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# **Report on Worlaby Parish Neighbourhood Plan 2016 - 2038**

**An Examination undertaken for North Lincolnshire Council with the support of Worlaby Parish Council on the August 2020 submission version of the Plan.**

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## **Main Findings - Executive Summary**

From my examination of the Worlaby Parish Neighbourhood Plan (the Plan/WPNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Worlaby Parish Council;
- The Plan has been prepared for an area properly designated – the Worlaby Parish Neighbourhood Area, Plan 1 of the WPNP;
- The Plan specifies the period to which it is to take effect – 2016–2038; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Worlaby Parish Neighbourhood Plan 2016-2038*

- 1.1 Worlaby is located 6 miles south-west of Barton-upon-Humber and 5 miles north-east of Brigg. It is one of five settlements along the B1204 road, known as the '*Low Villages*' between Brigg and the Humber, so called because of their position below the northern edge of the Lincolnshire Wolds. The road runs along the edge of an area of historic reedswamp, now drained low-lying agricultural land, with Worlaby located on the north-east side on the rising ground forming the scarp slope of the Wolds. The 2011 census records a population of 547 people and 228 households. There is little in the way of employment opportunities and growth in housing has been by means of infill development.
- 1.2 A co-ordinating group – the Low Villages Forum (LVF) – considered options for neighbourhood plans across the low villages during 2012-2015. Consequently, Worlaby Parish Council set up a Neighbourhood Plan Working Group (NPWG) which commenced work in 2015 with a first questionnaire to establish community views on which to base the development of the Plan. There was a clear desire to protect the rural nature of Worlaby and an acceptance of new housing and rural businesses, provided these can be accommodated without undermining the quality of life.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Worlaby Parish Neighbourhood Plan by North Lincolnshire Council (NLC), with the agreement of Worlaby Parish Council (WPC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
  - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
  - Be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of North Lincolnshire Council, not including documents relating to excluded minerals and waste development, is the saved policies from the North Lincolnshire Local Plan, 2003 (NLLP); the Core Strategy Development Plan Document, 2011(CSDPD), which provides a long term vision for the area to 2026 and includes relevant strategic policies; and the Housing and Employment Land Allocations Development Plan Document, 2016 (HELADPD). There is an emerging Local Plan for North Lincolnshire which will set out planning strategy for the years up to 2038, replacing all of the above plans. This

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

provides the justification for the end date of the Neighbourhood Plan being aligned to the same time frame. Preferred Options for the Plan has completed public consultation and all representations have been assessed.<sup>3</sup> It is expected that the Regulation 19 Publication Draft consultation will take place in Autumn 2021.

- 2.2 I shall have regard to this emerging Plan in my consideration of the WPNP, in accordance with Planning Practice Guidance (PPG) which states that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. The PPG advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.<sup>4</sup>
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. All references in this report are to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC).
- 2.4 In response to the examiner's questions, WPC has proposed factual revisions to the Plan to ensure all references to the NPPF are to the updated, July 2021, version, and new references to the NMDC have been included in the Plan, where appropriate. A revised version of the WPNP, incorporating the revised references and other proposed modifications arising from the examiner's questions (including a new Policies Map), is attached to my report as Appendix 2 (**PM1A**). Subject to the further modifications I recommend in Appendix 1, the revisions incorporated are appropriate and necessary to ensure up to date references to the most recent Government advice.

### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Worlaby Parish Neighbourhood Plan 2016-2038, August 2020;
  - The map at Plan 1 of the WNP, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, August 2020;
  - the Basic Conditions Statement, August 2020;

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<sup>3</sup> View progress at: [Stages | North Lincolnshire Local Plan \(northlincs.gov.uk\)](https://www.northlincs.gov.uk/stages)

<sup>4</sup> PPG Reference ID: 41-009-20190509.

- the Strategic Environmental Assessment Scoping Report, and Assessment prepared by North Lincolnshire Council, May 2020;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the responses of 17 August from WPC and NLC to my letter of 3 August 2021, including proposed factual update revisions to the Worlaby Neighbourhood Plan (Appendix 2 to this report).<sup>5</sup>

#### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 August 2021 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations with or without Public Hearing*

- 2.7 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations. The responses are largely supportive and contain no significant objections to the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

#### *Modifications*

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The WPNP has been prepared and submitted for examination by WPC, which is a qualifying body for an area that was designated by NLC on 4 August 2014.
- 3.2 It is the only neighbourhood plan for the Worlaby Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2038.

