



Claypole Parish Council
Anne Pallett - Clerk

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Dear Ms Brannon

South Kesteven Local Plan Review - Regulation 18 Consultation

Claypole Parish Council OBJECT to the proposed amendments to Policy SP2 (Settlement Hierarchy)

The Parish Council also OBJECTS to Policy EN5 (Water Environment and Flood Risk Management); Policy EN6 (The Historic Environment); and Policy DE1 (Promoting Good Quality Design)

Claypole Parish Council SUPPORT Policy H1 (Housing Allocations) of the Local Plan Review with regard to how it relates to Claypole

The Parish Council makes a factual COMMENT in respect of Figure 4: Neighbourhood Plan Designation Map in the Local Plan Review

The Parish Council also OBJECT to the Sustainability Appraisal for the Draft Local Plan that has failed to consider the proposed amendments to Policy SP2 (Settlement Hierarchy)

Introduction

We received notification of the Regulation 18 consultation on the Draft South Kesteven Local Plan Review on the 28th February 2024, following consideration Claypole Parish Council is submitting six representations to the Local Plan Review and one to the Sustainability Appraisal.

Policy SP2 - Settlement Hierarchy (OBJECT)

The Parish Council considers that Policy SP2 of the Local Plan Review is unsound, and it fails to meet the test of soundness relating to the tests of 'positively prepared', 'justified' and 'effective' as set out in paragraph 35 of the National Planning Policy Framework (NPPF) December 2023.

The Parish Council considers that the proposed amendment to escalate Claypole from a 'small village' to a 'larger village' in the settlement hierarchy is not based on cogent or substantive evidence.

In support of its position the Parish Council has had regard to the following matters:

- Findings of the Inspector on the current Local Plan settlement hierarchy and the original methodology;
- Lack of any evidence base changes
- Community engagement and relationship to the Neighbourhood Plan
- The relevance of the cross-boundary relationship to Newark
- Incorrect scoring for Claypole
- The methodology for determining the settlement hierarchy is fundamentally flawed and incomplete
- The geographic isolation of Claypole from the remainder of South Kesteven and the role and function of Claypole as a settlement

Our full rationale underpinning our position is set out in the attached technical paper produced by the planning consultant who has supported the Parish Council on the Neighbourhood Plan and other planning matters over many years.

Policy EN5 - Water Environment and Flood Risk Management (OBJECT)

The Parish Council considers that Policy EN5 of the Local Plan Review is unsound, and it fails to meet the test of soundness relating to the tests of 'justified', 'effective' and 'consistent with national policy'.

This policy as currently written is inconsistent with national policy set out in the NPPF and Planning Practice Guidance in relation to when a Flood Risk Assessment is required and in relation to when the Sequential and Exception Tests apply.

As a Parish, Claypole has flood risk present from fluvial (river) and surface water sources. The River Witham presents fluvial flood risk to the western side of the Parish including the Claypole Bridge area. The wider Parish and the main village have significant areas at risk of surface water flooding, including much of the eastern end of the village. This risk of surface water flooding is particularly important given the nature of the underlying clay, as such it is imperative that the Local Plan approach towards flood risk reflects national policy fully. Our full concerns are explained in the attached technical paper.

Policy EN6: The Historic Environment (OBJECT)

The Parish Council considers that Policy EN6 of the Local Plan Review is unsound, and it fails to meet the test of soundness relating to the tests of 'justified', 'effective' and 'consistent with national policy' as set out in paragraph 35 of the NPPF.

This policy as currently written is inconsistent with national policy set out in the NPPF and Planning Practice Guidance in relation to non-designated heritage assets. The Claypole Neighbourhood Plan identifies non-designated heritage assets which are an important part of the village built form. Our full explanation is set out in the attached technical paper.

Policy DE1 - Promoting Good Quality Design (OBJECT)

The Parish Council considers that Policy DE1 of the Local Plan Review is unsound, and it fails to meet the test of soundness relating to the tests of ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ in the NPPF.

As explained in the attached technical paper the policy as currently written can be misinterpreted and implies that Neighbourhood Plans are only relevant considerations for major development proposals.

Policy H1 - Housing Allocations (SUPPORT)

Claypole Parish Council supports Policy H1 in so far as Claypole is concerned, because it does not propose to allocate any sites for housing in Claypole. The Claypole Neighbourhood Plan already includes two housing allocations.

As explained in the attached technical paper the Parish Council would resist any proposals to allocate land for additional housing in Claypole in the Local Plan if promoted by other parties or suggested by South Kesteven.

Figure 4 - Neighbourhood Plan Designation Map (COMMENT)

The Parish Council highlights that Figure 4: Neighbourhood Plan Designation Map in the Local Plan Review is factually incorrect in respect of Claypole. The Claypole Neighbourhood Plan was passed at Referendum on the 5th October 2023 at which point it became part of the development plan, it was subsequently ‘made’ (which is now purely an administrative act) by SKDC on the 23rd November 2023.

Sustainability Appraisal (OBJECT)

The Parish Council also consider the Sustainability Appraisal for the Draft Local Plan to be fundamentally flawed as it has failed to consider the proposed amendments to Policy SP2 (Settlement Hierarchy) and recognise that the changes conflict with the SA objectives.

Conclusion

The above is the formal response from Claypole Parish Council. It is noted that the timetable for the Local Plan Review indicates that consultation on the next stage of the Local Plan Review, the Regulation 19 Pre-Submission version is scheduled for Summer 2024.

Given the fact that the statutory consultation process achieves very limited direct engagement with South Kesteven residents, the Parish Council would request that advance notice of the consultation period should be given to all Parish Councils. This should be sufficient advance notice in order to allow Parish Councils to broaden awareness of the proposals through local newsletters and organise public events or meetings.

Anne Pallett
Clerk to Claypole Parish Council

Enclosure

Technical Paper for Claypole Parish Council Representations

South Kesteven Local Plan Review Regulation 18 Consultation

Technical Paper for Claypole Parish Council Representations



South Kesteven Local Plan Review - Regulation 18 Consultation Technical Paper for Claypole Parish Council Representations

In response to the Regulation 18 consultation on the Draft South Kesteven Local Plan Review, following consideration it is my advice that Claypole Parish Council submit six representations to the Local Plan Review as set out below. Together with one representation on the Sustainability Appraisal for the Local Plan Review.

Policy SP2 - Settlement Hierarchy

The Parish Council is advised to object to Policy SP2 of the Local Plan Review on the basis it is unsound, and it fails to meet the test of soundness relating to the tests of 'positively prepared', 'justified' and 'effective' as set out in paragraph 35 of the National Planning Policy Framework ([NPPF](#)¹) December 2023.

In support of its position our advice considers, and the Parish Council has had regard to the following matters:

- Findings of the Inspector on the current Local Plan settlement hierarchy and the original methodology;
- Lack of any evidence base changes
- Community engagement and relationship to the Neighbourhood Plan
- The relevance of the cross-boundary relationship to Newark
- Incorrect scoring for Claypole
- The methodology for determining the settlement hierarchy is fundamentally flawed and incomplete
- The geographic isolation of Claypole from the remainder of South Kesteven and the role and function of Claypole as a settlement

These matters are explained in more detail in the following sections.

The NPPF in paragraph 11a) in relation to plan making and sustainable development states: *"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;"*

The NPPF continues in paragraph 16 to state:

"Plans should:

a) be prepared with the objective of contributing to the achievement of sustainable development;"

In fact, this is a legal requirement of local planning authorities exercising their plan-making functions under section 39(2) of the Planning and Compulsory Purchase Act 2004.

The NPPF does not set out national policy on developing a settlement hierarchy per se. In paragraph 97e) it highlights the need to: *"ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

Paragraph 109 of the NPPF continues:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can

¹ <https://www.gov.uk/guidance/national-planning-policy-framework>

help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

As such the NPPF is clear that sustainable development includes the three strands of economic, social and environmental themes; plus, there is a need to balance housing, employment and services and facilities. The NPPF is explicit that patterns of growth that flow from a settlement hierarchy needs to take into account sustainability of a location which includes the accessibility of that location which includes a genuine choice of transport, which includes public transport.

Current Local Plan Examination

The report titled: Update: Proposed Settlement Hierarchy for new Local Plan put to the Executive Strategic Planning Day Committee in February 2017 explained the methodology used to develop the existing settlement hierarchy.

This report explained that the Larger Villages list was broadly similar to the previously defined Local Service Centres (LSCs) in the previous South Kesteven Core Strategy. It explained that the main changes were that previously some LSCs were formed of two settlements that did not immediately abut each other, in the new assessment only two settlements that abutted each other were considered as a single entity. It also explained that the village of Castle Bytham which was a LSC did not qualify as a Larger Village. This was because the new methodology required Larger Villages to have a village shop and primary school, as a minimum which Castle Bytham did not have. Under the former Core Strategy Claypole was not an LSC.

