective for preparing Design Briefs identified, but this is not realised by the later content of the NDP. This should be omitted.	Valid point.	Remove 2.2.1
Section 4 Overview	It is also suggested that Section 4 (Overview of Holton-le-Clay) may equally fit better as an explanatory, pre-cursory link to the Vision and Objectives.	Valid point.	Re – title Section 4 to “Overview of Vision and Objectives”
Section 3	I would also suggest that (perhaps within Section 3 as elaboration on 3.4) the objectives for the NDP should acknowledge the need to support the levels of growth proposed through the Local Plan. Equally, there should be acknowledgement that Local Plan policy does not represent a cap on growth. This is considered an important element in order to demonstrate accordance with strategic policy and a regard to the National Planning Policy Framework (NPPF).	NDP Team not comfortable with this comment. Team feels it is more of a ELDC Planning Policy / Local Plan responsibility – rather than a NDP issue. Section 3 – 3.4 already states the Plan does not seek to set out proposed housing targets or allocate land for development. As these will be tested through the core strategy examination process.	Reword 3.4 to form linkage to the Village Character Assessment. Plans seeks to maintain the semi rural charter of the village.
Policies General Wording of the daft policies, the vocabulary to be used is critical to ensuring that the policy	Instead, wording should ideally be framed as “development will be supported provided that . . .” or, where objection is necessary, wording should be along the lines of “any proposals to ... will be	Team not comfortable with this comment. Team believes the plan has sufficient latitude and flexibility	Policies reviewed for the correct use of “Should” - “Must” – “Will” are valid and the “Must” policies. Team agreed the important

delivers the desired outcomes.	resisted unless . . .“ or “development must avoid/mitigate etc...”. Many of the draft policies however, use the expression ‘must’. This does not provide for the degree of flexibility allowed for by the NPPF and would only be appropriate where requirements of a policy are compulsory in all instances. To justify such a stance will require appropriate evidence. The use of ‘should’ and ‘should not’ provides a degree of flexibility and leaves room for a development proposal to justify why the policy shouldn’t apply in a particular instance.	already. The use of “Should” and “Must” in the policies is has already been discussed with ELDC Planning Policy. To ensure the Key Community Policies are give the appropriate priority.	and key policies should use the word must.
Policies General	Although it is appreciated that the document reviewed is still in draft form, the planning policies should be more easily identifiable from the main and supporting text	Valid point	This is a formatting issue that will be addressed. General consensus it to put the policies in a “BOX” and colour can be used.
Policies General	Draft policy content is occasionally overlapping and confusing. For example, 9.28 (safe and direct access to public transport) sits within the intended Green Plan implementation policy section. However, other sustainable transport objectives are embodied within Development (Urban) Design policy. I would suggest that latter section provides a more appropriate place for seeking to secure sustainable transport provision as part of new development proposals.	Valid point.	Remove 9.28 from Green Plan to 6.17
Policies General	A final observation is that it is sometimes unclear as to the evidence basis on which the proposed policy relies. National Planning Practice Guidance advises (amongst other things) that policies in Neighbourhood Plans should be ‘concise, precise and supported by appropriate evidence. Furthermore, it should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.’ One option would be to provide a simplified overview of the evidence base and the wider context for proposed policies. A tabulated format as suggested by Planning Aid could be adopted.	Team not sure how this comment will improve the plan. What is seems to be asking for is to put all of the policies in a table. Which feels like a duplication of the plan in a different format. Basic Conditions Statement tests objectives and policies against NPPF and the three East Lindsey strands of sustainability; economic, social and environmental criteria.	Ensure Basic Conditions Statement is updated to reflect any changes to policies.