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<sup>5</sup> View at: <https://www.northlincs.gov.uk/planning-and-environment/planning-policy-neighbourhood-planning/>

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The NPWG commenced work in May 2015 with an initial questionnaire to all households and a promotional stand at the annual Family Fun Day in early August. The results showed the most valued aspects of the Parish to be the green open spaces, access to the countryside and good community spirit. Housing was not a significant factor for most residents. The NPWG then produced a Community Profile, followed in October 2016 with an Action Plan responding to issues and priorities.
- 3.5 In November 2016 a Consultation Evening was held at the village hall in conjunction with a wine appreciation event. Two further events, a household survey in February 2017 and a Visioning Day in the following July were used to explore support for intended policy areas and to look at options for a vision and objectives. The Vision and Objectives were agreed by the Parish Council in December 2017 and further tested in a confirmation leaflet distributed to residents in January 2018.
- 3.6 A draft pre-submission Plan was approved by WPC in June 2019 and amended to take account of a comprehensive review by NLC in August. 28 response forms were received following an open day on 15 December with further communication limited to on-line material by the Covid 19 restrictions. The formal Regulation 14 Consultation was held from 8 March to 19 April 2020. The schedule shows 21 points raised by the public responses and 11 responses from statutory consultees.
- 3.7 Following receipt of the submission version of the Plan on 2 November 2020, NLC carried out the Regulation 16 Consultation from 19 April to 31 May 2021. The schedule shows 4 responses from local residents, mostly supporting the Plan, with some minor comments included. There are 8 responses from statutory consultees, none making specific adverse comments.
- 3.8 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having due regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

### *Development and Use of Land*

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

## *Human Rights*

- 3.11 No issues have been raised in relation to any potential breach of Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to find otherwise.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by NLC, which found that it was necessary to undertake SEA. In summary, the Scoping Report concludes that the WPNP “..objectives and policies do not go ‘over and above’ local and national policies and, therefore, do not need any further recommendations or changes in order to ensure no significant effect on protected sites”.<sup>6</sup> The statutory consultees have not raised objections and, having read the SEA Scoping Report and Assessment, I support this conclusion.
- 4.2 The WPNP was further screened for Habitats Regulations Assessment (HRA), which was not triggered. NLC considers that, due to the scale and local nature of the Plan it is not likely to result in significant impacts on Natura 2000 sites.<sup>7</sup> Natural England has not made any specific comments<sup>8</sup> and from my independent assessment of this matter, I have no reason to disagree.

### *Main Issues*

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Worlabby Parish Neighbourhood Plan as two main matters:
- Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and
- Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.
- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a policy in a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence

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<sup>6</sup> SEA Scoping Report and Assessment, May 2020, paragraph 9.1.

<sup>7</sup> SEA Scoping Report and Assessment, May 2020, paragraph 8.6.

<sup>8</sup> Response from Natural England dated 27 March 2020, Scoping Report, Section 11.