The report also explained: *“Whilst some of these settlements might have scored the same as other settlements that are recommended for consideration as larger villages, these settlements did not have all the essential criteria present to be deemed suitable for larger village status.”*

That committee report underpinned what then became the South Kesteven District Council Local Plan 2011- 2036 - Settlement Hierarchy Review [Report](#)² in May 2017.

The methodology used for the current Local Plan in the committee report scored settlements including the local businesses category and excluding it. Claypole scored 29 including that category and 27 excluding it. In the final report the scores including the local business category were used.

The May 2017 report also contained a number of anomalies. In particular Table 1 on Page 4 set out a scoring mechanism that indicated that primary schools and local shops would be scored 4 for full-time and 2 for part-time, with an additional facility scoring 2. However, in Appendix 2 and 3 on pages 44 to 46 the scoring used seems to have scored 6 for full-time with an additional facility scoring 3, and the score being discounted to 3 for a part-time facility in these categories. A further anomaly was that a Church/Chapel was listed as an essential facility in Table 2 on page 5, but the actual scoring matrix in Appendix 3 did not include such reference. The change of scoring for primary schools and local shops appears to have been based on the whim of members and not any robust evidence.

The scoring methodology utilised a mixture of essential and desirable criteria, these were set out in Table 2 of the May 2017 report on page 5 as follows:

² https://www.southkesteven.gov.uk/sites/default/files/2023-08/HOU5_Settlement_Hierarchy_Review.pdf

Table 2: Core Strategy Criteria

Essential Services / Facilities	Desirable Services / Facilities	Other Services / Facilities
Primary School	Secondary School	Equipped Play Area
Food Shop / Local Shop	Train Station	Petrol station / Garage
Village hall / Meeting hall	Bus Service (1-3 Hours, 4-6 per day)	Mobile library
Bus Service (Hourly or More)	Local Business	Allotments
Church / Chapel	Doctors (Part Time)	Bus (3 hours or Less)
Post Office (Full Time)	Post Office (Part Time)	
Public House	Day Nursery, pre-school or crèche	
Doctors (Full Time)		
Recreation Space		

Extract from Existing Local Plan Settlement Hierarchy Assessment

The existing methodology was not based on a simple score achieved, it was based on the service role of the settlement and the availability of essential facilities, including public transport. Whilst neither the committee report nor the May 2017 report explained why Claypole was not made a 'larger village', Appendix 2 greys the public transport boxes for both Allington and Claypole. As such it would appear that the lack of availability of bus services in Claypole was determinative.

Against the criteria in the above table Claypole would not have had a number of the essential services and facilities or the desirable services and facilities as follows:

Table 2: Core Strategy Criteria

Essential Services / Facilities	Desirable Services / Facilities	Other Services / Facilities
Primary School Y	Secondary School N	Equipped Play Area Y
Food Shop / Local Shop Y	Train Station N	Petrol station / Garage N
Village hall / Meeting hall Y	Bus Service (1-3 Hours, 4-6 per day) N	Mobile library Y
Bus Service (Hourly or More) N	Local Business Y	Allotments Y
Church / Chapel Y	Doctors (Part Time) N	Bus (3 hours or Less) Y
Post Office (Full Time) N	Post Office (Part Time) N	
Public House Y	Day Nursery, pre-school or crèche N	
Doctors (Full Time) N		
Recreation Space Y		

Extract from Existing Local Plan Settlement Hierarchy Assessment for Claypole

The current Local Plan was examined by David Spencer *BA(Hons) DipTP MRTPI*, an Inspector appointed by the Secretary of State. In his [report](#)³ he summarised the main requirement for the need for an early review of the Local Plan as follows:

³ https://www.southkesteven.gov.uk/sites/default/files/2023-08/FINAL_INSPECTORS_REPORT_0.pdf

“A policy commitment to undertake an early plan review to address, amongst other things: (i) latest needs of gypsies and travellers; and (ii) an updated assessment of employment land requirements; and (iii) changing circumstances in local housing need.”

The Inspector who examined the current Local Plan did not find any reason for the spatial strategy or settlement hierarchy to be included in the early review of the Local Plan per se.

In his report of the examination the Inspector stated in paragraph 57:

“Across the district there are a number of larger villages with a reasonable level of services and accessibility. These have been systematically assessed against recognised criteria, principally through the 2017 Settlement Hierarchy Report. As a result, Policy SP2 appropriately identifies 15 larger villages where it would be reasonable to allocate a moderate level of development to provide further housing choices at locations where there are existing levels of day-to-day services. Notwithstanding the proximity of some villages to neighbouring towns in other districts I am satisfied that no obvious candidate settlements have been omitted from the larger villages tier.”

The Inspector continued in paragraph 58 of his report to address the objection at that time to the settlement hierarchy and he stated:

“The inclusion of Barrowby as a larger village for growth is disputed but I find the assessment in the Settlement Hierarchy Report to be robust.”

The unsoundness the Inspector found with the settlement hierarchy was the absence of including a list of the small settlements as a category in the settlement hierarchy. The Inspector addressed this in his report at paragraph 61, where he stated:

“To resolve this soundness matter, the Council has produced a comprehensive addendum to the Settlement Hierarchy Report which applies a cogent process to identify 60 logical settlements within this tier. The criteria and thresholds applied are reflective of local circumstances in South Kesteven and do not need to be drawn more loosely to include very small hamlet scale settlements.”

The starting point for the Local Plan Review is therefore that the LPA proposed the settlement hierarchy in the current Local Plan which was based on the role of the settlement and the presence of a range of essential services and public transport on the basis that it was appropriate at that time. That conclusion was then endorsed independently by the Inspector who examined the current Local Plan on the basis of the evidence put forward, that endorsement included that Claypole was correctly identified as a ‘small village’.

Evidence Base Changes

It is only appropriate to review a settlement hierarchy either because of a significant change of circumstances, a policy intervention or because a completely different methodology and policy approach is pursued. As I have already advised Claypole Parish Council there is no rationale based on cogent or substantive evidence put forward for the escalation of Claypole from a small village to a larger village.

The current Local Plan was adopted in January 2020 and during the intervening four-year period, there has been no changes in local services and facilities in Claypole or to the role and function that Claypole performs. The last change in local services and facilities was the opening of The Side House Café in the side of the village hall which took place in December 2018.

The opening of the café post-dated the May 2017 Settlement Hierarchy Review [report](#)⁴ but pre-dated the Settlement Hierarchy Update 2019 [report](#)⁵ done during the Local Plan examination. As such there has been no changes to local services and facilities since the previous evidence base was put to the Local Plan examination. This further calls in question the lack of any rationale to

⁴ https://www.southkesteven.gov.uk/sites/default/files/2023-08/HOU5_Settlement_Hierarchy_Review.pdf

⁵ https://www.southkesteven.gov.uk/sites/default/files/2023-08/JH-_Smaller_Settlement_Report_Draft_2.pdf

underpin the change made in the emerging Local Plan Review. In any event in no way could the opening of a café mean that a hitherto small village should suddenly become a larger village.

Engagement

The NPPF in paragraph 16 identifies that:

“Plans should

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”*

South Kesteven have not undertaken early effective engagement with residents of Claypole or the Parish Council regarding the change in the settlement hierarchy. Waiting until the formal nature of the Regulation 18 consultation is not an effective way of engaging over this matter when it is presented in the form of a fait-accompli. This is particularly important given the extremely low levels of direct community engagement of local residents in Local Plans.

As you will be aware the NPPF in paragraph 29 emphasises that neighbourhood planning gives communities the power to develop a shared vision for their area. Claypole Parish Council have recently completed the long and tortuous process of producing the Claypole Neighbourhood Plan. That Neighbourhood Plan is predicated on Claypole being a ‘small village’ and it was endorsed by the local community through a Referendum.

The Neighbourhood Plan Referendum had a turnout of 33.5% with an overwhelming Yes vote of 95.9%. A Neighbourhood Plan is the only type of Local Authority plan that specifically has to be endorsed by a public vote. Through that Referendum the local community by voting Yes endorses the policies, strategy, allocations etc. contained in the Neighbourhood Plan. Both Claypole Parish Council as the qualifying body and South Kesteven DC as the LPA have legal interest in the Neighbourhood Plan. That Referendum took place only 6 months ago and South Kesteven is now effectively seeking to ignore the Referendum by seeking to change the status of Claypole in the settlement hierarchy. This raises fundamental questions with regard to public accountability and the democratic role of Neighbourhood Planning.