		Health Check process checked the policies against ELDC Saved Policies and the emerging local plan.	
Policy 9.5 Green Plan Implementation	The use of a village envelope as a tool for restricting development does not fit comfortably with the objectives of the NPPF. The emerging Local Plan establishes a role for the village through its position within the settlement hierarchy/typology and also a level of development through the identification of housing allocations. Notwithstanding some of the concerns expressed by the Community, against additional growth, per Se, the NDP needs to respond appropriately to the emerging policy position (which requires some level of flexibility for delivering appropriate levels of additional development) and the underlying evidence base. The Green Plan seeks to identify more sensitive character areas to be safeguarded from development for wider strategic reasons. This approach appears to be well founded (although as a note of caution, I am aware that for Nettleham Neighbourhood Plan extension of a Green Wedge was not supported on examination because it was seen as being restrictive without justification and was not considered to be in general accordance with the strategic policies of the emerging Local Plan) and potentially a more appropriate policy basis (when considered with other criteria based policies) for safeguarding a nucleated settlement form (this objective is equally supported by the NDP evidence base).	The Village Envelope is a key part of the NDP and should be retained. The wording used in the draft plan policy can be considered to be negative and possibly restrictive.	Policies 9.17 / 9.18 rewritten to retain this Key Policies – at the same time as using less restrictive language.
Policy 3.2	Rather than ‘take a positive approach’ suggest ‘will support the development of... whilst ensuring that Holton-le-Clay remains etc’	Valid point	Reword 3.2 and 3.4 to encompass “will support development...”
Policy 3.5	Reference should be made to East Lindsey District Council or Local Planning Authority as the ‘decision maker’ for the determination of planning applications in the first	Valid point	Reword 3.5 - use “decision make”

	instance.		
Policy 4.3.10 and 4.4	It should be noted that the definition of affordable housing may shortly change. This is likely to include reference to discount market housing which may be sympathetic to the views expressed by local residents. If so, then perhaps reference could be made here?	The definition of Affordable Housing is subject to change at any time in the future - as are other planning policies.	Use definition as is commonly used by ELDC at this point in time.
Policy 4.3.1 – 4.7	These are observations, rather than part of an ‘overview’ of the village. Should these references be elsewhere, perhaps as objectives?	Team feels 4.3.1 – 4.7 are objective and are in the correct place.	No actions required
Policy 5.1	This is a positive statement for engagement with potential developers and quite appropriate. However, the remaining paragraphs within Section 5 do not flow from this statement. It may be that dialogue with the Parish Council will be able to help shape development proposals by identifying needs and suitable mitigation (in accordance with CIL Regulations/tests for s.106 agreements). Re-wording the section should clarify this. Please note that at 5.4, it is not possible to force a developer to liaise with the Parish council. Re-wording of this section to ‘encourage’ such communication would however be appropriate.	Valid comment	Reword 5.1 and 5.2 to reflect the feedback.
Policy 6	This is really an ‘Urban Design’ section. However, it is unclear whether this section is to relate to all development types or just residential. The subsequent Justification and draft policies suggest residential only. If so, the heading should reflect this. Although comment is made below in respect of the specific policy references that follow from 6.6, I would suggest that a single revised policy should be formed. Many of the specific requirements of 6.6 onwards would be best seen as guidance, perhaps contained within the justification section, or by reference to the supporting Village Character Assessment evidence base as well as other ‘Best practice’ guidance such as Building for Life 12.	Valid point in some respects.	Reword 6.1 and 6.2
Policy 6.3	Further clarity needs for the	Valid point	Reword 6.3 to reflect