when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>9</sup>

*Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies*

- 4.5 The vision for Worlaby was tested with the local community at the Visioning Day event and agreed by the Parish Council. It is set out at paragraph 5.1. It states that by 2038 *“Worlaby will have retained its character as a rural village with an active, integrated community with strong links to the Lincolnshire Wolds and the Ancholme Valley”*. From this, four general aims have been derived which are further factored into 10 objectives, set down in paragraph 5.2, which form the basis for the policies.
- 4.6 The NPWG has set out to avoid repeating existing national or local planning policies, so that those proposed *“focus on a relatively small number of key development issues in the area”* (paragraph 6.2). In addition to providing a spatial plan for the Parish, these policies focus on requirements for new housing and employment developments; the protection of the character and identity of the village and its setting, including Local Green Space and ‘gateways’; and on the provision of communications infrastructure.
- 4.7 The CSDPD provides a Spatial Strategy for North Lincolnshire, outlining an overall approach for the provision of new homes, jobs, infrastructure and facilities for the Plan period to 2026. It directs development towards what are considered to be the most suitable locations to create sustainable communities. The Strategy includes a Settlement Hierarchy, within which Worlaby is identified as a ‘Rural Settlement’ (paragraph 5.47) where development *“will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility”* (Policy CS1). Paragraph 5.43 indicates that *“where future residential development takes place in these settlements it will be considered to be windfall development”*.
- 4.8 In support of the spatial strategy, Policy CS2 identifies a 3 stage sequential approach to determining future development needs. The third stage of the approach indicates a focus on *“small scale developments within the defined development limits of rural settlements to meet identified local needs”*. Policy CS3 provides considerations to be taken into account when applying the development limits and indicates that the extent of limits for each settlement will be defined in the HELADPD through settlement insets. Inset 46 provides a development limit for Worlaby, reproduced as Plan 4 within the WPNP. The limit is tightly drawn around the existing development so that the allocation of specific sites for development is not feasible, a fact which became clear to me during my

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<sup>9</sup> PPG Reference ID: 41-041-20140306.

site visit. However, the nature of existing development within the limit does allow the potential for windfall sites, and infill development appears to have occurred regularly over recent times.

- 4.9 Reference has been made to the emerging single Local Plan which will set out a planning strategy for the years up to 2038. The NPWG has adopted the same Plan period for the WPNP. Public consultation on the stage 3 Preferred Options has been completed, and it is expected that the stage 4 Regulation 19 Publication Draft consultation will take place in Autumn 2021. No new housing allocations are proposed for Worlaby, although a revised development limit is shown on the inset and is included in the WPNP as Plan 5. In response to the examiner's questions, WPC has advised that the development limit for the purposes of policies WNP1 and WNP2 is that shown on Plan 4, derived from the CSDPD. WPC has also indicated that paragraphs 3.7 and 3.8 in the WPNP should be revised and paragraphs 3.7 to 3.11 should be re-ordered and re-numbered. The revised version of the WPNP at Appendix 2 incorporates these modifications along with a Policies Map, which includes the defined development limit.
- 4.10 Turning to national policy, as reported above, the NPPF was updated in July 2021. The advice regarding the achievement of sustainable development remains largely the same with some amendments to the wording of the social and environmental objectives. These now include references to beautiful places, the need to protect and enhance the natural, built and historic environment, and improving biodiversity.<sup>10</sup> New paragraph 110 makes reference to the newly published National Design Guide (NDG) and the National Model Design Code (NMDC) as important to the assessment of applications for development, whilst more detailed advice is now incorporated into NPPF section 12 for achieving well-designed places.
- 4.11 The WPNP has, as previously indicated, been amended to incorporate revised references to the NPPF, and paragraph 6.29 has been amended to include a new reference to national advice. Additionally, new references to the NMDC have been included in the Plan, for example, at paragraphs 6.19, 6.33 and 6.39.
- 4.12 In respect of Issue 1, I consider that the Plan's vision and objectives should contribute to the achievement of sustainable development, having regard to updated national policy and guidance. I also consider that the WPNP, as a whole, is in general conformity with the strategic policies contained in the CSDPD and has had regard to the PPG advice in relation to the emerging Local Plan. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has had regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

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<sup>10</sup> NPPF, July 2021, Paragraph 8.

4.13 In response to the examiner's request that consideration be given to the inclusion of a Policies Map, WPC has added a 'Policy Map' to page 38 of the revised Submission Plan (Appendix 2 to this report) as new Appendix A, with the existing appendices renamed as necessary. This addition is therefore covered by PM1A and will ensure the policies are clear and unambiguous, having regard to advice in the PPG<sup>11</sup>, and the Basic Conditions will be met. As a correction<sup>12</sup>, the Plan should refer to the "Policies Map" rather than the "Policy Map" (**PM1B**).

*Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services*

#### Policy WNP1: A Spatial Plan for the Parish

4.14 The inclusion of a spatial plan for the Parish provides a good basis for the consideration of development proposals and gives a clear indication, in general terms, of the criteria to be met. The individual criteria must provide clarity for prospective users of the Plan and, to achieve this some amendments are necessary.