In the last electoral ward review, South Kesteven had a declared electorate estimate of 119,944, if the Local Plan Review were to achieve direct engagement with 33.5% of the electorate, then that would involve some 40,181 residents. The Local Plan Review will not achieve direct engagement with anything like that number of residents. Neighbourhood Plans where they exist are based on direct community engagement with an exceptional proportion of local residents and their wishes must be afforded exceptional weight.

Cross Boundary Issues

The NPPF in paragraph 24 states:

“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”

The Parish Council has long raised the need for the planning strategy for Claypole to consider the cross-boundary relationship between the village and the Newark Urban Area; which lies in the neighbouring county of Nottinghamshire and the neighbouring district of Newark & Sherwood. There is no evidence in the Local Plan Review that South Kesteven has considered this inter-relationship.

The Claypole Neighbourhood [Plan](#)⁶ through Policy 4 (Newark Urban Area Buffer) explores in detail the inter-relationship between Claypole and the Newark Urban Area. It should be noted that SKDC supported this policy in principle. The Independent Examiner for the Neighbourhood Plan Andrew Ashcroft BA (Hons) MA DMS MRTPI queried in his clarification [note](#)⁷ with both SKDC and with the Parish Council whether this inter-relationship was a strategic matter that should be addressed in the Local Plan Review. The Independent Examiner noted therefore the strategic nature of the inter-relationship between Claypole and the Newark Urban Area.

The Independent Examiner in his [report](#)⁸ in paragraph 7.30 stated:

“This is a very distinctive policy which addresses a matter of considerable importance to the local community. It comments about the relationship between the village and Fernwood to its north and west. The expansion of Fernwood is central to the Newark and Sherwood housing strategy and numerous planning permissions have been granted for the expansion. The Plan comments that the development of Fernwood will impact on the rural and village nature of Claypole, bringing the village physically closer to the Newark conurbation with only 1km between the eastern edge of Fernwood and the western edge of Claypole.”

He continued in paragraph 7.32 to state:

“I looked at the proposed buffer area very carefully during the visit. I saw the importance of the proposed buffer area. I also saw the limited distance between Fernwood and Claypole. On the balance of the evidence, I am satisfied that a policy of this nature is both appropriate and would serve a clear purpose.”

Given the fact that the Claypole Neighbourhood Plan has important policies and content relating to the inter-relationship between Claypole and Newark, the Local Plan Review needs to carefully consider this inter-relationship. The views and conclusions of the Independent Examiner as to the strategic importance of this inter-relationship adds further weight to the need for the Local Plan Review to consider this in relation to the settlement hierarchy.

This is a longstanding matter of fundamental importance to local residents as demonstrated in early consultation on the Neighbourhood Plan and past planning applications. The allocations around Fernwood in Newark & Sherwood were first drawn up in the late 2000s, being first allocated in the Newark & Sherwood Core Strategy in 2011.

Retaining the separate village identity of Claypole and addressing the threat of coalescence to the Newark Urban Area is a matter which is a primary concern for many local residents such that any Neighbourhood Plan that did not address this matter would have been at risk of not being supported at Referendum.

Claypole has a particular functional and spatial relationship with the Newark Urban Area, it operates as one of the ring of first villages from the Newark Urban Area. Residents of Claypole look to Newark to provide their employment and higher order services and facilities. The primary school at Claypole also has pupil numbers greater than the normal catchment would provide because Newark Urban Area residents utilise the primary school as the opportunity to gain access to the Lincolnshire grammar schools for their children.

South Kesteven have had an opportunity to consider the cross-boundary relationship to the Newark Urban Area but have failed to acknowledge this in the current South Kesteven Local Plan to 2036. SKDC in their Local Plan do consider the cross-boundary relationship of Stamford

⁶ <https://www.southkesteven.gov.uk/sites/default/files/2023-12/Claypole%20Neighbourhood%20Plan%20%28Made%20Plan%29%5B9%5D.pdf>

⁷ https://www.southkesteven.gov.uk/sites/default/files/2023-08/Claypole_Neighbourhood_Development_Plan_-_Clarification_Note.pdf

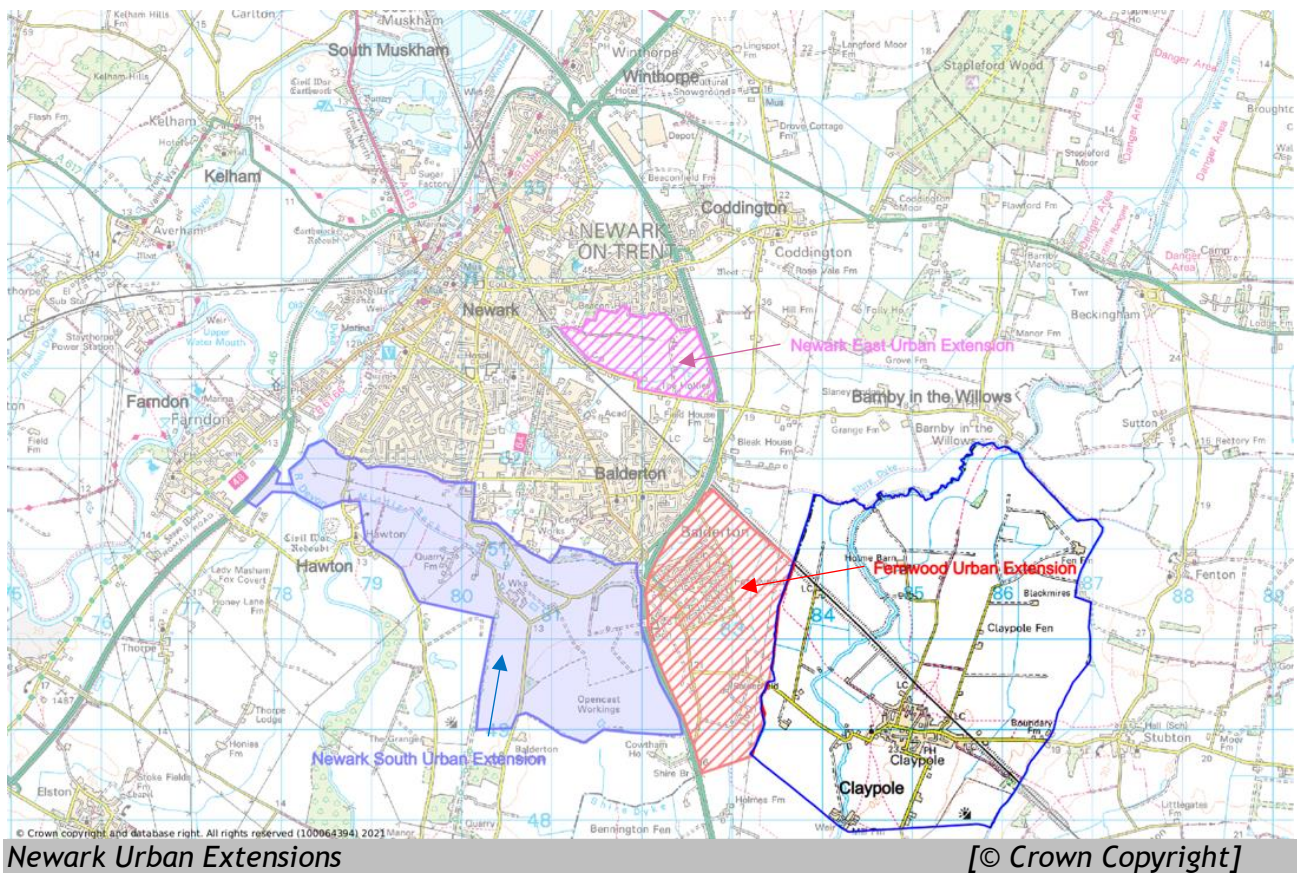
⁸ https://www.southkesteven.gov.uk/sites/default/files/2023-08/Claypole_Neighbourhood_Development_Plan_-_Examiner%27s_Report.pdf

because South Kesteven are dependent upon Rutland delivering half of the proposed urban extension to Stamford.

The Regulation 18 draft South Kesteven Local Plan Review still does not indicate any desire on the part of South Kesteven to address the cross-boundary relationship to the Newark Urban Area. In this respect the Local Plan Review fails to have been positively prepared.

The Newark Urban Area is the main employment and commercial centre, and transport hub for Claypole residents. Newark is located within the adjacent district of Newark and Sherwood, and it is an identified 'Sub-Regional Centre'. It is identified for strategic growth which includes three strategic urban extensions all on the Claypole side of Newark which have been identified in their 2019 Amended Core Strategy as being phased to cater for housing need up to 2033 and indeed beyond.

During the plan period the three strategic urban extensions will deliver 4,885 dwellings, with a further 2,465 dwellings phased for post 2033. In strategic terms therefore the Newark area has an oversupply of allocated housing for current requirements.