	reference to the North-East Lincolnshire housing strategy. What does it say and what is the relevance to Holton-le Clay?		NEL emerging local plan and Waltham Community Led Plan.
Policy 6.4	What is the evidence of need for traffic management? Is this just a response to perceived issues and concerns or is there more detailed evidence requiring such specific responses?	Agree with some aspects of the feedback.	Reword 6.4 and remove the need for a traffic management.
Policy 6.6	No definition of ‘large’ developments is provided. Equally, how does breaking the area into smaller development parcels reflect village character? Is it just that more opportunity to develop ‘sense of place’ can be provided? Needs further clarity or reference to evidence.	Valid point – large is a rather subjective term.	Reword to use Government Planning definition in Hectares of land.
Policy 6.7	This is too prescriptive and inappropriate to good design outcomes. Also contrary to NPPF requirements and unlikely to be supported by the adopting Highway Authority.	Highways have been previously consulted as plan was formed and no concerns expressed.	Team considers policy 6.7 is justified and retains local character and semi rural sense of place.
Policy 6.8 Dunholme NDP Policy 4: Design Principles <i>Where appropriate, development proposals should preserve or enhance the village of Dunholme by:</i> <i>1. Recognising and reinforcing the distinct local character in relation to height, scale, spacing, layout, orientation, design, and materials of buildings.</i> <i>2. Respecting and protecting designated and non-designated local heritage assets and their settings.</i> <i>3. Considering the visual impact of proposals on key views and vistas of the local landscape and minimising adverse impacts on these views.</i> <i>4. Incorporating adequate landscaping to mitigate the visual impact of the development and to ensure that proposals are in keeping with the existing village context. Where appropriate, landscaping schemes should seek to include native species.</i> <i>5. Seeking to retain mature or important trees. Development that damages or results in the loss of ancient trees or trees of good arboricultural and/or amenity value will not normally be permitted unless justified by</i>	Secured by Design objectives and use of cul de sacs can be at odds with other design objectives. NPPF policy (paragraph 60) seeks to promote local distinctiveness, but warns against imposition of architectural styles or development forms or styles which can stifle innovation and opportunities for place making. I would be concerned that some of the policy requirements would not pass examination and that a criteria based policy be developed related to anticipated outcomes rather than overly rigid and specific design requirements. For example, the policy could require new housing developments to be sympathetic in scale, form and appearance to their immediate context, establish its own ‘sense of place’ whilst having regard to the wider character of the village (as outlined in the village Character Appraisal and Green Plan) and safeguarding amenity of existing and new residential occupiers. The supporting justification can be used to provide the relevant design reference sources. It may be worth looking at the Design policies in the draft Dunholme Neighbourhood plan as an example of how this could be	Holton le Clay is a “Car Dependent Village” and the principles in Secure by Design are used to proactively address new development traffic generated issues. Cul de sacs are part of the of the local character of Holton le Clay and 6.8 helps integrate new development into the village character – rather than just having add on estates.	Team considers accepting the feedback would tend to Generalise the development plan rather than it being a development plan for Holton le clay

<p><i>professional tree survey and arboricultural statement. Where removal of a tree(s) of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site.</i></p> <p><i>6. Ensuring new boundary treatments reflect the distinct local character in relation to materials and design.</i></p> <p><i>7. Ensuring that car parking is positioned and designed to have minimal impact on the street scene.</i></p> <p><i>8. For major developments, applicants will be required to produce a report to demonstrate that their scheme accords with national design standards (BFL 12 or equivalent); and</i></p> <p><i>9. Developments should also seek to, where possible, provide adaptable homes through the lifetime homes standard in order to cater for a changing demographic.</i></p> <p><i>10. Where possible, make better connections to other areas of the parish, including access to local services and public open spaces.</i></p>	done.		
Policy 6.16	Why? What does this actually mean? It is presumed that the intention is to support development that provides interesting, attractive and useable areas of open space to foster a sense of place? If so, then that text may provide a more understandable policy position.	Valid point	Reword and enhance 6.17
Policy 6.18	Transport assessments can only be required for certain types/scale of development. It would be more appropriate to require that new development proposals satisfactorily address traffic generation and management issues arising from the development in a proportionate manner and not have any unacceptable adverse impact on road users or pedestrians. It may be appropriate to use wording as per the NPPF.	Valid comment	Rewrite 6.18 to address the feedback.
Policy 6.19	I would suggest a re-wording, perhaps incorporated with 6.18.	Prefer to leave 6.19 as a separate policy	No Action Required
Policy 6.20 and 6.21	The Highway Authority as usual adopting authority of roads and footpaths will need to accept any highway standards advocated by the NDP. See also reference 6.7.	Highways have viewed and commented on this policy and did not offer feedback	No Action Required.
Section 7	As with Section 6, I would suggest	Policies written to	