4.15 The first criterion requires that development will be expected to be located within the 'settlement development limit'. This is a precise requirement which requires an equally precisely defined limit to assist prospective developers. The WPNP provides plans 4 and 5 showing similar, but differing development limits, relating respectively to the inset map for Worlaby provided in the HELADPD, and to the emerging Local Plan preferred options. Whilst the assumption is that the WPNP development limit equates to the HELADPD inset map (since no alternative appears to have been canvassed for local opinion), this is not made clear.

4.16 As already indicated, advice in the PPG is that a policy in a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence. Accordingly, criterion (a) should be amended to indicate which settlement limit would be applied, and a plan is necessary to show the development limit with sufficient clarity to identify individual land parcels. On this latter point, the Policies Map produced (see 4.13 above) now includes a defined settlement limit. Criterion (a) should be amended to include a reference to the Policies Map.

4.17 Criterion (a) also advises that development could be located outside the defined development limit where "*exceptional circumstances*" dictate otherwise. This is a broader and less well-defined test than that provided in the CSDPD, policies CS2 and CS3, suggesting a potential conflict. In

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<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e). of Schedule 4B to the 1990 Act.

order to ensure general conformity with these local strategic policies, the wording of the final part of the criterion should be amended as shown in my proposed modifications.

- 4.18 Criterion (c) indicates a layout for development which reflects the character of the local road structure but indicates the criteria should be applied '*wherever possible*'. The qualification significantly weakens the potential application of the Policy and should be deleted for this reason.
- 4.19 Criterion (d) refers to green open space identified in the Plan. However, Policy WNP6 indicates that identified green areas will be protected, so the criterion is an unnecessary duplication of that Policy and should be deleted to ensure overall clarity of the Plan.
- 4.20 In relation to design, criterion (e) makes reference to other policies in the WPNP but, in the light of advice in the updated NPPF (paragraphs 126-136), should also make reference to national advice and guidance.
- 4.21 Amendments addressing these matters are contained in proposed modification **PM2**. This will ensure the Basic Conditions are met.

#### Policy WNP2: Small Scale Housing Sites

- 4.22 The defined development limit is drawn tightly around the existing village leaving little scope for infilling, so any new development is likely to be small scale. Accordingly, Policy WNP2 provides criteria to be met in order for developments up to 3 houses to gain support. The criteria are largely straightforward and are generally in conformity with the relevant policies within the local strategic planning framework. However, amendments are necessary to ensure the criteria are fully in line with national advice in the updated NPPF and provide clarity of intent.
- 4.23 Criterion (e) requires developers to avoid creating a specific type of road layout '*wherever possible*'. National design advice in the updated NPPF (paragraph 130) provides a generally positive approach to planning decisions to ensure developments will function well. In this context a revised text for criterion (e) would better reflect and have regard to the national advice.
- 4.24 Criterion (f) should more closely reflect the advice in the NPPF regarding proposals affecting heritage assets. That advice indicates that, in determining applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 197). It also considers necessary actions where a proposal would lead to '*substantial harm*' to the significance of a designated heritage asset (paragraph 202). Revisions to the wording of the criterion would be appropriate to ensure regard has been had to the advice.
- 4.25 Criterion (g) makes reference to the requirements of Policy WNP4 regarding design. Reference should also be made to the NDG and NMDC

to ensure the Policy is in line with the recently published national guidance.

- 4.26 Appropriate amendments to these criteria are provided by proposed modification **PM3** to ensure the Basic Conditions are met.
- 4.27 Criterion (a) requires developments to be at a density of 30-35 dwellings per hectare. There is no indication of the justification for this requirement. However, CSDPD Policy CS7 suggests this range of densities should be achieved within rural settlements. The Parish Council may wish to make reference to the Policy by an addition to paragraph 6.18 (albeit this is not strictly necessary to meet the Basic Conditions).