One of the three strategic urban extensions is 'Land around Fernwood' for some 3,200 dwellings (2,095 up to 2033 and 1,105 post 2033). This strategic allocation abuts the Claypole Parish boundary as shown on the plan below. Of the 3,200 new homes allocated for Fernwood, around 2,150 of them will be either side of Claypole Lane (as referred to in the Newark & Sherwood Core Strategy but is actually called Shire Lane on OS maps). As such the future planning of Claypole need to take into account the inter-relationship to Fernwood and the whole Newark Urban Area.

The expansion of Fernwood is central to Newark & Sherwood housing strategy and numerous planning permissions have been granted for the expansion. The development of 'Land around Fernwood' will impact on the rural and village nature of Claypole, bringing the village physically closer to the Newark conurbation with only 1km between the eastern edge of Fernwood and the western edge of Claypole.

Given this strategic development immediately adjacent to the parish boundary which is proposed to be developed in the plan period; there is a threat of coalescence by creeping development.

The Newark Urban Area has had an open break type of designation as a longstanding policy approach to prevent Newark coalescing with the first set of villages that lie around the town. This approach has been present, in some form or other, within each successive Statutory Development Plan covering the Newark Area - from the Newark Town Map (amendment to the County Development Plan) produced in 1964 onwards. Throughout this time its principal purpose has been to prevent the coalescence of Newark with neighbouring settlements by restricting development on the intervening land.

The Newark Urban Area Buffer in the Claypole Neighbourhood Plan now complements and operates as part of the network of open breaks around the Newark Urban Area, with the other designations being between the Newark Urban Area and Farndon, Winthorpe and Coddington. This cements the commonality of policy approach between Claypole and the other villages that form the first ring of settlements around the Newark Urban Area.

Claypole lies within the Trent and Belvoir Vale landscape character area described in the South Kesteven [Landscape Character Assessment](#)⁹ as: *“This area lies to the northwest of the District. It is described as a gently undulating landform, with shallow ridges dropping down gently to broad river valleys. It is an open, arable or mixed, farmed landscape, strongly rural in feel, with trimmed hedges and few hedgerow trees; woodlands are only locally significant. These are frequent nucleated villages with red brick houses, roofed with pantiles, and spired churches prominent in long views.”*

The topography and landform of Claypole and the land to the north and west is flat river valley which provides extensive views. The land use is largely agricultural with the soils being Grade 3 agricultural land. The Character Assessment identifies the key characteristics as:

- A relatively simple, medium to larger-scale, open arable or mixed farming landscape
- Flat or very gently undulating topography
- Simple regular fields enclosed by hawthorn hedges
- Relatively few hedgerow trees and virtually no woodland
- Small villages typically located on slightly rising land
- Church towers and spires visible across the landscape.
- Buildings styles vary, but a high proportion of brick with dark red pantiles

In the Trent and Belvoir Vale landscape character area the settlement pattern and form comprise a network of small clustered villages dispersed through the area. The landscape character is a gentle landform, of open or arable or mixed farmland, which creates a strongly rural feel. The landscape is medium to larger in scale, with relatively simple regular fields, frequently enclosed by hawthorn hedgerows. The hedgerows are in places fragmented. There are relatively few hedgerow trees and virtually no woodlands. Tree cover is most noticeable around the villages, which are typically situated on slightly rising ground.

At a cross-boundary level, the other villages around Newark including Winthorpe, Coddington and are also located within National Character Area 48 Trent and Belvoir Vales. There is further commonality therefore with the other settlements around Newark that lie within Newark & Sherwood.

Claypole operates as part of the ring of first villages encircling the Newark Urban Area. The single continuous built form of the Newark Urban Area will now abut the Parish boundary of Claypole. The growth of Fernwood is now underway with planning permissions having been granted and development has physically commenced including by Allison Homes and David Wilson/Barratt.

⁹ <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=2117&p=0>

Claypole is the only settlement in the first ring of settlements around the Newark Urban Area that lies outside of Newark and Sherwood. Nonetheless, it is appropriate for Claypole to operate in a policy terms with commonality to the other settlements in the first ring around the Newark Urban Area. This needs to be factored into the settlement hierarchy.

Newark & Sherwood Settlement Hierarchy

Given the fact that Claypole is part of the ring of the first settlements surrounding the Newark Urban Area, it is appropriate to consider how the Newark & Sherwood Amended Core [Strategy](#)¹⁰ sets out its settlement hierarchy.

Newark & Sherwood have identified their settlement hierarchy to allow the Council to plan positively for future development within the District. It defines which settlements are central to the delivery of the Council's Spatial Strategy.

As they explain in paragraph 4.7 of their Amended Core Strategy:

"Following a review of settlements and service provision in the District, the following key conclusions have emerged:

- 1. Services, such as employment and secondary education, are focused in settlements which serve a rural hinterland and/or a larger local population.*
- 2. There are a number of villages which have a range of services which attract people from the local area, such as libraries and doctor's surgeries.*
- 3. Beyond these villages are a range of villages which have a limited range of services, some of which have a primary school and other shops and facilities.*
- 4. A larger number of villages have no facilities beyond a public house or a village hall but are well related to settlements which have a wider range of facilities.*
- 5. Public transport is focused on key routes between Newark, Mansfield, Nottingham, Southwell and Ollerton & Boughton."*

Newark & Sherwood have therefore defined the identification of three complementary settlement roles which will be central to the delivery of the District's Spatial Strategy; these are:

- Sub-Regional Centre
- Service Centre
- Principal Village

The Newark Urban Area (Newark, Balderton and Fernwood) is identified as a Sub-Regional Centre; it is the largest population centre in the District and is the main location for services, jobs, retail, education and a focus for transport for most of the District.

As paragraph 4.10 of their Amended Core Strategy explains:

"Below Newark Urban Area, a number of settlements provide important services both to their own communities and to a wider hinterland; they are Service Centres." These are Ollerton & Boughton, Southwell, Rainworth, Clipstone and Edwinstowe.

As paragraphs 4.12 and 4.13 of their Amended Core Strategy goes on to explain:

"The District Council also has a range of communities which have a range of local services which meet day to day local needs and complement the role of the Service Centres. These are defined as Principal Villages.

A range of other communities exist below the three identified settlement categories. They are referred to in the hierarchy as Other Villages in Newark & Sherwood."

¹⁰ <https://newark-sherwooddc.gov.uk/amendedcorestrategy/>

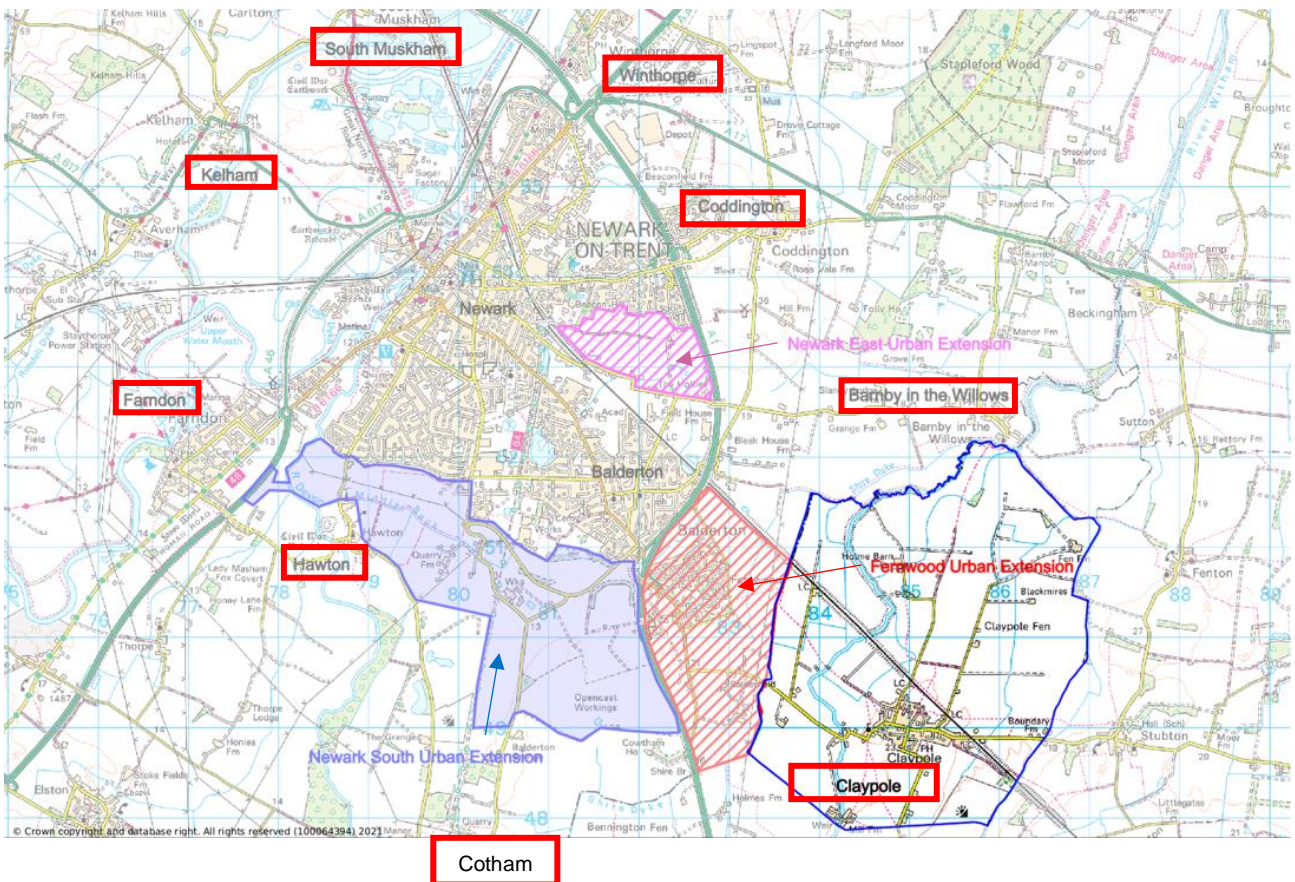
The Principal Villages in Newark & Sherwood are Bilsthorpe, Blidworth, Collingham, Farnsfield, Lowdham and Sutton on Trent.