	<p>that the policy should be of a more simplified ‘outcome’ or criteria based format with reference to specific aspirations and explanation being evident in the justification text. The NPPF makes it clear that policies should provide a clear indication of how a decision maker should react to a development proposal. To achieve that, policies should be precise in terms of expected outcomes rather than in attempting to prescribe design requirements without appropriate justification. For example, 7.4 references distances between dwellings derived from a Northern Ireland Policy document. I would advocate a more simplified policy requirement for new development to provide adequate amenity space, safeguard amenity for existing occupiers of dwellings and ensure a form of development appropriate to the character of the area. the supporting justification should then provide the relevant cross references to best practice guidance or evidence confirming what is meant by ‘adequate’ etc.</p>	<p>reflect views expressed in forming the Village Character Assessment.</p> <p>Policy tested positive against NPPF in Basic Conditions Statement.</p> <p>Remove NI reference and replace with Lincolnshire reference</p>	<p>Rewrite 7.5 and remove NI reference and replace with Lincolnshire Design Guide for Residential Areas.</p>
Section 8	<p>I have made reference earlier in this report to an emerging national policy position that perhaps should be considered here. Equally, I have previously provided under separate cover a suggested Terms of Priority for Occupiers as utilised by ELDC in recent s.106 agreements. In order to ensure accordance with the emerging Local plan position, the policy justification should acknowledge the requirement for up to 30% of new housing proposals to be provided (on site as a preference)</p>	<p>ELDC have updated the “Terms of Priority for Occupiers for Affordable Housing”</p> <p>The acknowledgement of the requirement for a given percent of Affordable Housing is comprehensively covered in Emerging Local Plan,</p>	<p>Replace the “Terms of Priority for Occupiers for Affordable Housing” with ELDC latest version.</p>
Section 9	<p>It is clear that the Holton—le-Clay Green Plan is intended to be considered as part of the NDP. This should however be identified in the introduction to the NDP together with reference of justification for its preparation and intended purpose.</p>	<p>Valid Comment</p>	<p>Rewrite Plan Introduction to address the feedback.</p>
Policy 9.12	<p>Care should be taken in choice of vocabulary and / or provision of a clear definition of terms. The adopted approach that “opportunity provided by new development to improve and extend the provision of green</p>	<p>Think there is an opportunity to amend 9.12 using different wording to achieve the same ends</p>	<p>Amend wording</p>

	<p>space where possible” may not be considered as consistent with the NPPF and the requirement for designation to take place at the time a plan is prepared or reviewed, if it is interpreted as constituting ‘Local Green Space’ (see NPPF and NPPG)).</p>		
Policy 9.17	Reference has already been made to the potential inappropriateness of defining a village envelope as a tool for restricting development.	This is a Key Policy for the growth and development of the village and supported by the community	Rewrite 9.17 and include new policy 9.18
Policy 9.19 now Policy 9.20	Seeks to protect against residential development. Notwithstanding more general concerns about the village envelope approach and negative wording of draft policies, it is presumed that the intention is to safeguard against all types of development that may undermine the strategic objectives of the Green Plan. As an aside, it is also important that liaison with relevant landowners has taken place in formulating this policy stance.	Aspirational policy which is linked to the Green Plan. As the village grows and develops the liaison and engagement with Land Owners, Land Agents and developers will take place as outlined in Section 5 Developer Consultation.	9.17 and 9.18 address this issue.
Policy 9.23	General policy observations re: wording apply, but as an example, it is advised that such prescriptive requirement as that proposed by this particular policy would require very clear and site specific justification. It may be, for example, that green spaces provided central to a particular site, or to the rear, would, depending on site context best deliver the outcomes suggested by the policy statement. Similar observation is made in respect of other policy statements such as 9.24.	Team considers the wording of the policy is not over prescriptive. The policy leave scope for creativity and development form and design.	9.24 minor word change.
Policy 10.1	A better expression would be ‘safeguard against and reduce where possible’ rather than ‘minimise’. This ensures a starting position of ‘nil detriment’ from new development rather than ‘best achievable’.	Valid comment	Reword 10.1 using word “Safeguard”
Policy 10.4	It is not always the case that a private management company needs be established to manage SUDS. The Lead Local Flood Authority (presently Lincolnshire County Council) and Anglian Water will in certain circumstances adopt. It would be sufficient to	Valid comment	Rewrite 10.2 to address the feedback.

