



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Officer Delegated Decision

Date: 13 March 2023

Emma Whittaker – Assistant Director of  
Planning



## Rippingale Neighbourhood Plan: Examination Modifications and Referendum Decision

This report will consider the recommendations of the examination report following the independent examination of the Rippingale Neighbourhood Plan.

<b>Decision made by:</b>	Emma Whittaker– Assistant Director of Planning
<b>Decision:</b>	<ol style="list-style-type: none"><li>1) To approve the proposed modifications to the Rippingale Neighbourhood Plan, as set out in the Independent Examination report.</li><li>2) To agree with the recommendation that the modified Rippingale Neighbourhood Plan can proceed to referendum, within the specified Neighbourhood area.</li></ol>
<b>Date:</b>	13 March 2023
<b>Public or Exempt:</b>	Public
<b>Reasons for exemption:</b>	N/A
<b>Conflicts of interest:</b>	No
<b>Policy compliant:</b>	Yes – the Neighbourhood Plan (once modified) will meet the basic conditions to be in general conformity to the strategic policies of the adopted South Kesteven Local Plan (2020-2036)
<b>Delegation:</b>	Part 3(c), 'Neighbourhood Planning' paragraph 21(e) of South Kesteven District Councils Constitution gives authority to the Chief Executive, relevant Director, and any officers they authorise in writing, as being appropriately qualified and trained the authority to act in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum following consultation with the relevant Cabinet Member and the local Ward Councillor(s).

### Contact

Jake Horton - Planning Policy Officer



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## 1 The Purpose of the Report

- 1.1 To consider the recommendations of the examination report following the independent examination of the Rippingale Neighbourhood Plan.

## 2 Comments of Consultees

- 2.1 Consultee comments on the Rippingale Neighbourhood Plan can be found on the SKDC Rippingale Neighbourhood Plan Webpage - <http://www.southkesteven.gov.uk/index.aspx?articleid=15891>

## 3 Available Options Considered

- 3.1 **A)** That the recommendations of the examination report following the Independent Examination of the Rippingale Neighbourhood Plan are **accepted** and the Neighbourhood Plan, as modified by the Independent Examiner, should proceed to a referendum within the specified Neighbourhood area.
- B)** That the recommendations of the examination report following the independent examination of the Rippingale Neighbourhood Plan Neighbourhood Plan are **not accepted**, and the authority propose to make a decision which differs from that recommended by the Independent Examiner.

## 4 Preferred Option

- 4.1 **A)** That the recommendations of the examination report following the Independent Examination of the Rippingale Neighbourhood Plan are **accepted** and the Neighbourhood Plan, as modified by the Independent Examiner, should proceed to a referendum within the specified Neighbourhood area.

## 5 Reasons for the Decision (s)

- 5.1 The Rippingale Neighbourhood Plan has been produced by Rippingale Parish Council (as the qualifying body) in conjunction with the local community. The Rippingale Neighbourhood Plan, following appropriate consultation, sets out a number of policies as determined by the local community, which include the following topics:
- *Infill Housing and Developments on the edge of Rippingale Village*
  - *Residential Developments in open countryside*
  - *Affordable Housing*
  - *Housing density and Development Guidance*
  - *Important Views criteria*

- *Community Facilities Consideration*
- *Environmental Protection – Obligations*
- *Local Green Spaces*
- *Heritage Assets*
- *Rural Economic Development*
- *Home Businesses*
- *Flood Risk*
- *Existing Infrastructure*
- *Infrastructure build*
- *Mobile and fixed telephone*

A full list of policies and subsequent background evidence documentation can be found in **Appendix 1**

5.2 The Examination version of the Rippingdale Neighbourhood Plan was submitted to South Kesteven District Council (SKDC) on the 18 June 2022. Following initial [verification checks](#), a six-week statutory consultation period was held between the 26 September 2022 and the 7 November 2022. This exercise generated comments from a range of statutory organisations which are listed below;

- *Lincolnshire Integrated Care Board*
- *The Ringstone in Aveland Group*
- *The Canal and River Trust*
- *Historic England*
- *Natural England*
- *Environment Agency*
- *Sport England*
- *Natural Grid*
- *South Kesteven District Council*
- *A representation was also received from a resident.*

5.3 South Kesteven District Council (SKDC) in consultation with Rippingdale Parish Council appointed Andrew Ashcroft B.A., M.A, M.R.T.P.I. as the Independent Examiner for the Rippingdale Neighbourhood Plan. All representations received on the Examination version of the Neighbourhood Plan were forwarded to the Independent Examiner for consideration.