It is notable that all of the settlements in the first ring around the Newark Urban Area are classified as ‘other villages’, the lowest category of settlement. This includes Farndon and Coddington which are larger in population than Claypole, having a 2021 Census population¹¹ of Farndon - 2,500 and Coddington 1,700. The 2021 census population for Claypole is 1,400.

Farndon has an extensive array of services and facilities including a Primary School, Day Nursery, Village Hall, Recreation Ground, Play Area, Cricket Pavilion, 3 x Pubs, Café, Farm Shop, Garden Centre, Convenience Store, Post Office, ATM, Fishing Store, 2 x Vehicle Repair Garages, Marina, Sea Scouts Hall, Chandlery, Church, Nursing Home and Ceramics Shop. Farndon also has significant floorspace of employment units and has a high frequency bus service to Newark and Nottingham.

Coddington has a smaller number of services and facilities but includes a Primary School, Village Hall, Community Centre, Church, Playing Field, Play Area, Football Ground, 2 x Pubs, Allotments, Scouts Hall and Outreach Post Office. Coddington Parish is also home to Newark’s largest employer Currys, and it has a high frequency bus service to Newark.

Despite their size and services and facilities, Newark & Sherwood have categorised both Farndon and Coddington in the lowest category of ‘other villages’ in their settlement hierarchy to protect their separate identity from Newark, to prevent coalescence and development pressure on the open breaks and to ensure that the focus of development in the area is within the Newark Urban Area and the strategic extensions planned. This is a deliberate policy choice which the suggested South Kesteven settlement hierarchy now conflicts with and undermines.



First Ring of Settlements Around the Newark Urban Area

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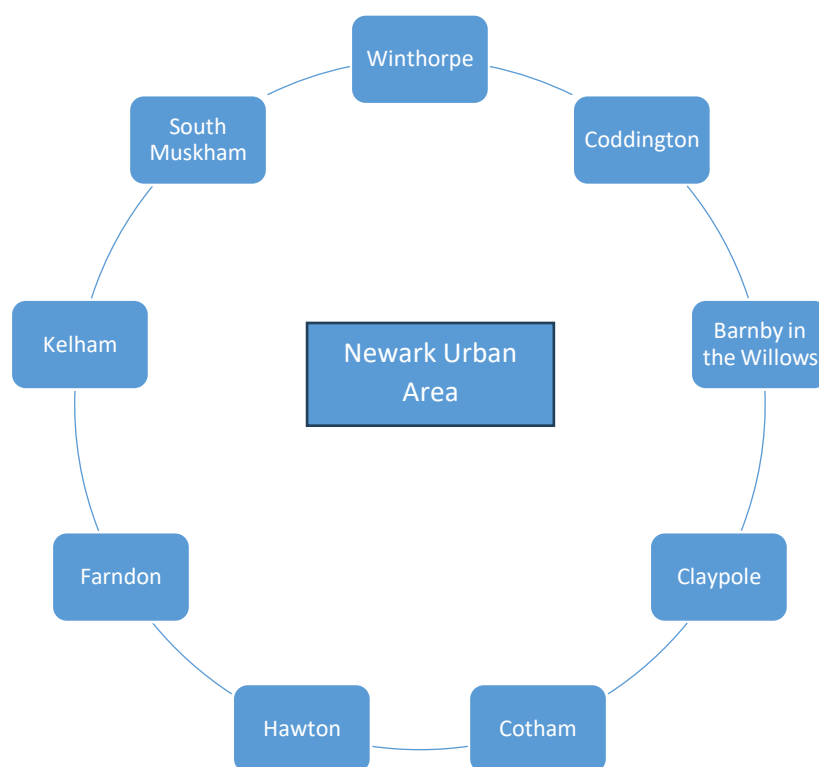
¹¹ Note all 2021 Census area profile population figures are rounded to the nearest 100 by the ONS

In the Newark and Sherwood Amended Core Strategy, examination [report](#)¹² the Inspector Paul Griffiths *BSc(Hons) BArch IHBC* in paragraph 18 concluded:

“Following the hearings, I confirmed that in my view, the general strategy of the Plan, in relation to the proposed distribution of new housing and the settlement hierarchy, in directing the majority of the development envisaged to places that are most accessible, and best served by facilities, is, in principle justified, bearing in mind the Spatial Vision of the Plan, its Strategic Objectives, and the OAN.”

The settlement hierarchy approach around the Newark Urban Area has now been endorsed twice by the Inspector who dealt with the original Newark and Sherwood Core Strategy (2011) and by the Inspector who examined the Amended Core strategy (2019).

Given the commonality between Claypole and the other villages in the first ring of settlements around the Newark Urban Area, the Parish Council has consistently argued that Claypole should be addressed in a similar way to the other settlements. To achieve this would mean that a common policy approach should be pursued with Claypole remaining a ‘small village’ in the South Kesteven settlement hierarchy. Claypole is equally dependent on Newark to provide local employment and higher order services and facilities and has the same functional and spatial relationship. Just because there is a County boundary doesn’t mean that Claypole doesn’t operate in the same way as the other settlements that form the nine spokes of the wheel of Newark which is shown in the diagram below.



Nine Spoke Wheel of Newark

Scoring

It is clear from looking at the Village Survey Scoring Results that the answers provided from Parish Council clerks differs in their interpretation of the various categories. The survey was also undertaken in 2021 which is now 3 years old and represents an out-of-date evidence base.

¹² <https://newark-sherwooddc.gov.uk/media/newark-and-sherwood/images-and-files/planning-policy/pdfs/publication-amended-core-strategy/NSACSIInspectorsReport.pdf>

The approach has resulted in inconsistency, for example is the category of local businesses meant to include home-based businesses and farms or is it meant to include defined local employment buildings and sites. There are also other inconsistencies and errors that are immediately obvious from just a cursory look at the scoring. This seriously calls into question the robustness of the survey, the lack of any quality control or audit process and therefore its suitability as evidence base to underpin the Local Plan Review.

The scoring in the new Village Survey Scoring for Claypole contains factual errors as follows:

- Bus Service - Claypole scores 4, this implies that the village has a frequency of buses greater than one per hour. In fact, Claypole only has three daytime bus services each way Monday to Saturday and the Call Connect service. Therefore, the score should be 2, which is then discounted to 1 for a part-time service because it doesn't operate every day
- Local Businesses - Claypole scores 1, this implies that the village has less than 10 local businesses. However, it is noted that Thurlby and Northorpe for example scores 0 on the basis that it has no local businesses. Thurlby and Northorpe does have numerous home-based businesses and farms according to Google Maps, but these are not included. In Claypole the response from the Parish Council listed four family home-based businesses, which to be consistent with the scoring for Thurlby and Northorpe for example means that the score should be reduced to 0
- Other Services - Claypole scores 4 which from the Parish Council return would appear to be a café, hairdressers, motor repairs and car sales. The scoring matrix does not indicate what should or shouldn't be counted under this heading. Under this heading the scoring suggests that Claypole has more other services than many of the other villages listed. Barkston for example only has one other service listed, but it has a petrol filling station, vehicle repair garage and used car sales. Clearly the latter two operations haven't been counted in their score. For Claypole, the motor repairs operation is home based rather than being in a separate purpose-built premises, and the car sales operation is outside of the village and appears to operate on an appointment type basis. As these two activities are not local services in the traditional sense and for consistency with other settlements, they should not be counted so the score should be reduced to 2

Overall, correcting the errors in the scoring this would reduce the scoring by bus service minus 3, local businesses minus 1 and other services minus 2. This would reduce the score for Claypole from 40 to 34.