#### Policy WNP3: Larger Housing Sites

- 4.28 The WPNP distinguishes larger housing sites from those provided for by Policy WNP3. The Policy makes it clear that such developments would be supported where they are required to meet locally identified housing need, and provides a series of criteria which must be met by proposals. The criteria relate well to the CSDPD, particularly to Policy CS5 concerned with delivering quality design. In this respect, the Policy can be said to be in general conformity with the local strategic planning framework.
- 4.29 Three of the criteria – (c), (f), and (i) – include ‘*wherever possible*’ which suggests a degree of imprecision in the application of the Policy. It is for the applicant to demonstrate why permission should be granted in the event that a proposal fails to meet the requirements of the Policy so the phrase is unnecessary in any event. The proposed modifications provide suggested amendments in each case.
- 4.30 Criterion (f) is concerned with the impact of development proposals on heritage assets and should be amended to reflect the advice in the updated NPPF<sup>13</sup>, similar to the amendment proposed for Policy WNP3.
- 4.31 The proposed modifications **PM4** provide appropriate amendments to the text to ensure the criteria are clear and precise, and that account has been taken of national advice in the updated NPPF so that the Basic Conditions are met.

#### Policy WNP4: Design

- 4.32 Policy WNP4 provides a general design policy to ensure that all developments meet the required standards. Although there is inevitably some degree of overlap with other policies, notably Policies WNP2 and WNP3, there is no harm in this because it does not result in a sense of confusion. Rather, the criteria reinforce one another. Accordingly, the Policy can be said to be in conformity with the local strategic policies provided by the CSDPD. It is also the case that the Policy reflects the

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<sup>13</sup> NPPF, July 2021, Paragraphs 197 and 200.

advice in the updated NPPF, paragraph 127, that “*neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development*”. It can, therefore, be shown to have taken account of national advice and guidance.

- 4.33 However, as I have instanced elsewhere, the insertion of ‘*wherever possible*’ introduces a degree of imprecision which would make consistent application of the Policy difficult. The proposed modifications provide appropriate amendments to the text.
- 4.34 Criterion (a) also indicates a degree of imprecision by reference to ‘*well designed elements*’ of the existing housing. A better approach would be to refer to the character and materials of existing housing. Although I accept that examples are provided by photographs, and by reference to Appendix D (in the revised Submission Plan) the meaning of ‘*well designed*’ remains a matter of debate.
- 4.35 Appropriate amendments to the text of the criteria are provided by proposed modification **PM5** to ensure the Basic Conditions are met.

#### Policy WNP5: Green Infrastructure

- 4.36 The Policy provides general protection for identified green space, specific protection for Local Green Space (LGS) and support for the designation of identified sites as Local Wildlife Sites. The supporting justification includes Plan 6 showing five areas of recreational open space and 3 areas identified as Tree Preservation Order areas and provides a brief description and assessment of each. A new Appendix B provides a more detailed assessment of the 3 areas proposed for designation as LGS to meet the requirements for designation in the NPPF.<sup>14</sup> Therefore, and having seen each LGS when I visited the area, I agree that Hurds Farm, The Church Green and The Woodland Glade should be designated as LGS.
- 4.37 The Policy has been amended following the examiner’s questions of 3 August 2021 and the refined Policy is included in the revised Submission Plan in Appendix 2 attached to this report. Generally, the Policy is in conformity with the CSDPD, policies CS16 and CS17, and has taken account of national advice in the NPPF.
- 4.38 However, criterion (a) is imprecise in that it provides no indication from what the identified green space will be protected or why the protection is required. Reference to Plan 6 should be replaced by the Policies Map. The criterion should be amended as shown in the proposed modifications.
- 4.39 The new criterion (c) seeks to remedy the absence of any indication of what protection will be provided for LGS, in line with the guidance contained in the updated NPPF (paragraph 103). However, the new

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<sup>14</sup> NPPF, paragraph 102.

criterion does not specify what this means in terms of impact on development proposals. This may be remedied by re-wording the criterion as shown in the proposed modifications.

- 4.40 Appropriate amendments are provided by the proposed modifications **PM6** to ensure the Policy meets the Basic Conditions.