5.4 It is the role of the Independent Examiner to consider whether a Neighbourhood Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). In order to meet these basic conditions the Rippingdale 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; and
- Be compatible with European Union obligations and not breach, nor be in anyway incompatible with the European Convention on Human Rights

5.5 The Independent Examiner, after reading the representations received on the Rippingale Neighbourhood Plan, decided that the issues raised in the representations did not require a public hearing and could be examined under written representations.

5.6 The Independent Examiner's report into the Rippingale Neighbourhood Plan was received on the 24 February 2023, following a draft 'fact check' version which was made available for review by SKDC and Rippingale Parish Council. In conclusion, subject to the recommended modifications, the Independent Examiner found that the Rippingale Neighbourhood Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with Human Rights requirements
- being compatible with European Union obligations

5.7 The full findings of the examination are set out in the Independent Examiners report (A link to which can be found in **Appendix 2**)

5.8 A schedule of the Independent Examiner's recommendations is set out at **Appendix 3**. The main changes recommended by the Independent Examiner (in order to meet the Basic Conditions) involve amendments to the wording of specific policies, maps and supporting text within the Rippingale Neighbourhood Plan document. These modifications also ensure that the Rippingale Neighbourhood Plan takes the form of a 'user-friendly' document which will be usable by the Local Planning Authority (in this case SKDC) when determining planning applications within the Rippingale Neighbourhood Area.

5.9 It is considered that the recommended modifications should be approved, as to ensure that the Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

5.10 On this basis, the Independent Examiner also recommended to SKDC that, subject to the modifications proposed, the Neighbourhood Plan should proceed to a Referendum. Again, it is recommended that the Council accepts this recommendation from the Independent Examiner.

5.11 The Independent Examiner is also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area (In this case the Rippingale Parish area). It was not recommended that the area be extended in this instance.

- 5.12 In accordance with the scheme of delegation, the Portfolio Holder and relevant Ward Members have been consulted upon the findings of the examination report.

### ***Next Steps***

- 5.13 The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out that once SKDC has considered the Independent Examiner's report and recommendations, it has to publish a 'Decision Statement' on Neighbourhood Plan as soon as is reasonably possible and set out the reasons for making that decision. It is normal practice for the date of the Referendum to also be specified. Once the decision notice has been issued the proposed modifications (if agreed) will then be made to the Rippingale Neighbourhood Plan ready for publication as one of the specified documents in respect of the Referendum.
- 5.14 Once a referendum date is set, the final version of the Neighbourhood Plan and other relevant referendum documents must be published at least 28 working days before the referendum date. SKDC will also need to ensure that the publication of a 'notice of referendum' takes place at least 25 working days before the referendum. The detailed requirements in respect of the referendum process are set out in the Neighbourhood Planning (referendums) Regulations 2012 (as amended).
- 5.15 The referendum will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the referendum. Local residents will receive a ballot paper with the question (the wording of which is specified in the Regulations) 'Do you want South Kesteven District Council to use the neighbourhood plan for Rippingale to help it decide planning applications in the neighbourhood area?' Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the Neighbourhood Plan (i.e. bring it into force).
- 5.16 As referenced in Article 4 of the SKDC constitution, the 'making' of The Rippingale Neighbourhood Plan must be a decision undertaken by Full Council, as it is a 'Development Policy Document' making up part of the wider Development Framework for SKDC.
- 5.17 If the result of the Referendum is "no", then SKDC takes no further action, although Rippingale Parish Council (as the Qualifying Body) have the right to decide what it wishes to do, i.e. re-draft the Neighbourhood Plan or not to proceed at all with the Neighbourhood Plan.

### ***Conclusion***

- 5.18 It is concluded that the Rippingale Neighbourhood Plan meets the requirements set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, provided that the recommended modifications in the Independent Examination report are accepted.
- 5.19 It is concluded that (provided the modifications are incorporated) the Rippingale Neighbourhood Plan should proceed to referendum and that the referendum area should not be extended beyond the Parish Area of Rippingale.
- 5.20 SKDC has concluded, after undertaking its own assessment of the Independent Examination recommendations (in consultation with Rippingale Parish Council) that there

no reason to not accept the proposed recommendations, or to make a decision which differs from that of the Independent Examination report.

- 5.21 If the modifications are accepted, Planning Policy officers will liaise with Democratic Services regarding the referendum.