It is unclear what is meant by part-time in relation to a public house, is that meant not open every day at some point or not open daytime (including lunch) and evening every day? At present Claypole scores 3 for a public house but the pub does not have daytime opening on Mondays or Tuesday so could potentially be judged part-time scoring just 1 point, dependent upon the criteria meant to be used.

The same lack of clarity as to what is meant by part-time in relation to a place of worship, is that meant as not having a service every Sunday (and festival)? At present Claypole scores 3 for a place of worship but only has two Sunday services per month, whereas for example Long Bennington Church has a service every Sunday and festival. Therefore, is in fact Claypole Church meant to be judged part-time scoring just 1 point, dependent upon the criteria meant to be used.

Methodology

The [methodology](#)¹³ used for the settlement hierarchy has evolved from that used to underpin the current Local Plan. It has introduced a new category of 'Place of Worship' into the scoring which has artificially increased the score for every village by a blanket 3 points; irrespective of opening times. Although it is noted that Baston incorrectly scores 0 when in fact it has St John, Baston

¹³ <https://www.southkesteven.gov.uk/sites/default/files/2024-02/Settlement%20Hierarchy%20Review%20February%202024.pdf>

Church so should score 3 on the same blanket approach taken, thereby increasing its score total to 42. Also, Long Bennington has a Church of England Church and a Methodist Church so its score of 3 for this category should in fact be 4.

That simple additional category of 'Place of Worship' has artificially increased the score for every village by a blanket 3 points, so even for Claypole the score of 29 used in the current Local Plan settlement hierarchy would increase to 32 which just coincidentally now exceeds the suggested threshold score of 30 to be a 'larger village'. Whilst a Church/Chapel was referred to in the current Local Plan settlement hierarchy report, it was not actually used in the scoring.

The methodology now being used is materially different to that used for the current Local Plan. It is therefore not the same methodology that was found to be sound by the Local Plan Inspector in the examination.

According to the flowchart in paragraph 2.14, the new methodology introduces an arbitrary score of 30 points which lacks any explanation as the first criteria, and it then introduces a second criteria of whether the settlement has a primary school and a local shop. If both criteria are met, then simply a settlement is deemed a 'larger village'. The current methodology didn't use a score threshold, but the minimum score for the 'larger villages' chosen was 32. With the simple addition of the additional category of 'Place of Worship' which has artificially increased the score for every village by a blanket 3 points, then that previous minimum score of 32 points would have been 35 points had it been included in the scores at that time.

Why in effect the entry level scoring has effectively been reduced down to 30 is not explained. In the current scoring the lowest score for the 'larger villages' is 36 (although as we explain later in fact Great Gonerby score should be increased to 37 because it has a mobile library), why for example is that score not used or why is 35 or 40 not used.

As identified earlier the scoring for Claypole is incorrect and should be reduced to 34 (or possibly to 30 if the pub and church are considered to be part-time), if the previous minimum score for the 'larger villages' that was 32 was increased by 3 points for the additional 'Places of Worship' category addition then if the threshold point was then 35; Claypole would be excluded and would remain a 'small village'.

There is also no explanation as to why good levels of public transport is no longer considered essential, or indeed why the list of 9 essential services and facilities set out in Table 2 of the methodology for the current Local Plan have now been reduced to just 2 essential services and facilities, namely a primary school and a local shop.

This now results in a position where for example Claypole and Barkston are the only suggested larger villages without a post office, which was previously considered an essential service and facility. If the Claypole score for bus services is corrected, then Corby Glen and Claypole are the only suggested larger villages reliant on the lowest level of bus services.

Focus on a primary school and a local shop being so important in the role of a settlement is rather perverse. For example, Great Ponton has a primary school, and it does in fact have a Premier Stores local shop at the Gulf filling station on the A1 which can be reached by the pedestrian overbridge. The scoring for Great Ponton fails to note the presence of the shop, but it contains these two essential services, although it lacks other services and facilities. Having these two services is not therefore reflective of the role and function a settlement actually performs.

Conversely, it means that a settlement such as Tallington with some 840 residential addresses (so bigger than many of the larger villages) is not deemed to be a larger village because at some point historically the Victorian primary school that was sited in Tallington got closed and became the village hall, with the Victorian primary school in neighbouring village of Uffington remaining open.

The Local Plan Review is internally inconsistent, in the vision the Local Plan Review indicates that: *“Larger villages will continue to provide the necessary day-to-day services to ensure rural communities have choice in terms of homes, work and recreation.”* However, the scoring matrix does not include focus on the availability of local employment, nor the ability for residents to access local employment by public transport that runs at suitable times including early mornings and early evenings.

Policy SP1 (Spatial Strategy) continues that focus and states:

“Larger Villages will provide a supporting role in meeting the development needs of the District. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of appropriate previously developed land (where possible) and enabling a larger number of people to access jobs, services and facilities locally. Development should provide the scale and mix of housing types that will meet the identified need for South Kesteven (as informed by the Local Housing Needs Assessment) and a range of new job opportunities in order to secure balanced communities (as informed by the Employment Land Study).”

The Local Plan Review in 6.12 states: *“The Larger Villages not only support their own communities but also fulfil the role of being a service centre to the smaller settlements and rural areas around them.”*

The Local Plan therefore sets out the context that to be a ‘larger village’ a settlement needs to be a service centre to a hinterland of smaller settlements around it and it needs to be a location that provides the necessary day-to-day services to ensure rural communities have choice in terms of homes, work and recreation. Claypole does not meet that definition and the simplistic approach to scoring does not explore the role that a settlement actually plays as the Local Plan Review actually requires.

The Local Plan Review settlement hierarchy is also inconsistent with the Sustainability Appraisal (SA). The SA Objective to ‘Reduce the contribution to climate change made by activities within South Kesteven’ includes the action to:

- Promote the use of sustainable modes of transport, including walking, cycling and public transport.

The SA Objective to ‘Promote sustainable transport use and encourage accessibility’ also includes the actions to:

- Reduce the number of journeys made and the need to travel
- Improve access to and quality of sustainable transport modes for all communities to encourage modal shift
- Improve accessibility to services, facilities and amenities

The SA Objective to ‘Support sustainable economic development in South Kesteven’ also includes the actions to:

- Improve accessibility to employment opportunities

The SA however fails to consider and assess the revised methodology and the changes to Policy SP2 against these SA objectives.

The local business category in the settlement hierarchy scoring matrix doesn’t reflect the presence or not of local employment opportunities or sites. Nowhere in the scoring matrix is the presence of a business park, office park or industrial estate given weighting. Such sites would provide a wide range of local employment opportunities that make a settlement generally more sustainable. The weighting applied to employment opportunities through the perceived number of local businesses is unduly low. For example, a village would need to have 51-60 local businesses to score 6, which is the same score as a single local shop or a primary school. This

significantly undervalues the role that employment plays in securing sustainable development and the sustainability of a settlement.

As a comparison Long Bennington scores 2 for local businesses, yet it has the very large Long Bennington Business Park that consists of some 8 detached two-storey buildings and a further new building nearing occupation that provides a further 475m² of employment floorspace in 5 units¹⁴. Adjacent to the business park is the very large HQ premises of ADR UK Tyremart which provides further local employment.

The nature of the scoring mechanism implies that Long Bennington is only twice as good as Claypole for business activity. This does not reflect the reality that Claypole has no employment sites such as business parks, office parks, depots or factories; whereas Long Bennington in contrast has significant local employment. In sustainability terms, Long Bennington provides significant opportunities for local employment whereas Claypole provides none.

Claypole is effectively a dormitory village, relying on the Newark Urban Area (and indeed beyond via Newark Northgate Station for example) for employment, shopping, entertainment and access to the public transport network.

As already highlighted Claypole was a 'small village' and the classification now as a 'larger village' implies that the self-sufficiency, accessibility, sustainability and role/function of the settlement must have changed for the positive. Whereas in fact there has been no change in local services and facilities or any of the above factors since the last 2019 scoring. The only change was in December 2018 which related to the café opening.

The score threshold has been set at 30, there is no explanation or rationale to underpin the selection of this figure. If it were to be increased or decreased then it would change the number of 'larger villages', particularly given the fact that two villages sit at 29 on current scoring just under the threshold.

The assessment criteria are not reflective of the factors set out in the Local Plan Review vision, Policy SP1 and paragraph 6.12. It does not properly assess all the factors relevant to the sustainability of a settlement.

