

Belchford and Fulletby Neighbourhood Development Plan

Further Comments of the Independent Examiner

Prepared by

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17th September 2024

Introductory Remarks

1. On 23rd August 2024, I issued my Initial Comments document on the neighbourhood plan. I am grateful for the responses from both the District Council and the Parish Council, which I received on 13th September. I have commenced the drafting of my report but having considered the responses which were provide, there are a number of matters that I would wish to explore further and perhaps gain a greater understanding, as it could affect my recommendations.

Start Date of the Plan

2. I note that the plan period extends to 2041. One of the legal tests, I need to consider is whether the plan “specifies the period to which it is to have effect”? Can the Parish Council advise me of the start date for the neighbourhood plan so that it can be included in the plan, possibly in the title.

Local List

3. It appears that there is a difference between what was assumed to be happening, regarding the preparation of a District Local List and the reality, which it appears to have progressed due to a key staff member leaving the District Council.
4. I note the Parish Council earlier aspiration to include the “locally listed buildings” as non-designated heritage assets in the plan (as published at Reg 14 stage. In my experience it is quite common for neighbourhood plans to provide that designation.
5. I am minded to recommend that the Parish Council can identify in the policy those buildings, it wishes to be included; subject to them evidencing their significance as heritage assets. There is no reason why additional NDHAs could not be added by the District Council at a future date or indeed brought together in a district wide local list. I need to see that list and why they are of heritage significance.
6. Regarding the medieval village, there is advice on assessing importance as a non-designated asset of archaeological interest in the Planning Practice Guidance (Paragraph: 041 Reference ID: 18a-041-20190723.) Could the Parish Council expand on the evidence of its significance which could address the District Council’s reservations in terms of identifying it now as a heritage asset without having that better understanding of its importance.
7. I feel that if the policy was identifying the buildings the community wishes to see designated as non-designated heritage assets it would be a more focussed policy, and which can then rely on the weight afforded to their status, as promoted by the NPPF, rather than offering the same level of protection to both listed and non-designated heritage assets.

Belchford & Fulleby Design Code

8. I note that the Parish Council would now wish it to be attached as an appendix to the plan. That is what the PPG suggests is appropriate. But I am concerned that this document, which goes beyond describing the local design characteristics to cover such matters as resilience to climate change and local economy, are more policy matters which has not been subject of public consultation.
9. I note the Parish Council response that the document was made available to interested parties, by appearing on the plan's website and at public meetings, but were parties ever invited to specifically comment on the document rather than note its existence. I am concerned that adding it as an appendix, through the examination process, will mean that the document was not part of the consultation process, at either Reg 14 or indeed at Reg 16 stage. I would appreciate any comments from either the District Council or the Parish Council as to whether it can be included as an appendix to the plan without being actively consulted upon. I would be happy to hear AECOM's view on its status in the absence of specific consultation.

Local Green Space

10. I am concerned to learn that the owners of the only privately owned area proposed for local green space designation, was not explicitly consulted on its proposed status. Can the Parish Council tell me when the proposed open space was last used for holding public events or for camping?
11. Can the District Council provide me with the planning history of that land including copies of any relevant decision notice or appeal decisions.

Concluding Remarks

12. I am again sending this note direct to both Belchford and Fulleby Parish Council, and East Lindsey District Council. I would like to maintain the momentum on this examination, and I will continue to draft other parts of my report, as best as I am able whilst I await a response. It would help me if I could receive both parties' answers and comments to my additional questions by 5 pm on **1st October 2024** and be copied to the other party.

13.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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