## **6 Financial Implications**

- 6.1 There are no direct financial implications arising from this report. In line with Government practice, the costs of supporting the Rippingale Neighbourhood Plan through examination and referendum can be met from government funding.

Financial Implications reviewed by: **Alison Hall-Wright, Assistant Director of Finance**

## **7 Legal and Governance Implications**

- 7.1 There are no direct legal implications arising from this report. The Rippingale Neighbourhood Plan has been prepared, consulted, and examined in line with legislative requirements, in particular the Neighbourhood Plan (General) regulations 2012 and the Town and Country Planning Act 1990.

Legal Implications reviewed by: **Mandy Braithwaite, Legal Executive**

## **8 Equality and Safeguarding implications**

- 8.1 The Neighbourhood Plan was prepared by the Rippingale Neighbourhood Plan working group (on behalf of Rippingale Parish Council as the qualifying body), as such it is not the responsibility of South Kesteven District Council to undertake an Equalities Impact Assessment. However, the Neighbourhood Plan is required to be in 'general conformity' with the South Kesteven Local Plan (as required by the Town & County Planning Act 1990), which has been subject to its own [Equalities Impact Assessment](#)
- 8.2 There are no safeguarding implications arising from the report.

## **9 How will the recommendations support South Kesteven District Council's declaration of a 'climate' emergency?**

- 9.1 The Rippingale Neighbourhood Plan has within it a community objective (**objective 5**) which seeks to preserve and maintain adequate access for all to the countryside and green open spaces, and to contribute to the health and well-being of residents and wildlife.
- 9.2 The Rippingale Neighbourhood Plan also has within it a number of policies which aim to encompass the environmental requirements of sustainable development, as referenced within the Independent Examination Report.

## 10 Appendices

### Appendix 1 – List of Rippingale Neighbourhood Plan Policies

Policy Code	Policy Name
Policy HD1	Infill Housing
Policy HD2	Developments on the edge of Rippingale Village
Policy HD3	Residential Developments in open countryside
Policy HD4	Affordable Housing
Policy HD5	Housing density
Policy DM1	Development Guidance
Policy IV1	Important Views criteria
Policy CF1	Community Facilities Consideration
Policy EP1	Environmental Protection - Obligations
Policy LGS1	Local Green Spaces
Policy EH1	Heritage Assets
Policy RE1	Rural Economic Development
Policy RE2	Home Businesses
Policy FR1	Flood Risk
Policy C1	Existing Infrastructure
Policy C2	Infrastructure build
Policy C3	Mobile and fixed telephone

### Appendix 2 - Background Papers

The Localism Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Neighbourhood Planning (General) Regulations 2012-  
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

The Neighbourhood Planning (Referendum) Regulations 2012-  
<https://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>

Rippingale Neighbourhood Plan - Submission Plan -  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28486>

Rippingale Neighbourhood Plan - Basic Conditions Statement -  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28488>

**Rippingale Neighbourhood Plan - Consultation Statement -**  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28487>

**Rippingale Neighbourhood Plan - Map of NP Area -**  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28489>

**Rippingale Neighbourhood Plan - SEA/HRA Screening Report -**  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28490>

**Rippingale Neighbourhood Plan – Examination Report-**  
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=29159>

Additional background information on the Rippingale Neighbourhood Plan can be found in the on the Rippingale Neighbourhood Plan webpage -

<http://www.southkesteven.gov.uk/index.aspx?articleid=15891>



### Appendix 3 – Recommended changes to the Rippingale Neighbourhood Plan submission version

Policy Reference	Recommended Change	Response	Reasoning
Policy HD1 - Infill Housing	<p><b>Replace the opening part of the policy with: ‘In order to respond to the housing needs of the Plan area, development proposals will be supported provided that:’</b></p> <p><b>In the first criterion replace ‘Developments within’ with ‘Developments are located within’</b></p> <p><b>Replace the second criterion of the policy with: ‘Developments will not unacceptably impact on the amenities of adjacent properties by reason of loss of privacy, daylight, outlook, or a reasonable level of peace and quiet’</b></p> <p><i>Supporting text modifications</i>  <i>At the end of paragraph 6.1.5 add: ‘Policy HD1 sets out the Plan’s approach to this matter. In general, it is not anticipated that infill development sites would yield more than three homes per site given the nature of the village and its current pattern of development.’</i></p>	<b>Accepted</b>	<p>The policy has been amended to refer to ‘infill development’ in a more general format as the wording used in the submitted policy was identified to be confusing</p> <p>Reference to up to ‘three homes’ has been repositioned into the supporting text as it is unrealistic to use an absolute figure as a ceiling or threshold within the policy</p> <p>Text where relevant has been modified to provide the clarity required by the NPPF</p>
Policy HD2 – Developments on the edge of Rippingale village	<p><b>In criterion b replace ‘a sustainable.... village’ with ‘the longer-term sustainability of the village’</b></p>	<b>Accepted</b>	<p>The second criterion has been amended so that it has a more general format rather than one which seeks to address the specific demographic structure of the village, which is impracticable to do through the land use planning system.</p>
Policy HD3 – Residential Developments in the Open Countryside	<p><b>Replace the policy with:</b></p> <p><b>‘The development of new homes in the open countryside will only be supported in the following circumstances:</b></p>	<b>Accepted</b>	<p>The policy has been recast so that it has regard to paragraph 80 of the NPPF</p>