There is no explanation as to why a primary school scores 6 points, double the score of a doctors and three times the score for a children's day nursery. Where primary schools are located is largely the consequence of decisions made in the Victorian period when most villages had a village school and past decisions to close certain schools; such decisions were generally based on factors such as costs of repairs or building sizes which had no relationship to the role and function of the settlement. There are eleven small villages in South Kesteven that have a Primary School, so 41% of the 27 village primary schools in South Kesteven are actually in the small villages. As such it is not a good indicator of the role of a settlement being a sustainable location for future growth or a settlement performing the role of a service centre.

In the same way there is no explanation as to why a food shop scores 6 points. Some 7 of the 24 food shops in South Kesteven are in the small villages. This is 29% of food shops being in the small villages, so again as such it is not a particularly good indicator of the role of a settlement being a sustainable location for future growth or a settlement performing the role of a service centre.

The scoring matrix counts School Bus services, this is slightly odd because legislation governing travel to school for children of compulsory school age applies, in particular:

- section 508A of the Education Act 1996: sustainable travel to school;
- section 508B of and Schedule 35B to the Education Act 1996: travel arrangements for eligible children;

¹⁴ Planning Permission S23/1528 and S22/2453

- section 508C of the Education Act 1996: travel arrangements for other children;
- the School Information (England) Regulations 2008: publication of information about travel arrangements.

As such in simple terms a child under the age of 8 is eligible for free travel to their nearest suitable school if it is more than 2 miles from their home; and a child aged 8 years or over is eligible for free travel to their nearest suitable school if it is more than 3 miles from their home. In this respect it is not really measuring any tangible measure.

Once again, the scoring for this criteria are actually inconsistent, as an example Colsterworth scores 0, saying that they do not have a school bus, but in fact they have service 183 Corby Glen - Great Casterton College bus service. Almost all services to/from mainstream schools are registered as normal bus services so they can be used by anyone and not just pupils although their routes and times relate to the school times.

As another example, Folkingham scores 0 for a school bus service, but it in fact has the Sleafordian S148S Aslackby - Sleaford bus service that runs on schooldays only. On that basis Folkingham should score 2 for a school bus service which would increase its total score to 31 making it suitable to be reclassified as a 'larger village' on the basis of score alone.

In the same way, Castle Bytham scores 0 for a school bus service, but it in fact has the Bland's S95S Stamford - Grantham bus service that runs on school days only. It also gets a mobile library service. Therefore, on that basis Castle Bytham should also score 2 for a school bus service and 1 for a mobile library which would increase its total score to 31 also making it suitable to be reclassified as a 'larger village' on the basis of score alone.

The methodology scoring also contains further errors relating to mobile library services, Colsterworth and Great Gonerby claim to have no mobile library but in fact the Lincolnshire County Council [website](#)¹⁵ shows that both of these settlements do in fact get a mobile library service, so both scores as larger villages should be increased by 1.

There are numerous examples that demonstrate the fundamentally flawed nature of the settlement hierarchy evidence base and the scoring inconsistencies. As such the entire process undertaken for the Local Plan Review is unsound and cannot withstand any level of scrutiny.

There is also no explanation as to why a local shop scores 6 points, double the score of a post office, double the score of a doctors, double the score of a secondary school or three times the score for a children's day nursery.

The methodology applied unduly weights provision of a local shop without any consideration as to the quality, size or range of goods on offer in that local shop. So, a small village corner shop type of shop scores the same as a convenience store mini supermarket type store, such as those run by the Lincolnshire Co-op. This is inappropriate because it is like comparing apples with pears. In a small village corner shop whilst you may be able to obtain basic provisions such as bread and milk, but you are unlikely to be able to do the weekly shop; which you could do in a Lincolnshire Co-op mini supermarket.

Long Bennington for example scores 6 points for retail infrastructure but has a large Lincolnshire Co-op mini supermarket measuring 3,450 square feet not including storage. That store includes the following¹⁶:

- ATM (cash point)
- Car park
- Costa Express
- Disabled access

¹⁵ https://prism.librarymanagementcloud.co.uk/lincolnshire/assets/-/pages/mobile_libraries.html

¹⁶ As specified on the Lincolnshire Co-op website

- Electric vehicle charging point
- Freshly Baked Bread (in store bakery)
- PayPoint
- Scratch cards
- Slushy Jacks
- Soft plastic recycling

That store is also open 07:00 to 22:00 Monday to Sunday, giving a total of 105 hours of opening per week.

In contrast, Claypole was allocated 9 points for local shops - this implies Claypole has double the amount of retail infrastructure than Long Bennington which is a non-sensical comparison. Claypole has a small convenience store of a village corner shop type of approximately 684 square feet shop space, and a small butcher of approximately 120 square feet shop space. These two stores do not provide a range of goods suitable to sustain a weekly shop for example.

Plus, the butchers in Claypole are only open 09:00 to 16:00 Tuesday to Friday and 09:00 to 13:00 on Saturday. This in retail terms is part-time opening, but the scoring mechanism does not set out any reduction in score for part-time opening for retail if it is an additional shop which lacks justification. The butchers' shop is only available on a Saturday morning for those who work traditional office hours. The scoring of 9 is based on the village store being scored at 6 as the first facility with the butchers as an additional facility scored at 3. But if the butchers were scored as a part-time first facility it would score 3 with the village store, then scoring 3 as the additional facility, resulting in a total score of 6 and not 9. The methodology does not explain what order facilities should be assessed in, but this can impact on the scores.

Claypole Village Store is open 07:00 to 20:00 Monday to Friday, 07:30 to 20:00 on Saturday and 08:00 to 17:00 on Sunday. Therefore, the opening hours in Claypole only total 86.5 hours which is 18% less than in Long Bennington at the Lincolnshire Co-op as a comparison.

In the broader retail sense Long Bennington has the Co-op mini-supermarket, post office service, hairdresser, 2 x pubs, bar/restaurant, fish & chips takeaway, café, takeaway/lounge, gift/home/garden shop, pet/animal feed store and car dealer/garage. Whereas Claypole has the village store, butchers, hairdressers, café and pub; much less than Long Bennington which the way the scoring mechanism works, doesn't fully reflect.

In the scoring matrix only 5 villages out of 16 'larger villages' have a score of 9 or 12 for local shops. As a comparison Ancaster scores 9 but has a Co-op Food mini-supermarket (open 06:00 - 23:00 daily), a second convenience store (Premier) and a butchers. Claypole is being assessed as having the same local shop provision as Ancaster which is in fact not the case. Ancaster should score 12 for local shops, another example of inaccuracy in the scoring matrix.

The settlement hierarchy methodology should be fundamentally reworked based on a new evidence base. It should correlate to the role and function that a settlement provides as a service centre as the vision, Policy SP1 and paragraph 6.12 of the Local Plan Review envisages. More emphasis should be placed on the availability of high frequency scheduled public transport that allows residents to readily and effectively access employment and higher order services and facilities in nearby towns; together with the ability for residents to effectively access health services.

Effective public transport needs to include services suitable for commuting including early mornings and early evenings; where evening and Sunday services are available this should score even more highly. Claypole scores very poorly in terms of public transport provision, this considerably undermines the sustainability of the village.

The settlement hierarchy methodology also needs to reduce the undue weight given to local shops and primary schools and include a differential based on the difference in size and opening

hours of local shops, in order that mini supermarket type stores are properly differentiated from a village corner shop type store.

The methodology should also include a new focus on the provision of local employment, in particular the availability of business parks, office parks, industrial estates, depots and purpose-built work premises that provide local employment. In this way the settlement hierarchy would reflect the three strands of sustainable development in paragraph 8 of the NPPF.

If the settlement hierarchy were to include a full, accurate and objective analysis of these factors then Claypole would not fulfil the role and function of a 'larger village' as the Local Plan Review envisages, and it would properly remain classified as a 'small village'.

Geographical Position

Claypole is geographically isolated from the rest of South Kesteven, it sits in somewhat of an 'spatial island' surrounded on three sides by the River Witham and the East Coast Mainline. There are only 3 connecting roads into and out of Claypole. These are Shire Lane to the west towards the Newark Urban Area across the river bridge. The other roads are Stubton Road to the east towards Stubton across the level crossing, and Doddington Lane to the south towards Dry Doddington.

All three roads have constraints, the road at Claypole bridge is below the flood risk level so is at risk of becoming impassible due to fluvial flooding. The East Coast Mainline level crossing is on a stretch of line with a line speed of 125mph and is used by 229 trains per day¹⁷. For that number of trains, at just a 2-minute closure per train would mean that the level crossing would be closed for over 7.5 hours per day which poses a significant constraint and opportunities for delay entering or leaving Claypole.