#### Policy WNP6: Local Employment

- 4.41 The justification for Policy WNP6 suggests that it is in line with CSDPD Policy CS15 (paragraph 6.57). However, that Policy is concerned with culture and tourism and promoting a cultural and evening economy. A more appropriate reference would be to include Policy CS2 which seeks to deliver more sustainable development.
- 4.42 Criterion (b) is concerned with both the impact of development upon the amenity of nearby properties, and with the potential impact on heritage assets. These matters are essentially unrelated so that it would clarify the Policy's purpose if these were separated into two criteria and subsequent criteria renamed.
- 4.43 Criterion (d) conflates tourism with a contribution to the local community. These are distinct issues so that an amendment to the text is necessary to ensure the criterion is clear and unambiguous.
- 4.44 The proposed modifications provided by **PM7** will ensure clarity of intent, conformity with local planning policies and that national advice has been taken into account so that the Basic Conditions are met.

#### Policy WNP7: Communications Infrastructure

- 4.45 The Plan recognises the poor mobile telephone connection locally, and the critical need for improvements which would be supported by Policy WNP7. The local planning policy provided by the CSDPD does not include a specific policy for communications infrastructure, but WNP7 is in general conformity with relevant saved policies from the NLLP, and follows the national guidance in the updated NPPF (paragraph 114). It meets the Basic Conditions.

#### Policy WNP8: Landscapes and Gateways

- 4.46 The Policy seeks to protect specific landscapes and gateway views which are locally valued for their contribution to the character of the village and its surroundings. The locations and directions of views are shown on Plan 8 and are shown on the new Policies Map that has been provided.<sup>15</sup> However, the Policy should make reference to the Policies Map.

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<sup>15</sup> Responses to the examiner's questions of 3 August 2021

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- 4.47 The first sentence is not a statement of Policy but part of the justification for the Policy provided in paragraphs 6.60 and 6.61 of the Plan. Accordingly, it is unnecessary, and obscures the clear intent of the Policy, contrary to the requirement for policies to be clear and unambiguous<sup>16</sup>.
- 4.48 Proposed modification **PM8** provides an amended text to ensure the Basic Conditions are met.

#### *Factual and Minor Amendments and Updates*

- 4.49 I have not identified any typographical errors in the text of the WPNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between NLC and WPC.<sup>17</sup>

## **5. Conclusions**

### *Summary*

- 5.1 The Worlaby Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Worlaby Parish Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 The Submission Plan and the supporting material is the result of a great deal of work on the part of the local community led by the Working Group

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<sup>16</sup> PPG Reference ID: 41-041-20140306.

<sup>17</sup> PPG Reference ID: 41-106-20190509.

and the Parish Council. The resulting Plan is a clear, concise and professional document which will provide an effective guide to future development within the Parish, adding to the local planning policies provided by North Lincolnshire Council's Development Framework. Worlaby is to be congratulated for the collaborative approach to working with North Lincolnshire Council and the effective manner in which the local community has been encouraged to express its aspirations and concerns about the future of the village.

*Patrick T Whitehead Dip TP (Nott) MRTPI*

Examiner

## Appendix 1: Modifications

Note: The proposed examiner modifications comprise those changes shown in the revised Submission Plan at Appendix 2 (PM1A), subject to the further modifications to that version of the Plan set out in PM1B-PM8 below.

Proposed modification number (PM)	Page no./ other Plan reference	Modification
PM1A	Appendix 2 of this Report	The Plan should be amended to incorporate the revised references relating to the updated NPPF, the recently published NDG and NMDC, factual updates, and the new "Policy Map" as shown in the revised Submission Plan at Appendix 2 to this report, subject to any further amendments included in my proposed modifications below.
PM1B		The "Policy Map" incorporated in the revised Submission Plan at Appendix 2 should be correctly re-referenced as a "Policies Map" in the heading in Appendix A, in the Index (page 2) and in paragraph 6.3.
PM2	Page 21	<p>Policy WNP1</p> <p>The following amendments should be made to the Policy's criteria:</p> <p><b><i>"a. be located within the settlement development limit shown on the <u>Policies Map</u> unless exceptional circumstances dictate otherwise except for development essential to the functioning of the countryside;"</i></b></p> <p><b><i>"c. have a layout that, wherever possible, reflects the 'closed loop' road structure of roads and paths in the village to enhance connectivity;</i></b></p> <p><b><i><del>d. not adversely affect any green open space identified in this plan; and</del></i></b></p> <p><b><i>de. be of high quality design and meet all relevant requirements in other</i></b></p>

