

Belchford and Fulletby Neighbourhood Development Plan

Initial Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

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Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Belchford and Fulletby Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the parish on the afternoon of Tuesday 23rd August 2024.
2. My first stop was to the village of Fulletby , noting the Glebe field and the garage and the poultry unit before I explored the lanes to the north of the main road, and seeing the church, the site of the medieval village and the mix of cottages.
3. I then proceeded north to Belchford, and I particularly appreciated the panoramic views of the Lincolnshire Wolds at the junction of High Street with Furlong Lane and the emerging woodland area at Hayes Furlong Wood.
4. I then spent nearly an hour in the village and the surrounding countryside, seeing the village hall, the village green, the Blue Bell Inn, the caravan site. I was even able to enjoy the refreshments on offer in the church. I then returned to Fulletby before proceeding south towards Horncastle.
5. Based on what I have read and seen on site, I have concluded that I will be able to deal with the examination solely based on the written material and it will not be necessary for me to call for a public hearing.

Regulation 16 Comments and Strategic Policies

6. I would ordinarily offer the Parish Council an opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation. However, I am advised that only one representation was submitted, by the Environment Agency and that does not require a response. Can the District Council confirm that it is satisfied with the changes made to the submission version, in response of its Regulation 14 consultation?
7. I note that some policies in the Local Plan are headed as Strategic Policy. Can I ask the District Council to confirm that these local plan policies are to be treated as strategic policies for the purpose of the test of general conformity, in relation to the basic conditions.

HRA Screening

8. I note that the screening opinion document is entitled Draft Screening Opinion. Can the District Council advise whether it will be producing a final screening opinion?
9. This document concludes that an SEA will not be required. Paragraphs 2.4 and 2.5 refer to an HRA screening “needing to be ascertained” at the same time the screening opinion is sought. It is the District Council’s responsibility as the competent authority to carry

out that screening determination after consulting with Natural England. If that screening has already been done, please can I be provided with a copy. I must draw the District Council's attention to the basic condition which requires me to establish whether "the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites." I therefore need to be satisfied that the HRA screening has been carried out properly to establish whether an Appropriate Assessment is required.

The Plan Area

10. The document often refers to there being two parishes. Is the reference to there being two parishes, having the meaning in the ecclesiastical sense, and that for administrative purposes there is one civil parish covering both Belchford and Fulletby, administered by the one parish council? I am sure that is the case, but I just would like the Parish Council to confirm it.

Belchford & Fulletby Design Code

11. I note several references to this document. What is its status – is it part of the neighbourhood plan? I have noted that the policies do not refer to the need for a planning application to have regard to it as a requirement. Has the Code already been adopted as supplementary planning guidance and has it been the subject of public consultation? It is not proposed to be an appendix to the plan.
12. Can the Parish Council provide me with a copy of the Design Code.

Neighbourhood Plan Policies

General Comments

13. I note that all the policies are described in the plan as "Strategic Policy"- can the Parish Council explain in what way are they considered strategic? In terms of local plan policymaking, there is certain criteria set out in the Planning Practice Guidance which differentiates between strategic and non-strategic policy. Unless persuaded otherwise, I will be proposing that the headings of the individual policy should be Policy BF1 etc.
14. I do feel that it would be helpful if the presentation of the plan highlighted what are the statements of planning policy, perhaps using a box or using emboldened text. I note that the evidence and the rationale sections are coloured, but I think it would improve the clarity

as to what constitutes development plan policy, if the policy itself was the standout section. I do not need to see a change at this stage but an acceptance to make that alteration would be helpful.