	<ul style="list-style-type: none"> <li>• there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;</li> <li>• the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;</li> <li>• the development would re-use redundant or disused buildings and enhance its immediate setting;</li> <li>• the development would involve the subdivision of an existing residential building; or</li> <li>• the design is of exceptional quality (as defined in paragraph 80 of the NPPF).</li> </ul> <p>Where development proposals meet these circumstances, they should also comply with the considerations set out in the Neighbourhood profile (Annex C).'</p>		
<p>Policy HD4 - Affordable Housing</p>	<p>Replace the opening element of the policy with: 'Development proposals for affordable housing in Rippingale and on the edge of the village will be supported where:'</p> <p>Delete a.</p> <p>In c replace 'local housing need....in the area' with 'a local housing needs assessment' Delete 'homes that are.... families, ie'</p>	<p><b>Accepted</b></p>	<p>The explanatory text at the start of the policy has been modified into policy wording.</p> <p>In the second part of the policy, the focus has been switched to the type of house, rather than to the type and age of persons who may occupy such homes as the former is a land use matter whilst the latter is not.</p>
<p>Policy HD5 – Housing Density</p>	<p>Replace the policy with:</p> <p>'The density of residential development proposals should respond positively to the open, rural, and unspoilt nature of the village. Development proposals should also take account of the relevant contents of the Neighbourhood profile (Annex C).'</p>	<p><b>Accepted</b></p>	<p>Text where relevant has been modified to provide the clarity required by the NPPF and to draw attention to the location of the 'Neighbourhood Profile' within the Neighbourhood Plan.</p>

Policy DM1 – Development Guidance	<p>Delete ‘whether.... existing buildings,’</p> <p>In b after ‘Profile’ add ‘(Annex C)’</p>	Accepted	<p>Parts of the unnecessary wording within the policy have been removed</p> <p>Text has modified to draw attention to the location of the ‘Neighbourhood Profile’ within the Neighbourhood Plan.</p>
Policy IV1 – Important Views criteria	Delete criterion c	Accepted	Criterion (c) has been deleted as it has been addressed more generally by the other criteria in the policy
Policy CF1- Community Facilities consideration	<p>Replace ‘be resisted’ with ‘not be supported’</p> <p>Replace criterion c as a separate part of the policy to read: ‘Development proposals for new community business and community facilities will be supported. Proposals for a village shop and youth facilities will be particularly supported.’</p>	Accepted	<p>The third criterion has been repositioned within the overall policy as it addresses a different issue (the development of new facilities) to that in the first part of the policy (retaining existing community facilities).</p> <p>Text where relevant has been modified to provide the clarity required by the NPPF</p>
Policy EP1 – Environmental Protection Obligations.	<p>In 2a delete ‘local nature’</p> <p>In 2b replace ‘to include’ with ‘including’</p>	Accepted	<p>Text has been removed that adds no value to the other elements of the policy</p> <p>Text has been modified to provide the clarity required by the NPPF</p>
Policy EP2 – Environmental Protection Mitigation	In 2b replace ‘to include’ with ‘including’	Accepted	Text has been modified to provide the clarity required by the NPPF
Policy LGS1 – Local Green Spaces	<p>Replace the second part of the policy (numbered as 3) with: ‘Development proposals within the designated local green spaces will only be supported in very special circumstances’</p> <p>Correct the numbering sequence in the policy</p>	Accepted	Text has been modified as it went into detail well beyond the ‘matter-of-fact approach’ required by the NPPF.