		<b><i>policies in the Neighbourhood Plan, and take account of the advice in the National Design Guide and the National Model Design Code.”</i></b>
PM3	Page 22	<p>Policy WNP2</p> <p>Amend criteria (e) and (f) as follows:</p> <p><b><i><u>“e. wherever possible, does not create a cul-de-sac or private road through which ensures pedestrians and cyclists have no through an unimpeded route through the development;</u></i></b></p> <p><b><i><u>f. does not adversely affect takes account of the significance of any heritage asset and does not lead to substantial harm to a designated asset;</u></i></b></p> <p><b><i><u>g. meets references the requirements of Policy WNP4: Design in this Plan, and takes into account the guidance contained in the National Design Guide and the National Model Design Code.”</u></i></b></p>
PM4	Page 24	<p>Policy WNP3</p> <p>Amend criteria (c), (f) and (i) as shown:</p> <p><b><i><u>“c. avoids wherever possible the creation of isolated areas of housing remote from through pedestrian routes;”.</u></i></b></p> <p><b><i><u>“f. protects and enhances, wherever possible, takes account of the significance of any heritage asset which may be included in the proposed development site and does not lead to substantial harm to a designated asset;”.</u></i></b></p> <p><b><i><u>“i. preserves existing mature trees wherever possible and includes landscaping to mirror the rural feel of the village;”.</u></i></b></p>

PM5	Page 26	<p>Policy WNP4</p> <p>Amend criteria (a), (c) and (f) as follows:</p> <p><b><i>"a. reinforce local character and distinctiveness by complementing and interpreting well-designed elements <u>the character and materials of the existing housing;</u>"</i></b></p> <p><b><i>"c. retain existing mature trees and hedges, wherever possible, and include appropriate landscaping to reflect the general appearance of the settlement;"</i></b></p> <p><b><i>"f. incorporate, wherever possible, the highest standards of energy efficiency and incorporate suitable methods of energy generation, where appropriate;"</i></b></p>
PM6	Page 31	<p>Policy WNP5</p> <p>Amend the text of (a) and (c) as shown:</p> <p><b><i>"a. <u>The open character of Ggreen spaces identified in plan-6 the Policies Map will be protected from development -Development which other than that which enhances their recreational, natural or environmental value of these areas will be supported.</u>"</i></b></p> <p><b><i>"c. <u>Sites designated as The management of development within a Local Green Space will be consistent with the Green Belt policy shall be maintained in line with section 13 of the NPPF. Development will not be permitted on Local Green Space other than in very special circumstances.</u>"</i></b></p>
PM7	Page 32	<p>Policy WNP6</p> <p>Amend the text of paragraph 6.57 as follows:</p> <p><b><i>"6.57 This policy is in line with NPPF paragraphs 80, 84, 85 and is in general</i></b></p>

		<p>conformity with NLC Core Strategy-Policies CS2 and CS15.”</p> <p>Amend the criteria as follows:</p> <p><b><i>"b. they avoid unacceptable impacts upon the amenity of nearby properties or community facilities;</i></b></p> <p><b><i><del>c. and they protect and enhance, wherever possible, the significance of any heritage asset which may be included in the proposed development site;</del></i></b></p> <p><b><i>ed. any car parking is adequate for the proposed use of the site and is positioned and designed to have minimal impact on the street scene; and</i></b></p> <p><b><i>de. they encourage or support tourism and/or there is a demonstrable contribution to the local community."</i></b></p>
PM8	Page 34	<p>Policy WNP8</p> <p>Amend the text of the Policy as follows:</p> <p><b><i><del>"The landscapes and gateway views marked on Plan 8 contribute to the unique character of the village and its immediate surroundings, creating a sense of community and shared identity. Development that does not detract from the positive impact of these landscapes and gateways marked on the Policies Map will be supported provided it complies with all other relevant policies in this Plan."</del></i></b></p>

**Appendix 2: Worlaby Parish Neighbourhood Plan, August 2021, revised by the Qualifying Body is attached separately.**