Policy BF1: Protected Historic Features

15. This policy seems to attach the same weight to the protection of the non -designated heritage assets, which are included in the District's Local List, as designated heritage assets. This is not in line with the approach set out in the NPPF, as set out in paragraph 209 which sets out a different test of harm.
16. Can the District Council provide me with the local list for the parish. Is the site of the medieval village presently a scheduled ancient monument or is it on the local list and if not, should the neighbourhood plan seek to confer such a non-designated heritage asset designation?
17. I do question whether this policy really adds to the level of protection already provided by the NPPF and Policy SP11 of the Local Plan to the plan area's heritage. Paragraph 16f of the Framework states that plans should avoid unnecessary duplication of policies that apply to a particular area. Can the Parish Council provide me with its justification how this policy either adds detail or has a locally distinctive dimension?

Policy BF2: Protected Views

18. I note that the final part of the policy seeks to protect views of the two villages without identifying the views or the viewpoints and therefore it would be difficult for an applicant or a decision maker to know whether this element of the policy applies. Is it the Parish Council's aspiration to seek to restrict any development that could impact a possible view toward either of the settlements, irrespective of whether there is public access to that view and is the intention that it should include viewpoints from outside of the plan area?

Policy BF3: Protected Local Green Spaces

19. Figure 18 shows the 3 green spaces by a square or rectangular symbol rather than mapping the boundaries of the green space where the policy applies. I feel that it is important to plot the extent of the areas to be covered by the designation on an Ordnance Survey base map so there is no uncertainty as to what land is included.
20. I do note that the proposal includes the stone cairn and not the verge. That is a structure and not an area of green space and could not be classed as open space which has to be the basis of designation.
21. It would assist me to understand how the open spaces have been chosen if the Parish Council could set out how each area meets the

requirements of being demonstrably special to the local community by reference to how they meet the LGS criteria set out in paragraph 106 of the NPPF.

22. Can the Parish Council confirm whether the landowners were consulted in terms of the proposal to designate them as local green space as required by the Planning Practice Guidance.
23. In terms of the policy to reflect the designation, the NPPF is clear that “policies for managing development within a local green space should be consistent with those for Green Belts.”

Policy BF4: Settlement Density

24. It occurs to me that this policy is essentially directed to development that takes place within the confines of the villages and that proposals for development away from the villages, should not have to meet that criteria e.g. agricultural dwellings or business development. I wonder whether that clarification could be included in the first sentence rather than in the first bullet point- could the Parish Council comment?

Policy BF5: Development Design

25. Again, should this policy be focussed on new housing which takes place inside the villages? For example, it would not be an appropriate policy for agricultural buildings.
26. It could be argued that the phrase “not excessively tall” is a matter which could be open to subjective interpretation when used in decision making, and is the sentiment that the new building should reflect the scale of development within the locality?

Policy BF6: Housing Types

27. The supporting text refers to affordable homes but the policy itself does not mention supporting this type of housing. Is the Parish Council’s intention merely to support smaller housing units without wishing to refer to the question of its affordability ie is the plan merely seeking to accept small units of market housing rather than being specific about encouraging affordable units? If that is the case, I would have no objections. It is just that there is a mismatch between the policy and the “evidence”.

Policy BF7: Sustainable Design

28. I note that the policy only seeks to *encourage* rather than *require* particular standards to be achieved. That wording would not breach the Government’s approach to neighbourhood plans setting local technical standards which is set out in a Written Ministerial Statement issued last December.

Policy BF8: Commercial Development

29. I note that the policy refers to Belchford and Fulletby being separate parishes- see my earlier question.
30. Can the Parish Council point me to the definition in national policy establishing microbusinesses as employing nine or fewer people. Planning controls cannot control how many people are based at a premises, so how realistic is this as a determining factor in policy terms?

Policy BF9: Dark Skies

31. Whilst I understand the aspiration of this policy, I think it would be helpful to guide applicants to a specific source of ILP guidance – is there a particular document or website that could be referred to?

Concluding Remarks

32. I am sending this note direct to both Belchford and Fulletby Parish Council, and East Lindsey District Council. I would request that both parties' responses to my questions should be sent to me by 5 pm on **6th September 2024** and be copied to the other party.
33. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and the District Council's respective websites.

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