	<p><u>Supporting text modifications</u>  At the end of paragraph 6.6.2 add: 'Policy LGS1 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.'</p>		The replaced text has now been recast as an additional paragraph of supporting text.
Policy EH1 – Heritage Assets	<p><b>Replace parts 2 and 3 of the policy with:</b>  <b>'The effect of a development proposal on the significance of a non-designated heritage asset shown in Figure 6 should be taken into account in determining the application affecting the assets. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'</b></p> <p><u>Supporting text modifications</u>  Replace the title of the policy with: 'Non-designated heritage assets'</p>	<b>Accepted</b>	<p>'Heritage assets' have now been referred to as 'non-designated heritage assets' to reflect the language used in the NPPF.</p> <p>Sections of the policy text have replaced to provide a more general approach which is used in paragraph 203 of the NPPF.</p> <p>The title of the policy has been changed given the consequential modifications</p>
Policy RE1 – Rural Economic Development	<p><b>In criterion c delete 'and, if possible.....Policies'</b></p> <p><b>In criterion d:</b></p> <ul style="list-style-type: none"> <li>• <b>replace 'a detrimental' with 'an unacceptable'</b></li> <li>• <b>replace 'Parish' with 'village'</b></li> <li>• <b>replace 'line with.....and' with 'accordance with Policy DM1 of this Plan.'</b></li> </ul> <p><u>Supporting text modifications</u>  Replace the title of the policy with: 'Economic Development in Rippingale'</p>	<b>Accepted</b>	<p>Text has been modified to provide the clarity required by the NPPF and to ensure the policy can be applied on a consistent basis through the development management process</p> <p>The title of the policy has been modified so that it corresponds to the remit of the policy and to ensure that the purpose of the policy is clear and in general conformity with Policies E5/E6/E8 of the adopted SKDC Local Plan.</p>

Policy RE2 – Home Businesses	<b>At the beginning of the policy add: ‘Insofar as planning permission is required’</b>	<b>Accepted</b>	The policy has been modified so it acknowledges that not all proposals for home working will involve a material change of use of the property concerned (and therefore need planning permission)
Policy FR1 – Flood Risk	<p><b>Replace the second sentence of the opening part of the policy with: ‘As appropriate to their scale, nature and location development proposals should’</b></p> <p><b>Delete criteria a and b.</b></p> <p><b>In c delete ‘All developments must’</b></p> <p><b>Renumber the criteria.</b></p>	<b>Accepted</b>	<p>Deleted criteria (a) &amp; (b) as they duplicate national and local planning policies on flooding</p> <p>The policy has been modified so that it takes on a positive format which can be applied in a proportionate way to all ‘relevant’ developments</p>
Policy C1 – Existing Infrastructure	<p><b>Replace the policy with:</b></p> <p><b>‘Development proposals which would enhance the existing communications and internet infrastructure will be supported where they do not create an unacceptable impact on existing communications infrastructure or the amenities of residential properties in their immediate locality.’</b></p>	<b>Accepted</b>	Policy has been recast as it was in a complicated format where the principal element of the policy was one of the criteria. The change to the policy also takes account of the amenities of any properties in the immediate locality of the application site as the original policy failed to address this important matter.
Policy C2 – Infrastructure build	<b>No recommended changes</b>	<b>N/A</b>	
Policy C3 – Mobile and fixed telephone	<b>No recommended changes</b>	<b>N/A</b>	
<b>Non-Policy Recommended Changes</b>			
<b>General Modifications</b>	<i>Modification of general text (where necessary) to achieve consistency with the modified policies</i>	<b>Accepted</b>	To allow for minor text amendments due to formatting or grammatical errors.
<b>Specific Modifications</b>	<i>Ensure that all references to the NPPF use the paragraph numbers from the most recent version (2021).</i>	<b>Accepted</b>	Factual modifications to the document.

	<p><i>Ensure that Figure 3 has the necessary clarity for a development plan document.</i></p> <p><i>In Paragraph 1.1.3 replace 'in consideration of' with 'when commenting on'</i></p> <p><i>In Figure 1 add a key to read 'Rippingale Neighbourhood Area'</i></p> <p><i>In paragraph 6.1.4 replace 'Small Village' with 'Smaller Village'</i></p> <p><i>In paragraph 6.1.4 (second sentence) delete 'And at'</i></p> <p><i>In paragraph 6.1.6 replace 'settlement' with 'developments'</i></p>		
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## Appendix 4 – Timeline

<b>Report Timeline:</b>	Call-in deadline (where applicable)	Not applicable
	Date decision effective (subject to call-in)	Not applicable

**Signed by: Emma Whittaker**

**Date: 13<sup>th</sup> March 2023**