	explain in the justification the benefits and necessity for suitable management regimes to be secured.		
Policy 10.6	This policy needs to be re-worded. As per the general policy comments expressed previously, a single criteria based policy would be more easily understood. Additionally, although it is incumbent (see national and local planning policy) for any new development to not increase flood risk (utilising SUDS when appropriate), it may be impractical for new development to result in a decreased level of flood risk (eg below an existing greenfield runoff rate). Equally, requirement for a new development to reduce flood risk across the village would be an unreasonable expectation and not in accordance with CIL Regulations.	Valid comment	Rewrite 10.6 using “betterment where possible”
Section 11	The Vision and Justification is clear. However, the subsequent policies should be re-considered as it is not considered that they would be in accord with strategic or national policy. For example, at 11.8, (notwithstanding potential permitted development rights) the draft policy would presume against a change of use from retail to restaurant, or to a new doctor’s surgery. A policy aimed at safeguarding against loss of existing village facilities may be more appropriate. Furthermore, use of words such as ‘reasonable’ and ‘appropriate’ lack clarity. How would a decision maker or applicant know whether they had complied with these requirements? Again, it is considered that a single, criteria policy would be appropriate to deliver the desired objectives.	Valid comment	Rewrite 11.7 / 11.8 to address the feedback. Remove words reasonable and appropriate.
Policy 11.9	Equally at 11.9, the desire to safeguard against loss of employment uses is appropriate, but the draft policy position requiring a viability case to be made in respect of the whole Business Park is not reasonable or compliant with the NPPF.	Valid comment	As above rewrite 11.9 making the policy less restrictive.
General Remark	The main focus of this report is on the main body of the NDP and its policies. However, parts of the evidence base including the Green	Adopting authorities have been consulted and their feedback	No actions required

	Plan are presumed to be considered as part of the plan and certainly an important part of the evidence base. Consequently, and in part because prescriptive design outcomes are referenced, it is recommended that the Steering Group satisfy themselves that relevant adopting authorities (e.g. Highway Authority/Lead Local Flood Authority! Anglian Water) are supportive of the requirements.	fed into the plan	
General Remark	The Independent Examiner will consider whether the NDP is compatible with the Convention rights. ‘The Convention rights’ has the same meaning as the Human Rights Act 1998. Whilst not a requirement it would be helpful for there to be some evidence of consideration of Human Rights issues through inclusion of a brief statement in the Basic Conditions Statement in particular relating to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property) of the European Convention on Human Rights	Covered in Basic Conditions Statement 5. Compatibility with EU obligations and legislation	No actions required.
General Remark	The Neighbourhood Plan should make it clear that it does not seek to introduce any cap on the total amount of housing development that can occur during the plan period. The Neighbourhood Plan is concerned with non-strategic matters. The Neighbourhood Plan focusses on issues of local importance and fulfils the national intention that Neighbourhood Plans should shape and direct sustainable development in their area.	Team feels this has been covered in Section 3 – 3.1	No actions required.