The level crossing is recorded as having an Individual risk rating of F and a collective risk rating of 4 (High)¹⁸. As such it is a level crossing that poses a significant risk. There were proposals around 10 years ago by Network Rail to close this level crossing as part of a wider programme around Newark that was not progressed.

Doddington Lane is a single file road with passing places for some of its length and without passing places for other sections. It therefore provides poor connectivity between Dry Doddington and Claypole. Given these constraints, residents of the neighbouring villages of Stubton and Dry Doddington are more likely to look to Caythorpe and Long Bennington respectively when they are looking to access services and facilities such as a shop.

The relative geographical isolation of Claypole from the remainder of South Kesteven should also be factored into the assessment of the settlement hierarchy. This would be alongside the geographical and functional inter-relationship to the Newark Urban Area.

Change Requested - The Settlement Hierarchy be reworked and for Claypole to remain classified as a 'small village'.

Policy EN5 - Water Environment and Flood Risk Management (OBJECT)

¹⁷ Network Rail data

¹⁸ Individual Risk Rating is the risk to individual users of the crossing. It is presented as a single letter, with A being the highest risk and M being the lowest. Collective Risk Rating is the overall risk of any incident involving any person or vehicle on the crossing, including train staff and passengers as well as users of the crossing. It is presented as a number, with 1 being the highest risk and 13 being the lowest. This is the most important rating when prioritising safety measures at level crossings.

The Parish Council is advised to object to Policy EN5 of the Local Plan Review on the basis that it is unsound, and it fails to meet the test of soundness relating to the tests of 'justified', 'effective' and 'consistent with national policy' as set out in paragraph 35 of the NPPF.

This policy as currently written is inconsistent with national policy set out in the NPPF and Planning Practice Guidance in relation to when a Flood Risk Assessment is required and in relation to when the Sequential and Exception Tests apply.

As a Parish Claypole has flood risk present from fluvial (river) and surface water sources. The River Witham presents fluvial flood risk to the western side of the Parish including the Claypole Bridge area. The wider Parish and the main village have significant areas at risk of surface water flooding, including much of the eastern end of the village. This risk of surface water flooding is particularly important given the nature of the underlying clay.

On the matter of when a Flood Risk Assessment is required, the Policy needs to be amended to reflect footnote 59 of the NPPF which states:

"(59) A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use."

In relation to the sequential test, Policy EN5 incorrectly states that a sequential test must be carried out in high-risk flood areas.

In fact, the NPPF states: *"168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."*

Planning Practice Guidance (Reference ID: 7-023-20220825) goes on to explain that the aim of the sequential test is :

"The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk."

Change Requested - As such Policy EN5 needs to be amended to make it clear that the sequential test (and exception test) needs to be applied to any development proposed in areas at high or medium risk of flooding from any source, including surface water flood risk.

Policy EN6: The Historic Environment (OBJECT)

The Parish Council is advised to object on the basis that Policy EN6 of the Local Plan Review is unsound and it fails to meet the test of soundness relating to the tests of 'justified', 'effective' and 'consistent with national policy' as set out in paragraph 35 of the NPPF.

This policy as currently written is inconsistent with national policy set out in the NPPF and Planning Practice Guidance in relation to non-designated heritage assets.

The Claypole Neighbourhood Plan has identified non-designated heritage assets, and these form an important part of the overall built form, character and appearance of the Parish.

The introduction to the Policy as currently written whilst trying to refer to heritage assets in the widest sense applies the public benefits national policy test that is only relevant to designated heritage assets. The Parish Council considers that the Policy needs to be reformatted to clearly set out the different policy frameworks that the NPPF applies to designated and non-designated heritage assets in order to be effective and be consistent with national policy. There doesn't appear to be any justification identified as to why a different local approach is required in South Kesteven.

As presently written the part of the policy addressing non-designated heritage assets only contains content relating to archaeology and omits any policy framework for non-designated heritage assets. Policy EN6 needs to be amended to reflect Section 16 of the NPPF, including the test in paragraph 209 of the NPPF in relation to non-designated heritage assets.

Policy DE1 - Promoting Good Quality Design (OBJECT)

I advise the Parish Council to object to Policy DE1 of the Local Plan Review on the premise that it is unsound and it fails to meet the test of soundness relating to the tests of 'positively prepared', 'justified', 'effective' and 'consistent with national policy' as set out in paragraph 35 of the NPPF.

Claypole Parish Council supports the intentions of Policy DE1 which focusses on promoting good quality design; however, the Policy penultimate paragraph is inconsistent with the legal provisions of s70(2) of the Town and Country Planning Act 1990 (as amended) and s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

The penultimate paragraph of Policy DE1 is poorly drafted and can be subject to serious misinterpretations. A simple reading of what it states implies that it incorrectly states that: *"All major development (as defined in the Glossary) must demonstrate compliance with (and any subsequent versions): • Neighbourhood Plan policies..."*

A Neighbourhood Plan is a statutory part of the development plan and in accordance with the relevant statutory provisions in s70(2) TCPA and s38(6) PCPA the policies of a Neighbourhood Plan must be taken into account in the determination of all planning applications, not just major applications. It is likely that South Kesteven did not mean this interpretation but the poor drafting means that it currently implies that only major development needs to demonstrate compliance with Neighbourhood Plan policies.

The Policy should be amended to avoid any potential misinterpretation and conflict with primary legislation.

Many Neighbourhood Plans, including the Claypole Neighbourhood Plan includes policies on design, indeed the Claypole Neighbourhood Plan includes a character appraisal which is also relevant to design.

Change Requested - It is suggested that the introduction to the Policy be amended to cross refer to Neighbourhood Plans as follows:

“To ensure high quality design is achieved throughout the District, all development proposals will be expected to adhere to the Council’s Design Guides, Codes, Neighbourhood Plans and Supplementary Planning Documents (SPDs).”

Together with the rewording of the penultimate paragraph of the Policy to avoid misinterpretation.

Policy H1 - Housing Allocations (SUPPORT)

I suggest that Claypole Parish Council supports Policy H1 in so far as Claypole is concerned, because it does not propose to allocate any sites for housing in Claypole. The Claypole Neighbourhood Plan already includes two housing allocations.

Whilst the Local Plan does not currently propose any housing or other allocations in Claypole, it is likely that other parties may suggest land for allocation in the village, particularly given the suggestion that Claypole be reclassified as a ‘larger village’.

Claypole would not be suitable for additional growth in the form of housing except for the modest types of development such as infill that the current Local Plan and the Neighbourhood Plan allows for. Local residents have set out a clear mandate in the Neighbourhood Plan Referendum that they do not support growth beyond that set out in the Neighbourhood Plan and the Parish Council would be duty bound to adhere to those democratically expressed wishes and object to any proposals in the Local Plan Review if they were to come forward.

The number of homes in Claypole has approximately doubled during the past 30 years. However, over the same period I am advised that services and facilities have declined as follows:

- The number of general stores in the village has declined from two to one
- The post office and newsagent has closed
- The number of butcher shops in the village has declined from two to one
- The number of public houses in Claypole has declined from two to one
- Even the number of churches has declined from two to one
- The mobile fish & chips van no longer visits

In addition, the village has a number of planning constraints, including:

- there is no daily bus service to support travel to Newark or elsewhere for work;
- there is no employment within the village;
- the primary school has limited capacity, and there are children now joining the school from Fernwood and the wider Newark Urban Area as a gateway into the Lincolnshire grammar school system. There is limited scope to expand the building which is I’m advised PFI financed;
- the village is subject to significant fluvial (river) flood risk and surface water flood risk;
- the land around the village includes large areas of ridge and furrow landscape;
- the constrained road network that is limited by the River Witham bridge and the East Coast Mainline level crossing;
- the impact that the growth of Fernwood north and south of shire Lane will have on the time taken to currently access services and facilities in the Newark Urban Area;
- the Protected Settlement Break between the main village and the Claypole Bridge area in the Neighbourhood Plan;
- the Newark Urban Area Buffer in the Neighbourhood Plan;
- the inter-relationship to the Newark Urban Area and the need not to undermine the focus for development on the Newark Urban area as the sub-Regional Centre; and

- characteristics including views and features identified in the Character Appraisal in the Neighbourhood Plan

If any proposals were to come forward for allocations in Claypole then the Parish Council would be advised raise the same concerns that it has done previously in relation to past proposals by developers.

Change Requested - None

Figure 4 - Neighbourhood Plan Designation Map (COMMENT)

The Parish Council highlights that Figure 4: Neighbourhood Plan Designation Map in the Local Plan Review is factually incorrect in respect of Claypole. The Claypole Neighbourhood Plan was passed at Referendum on the 5th October 2023 at which point it became part of the development plan, it was subsequently ‘made’ (which is now purely an administrative act) by SKDC on the 23rd November 2023.

It is disappointing that the Local Plan Review which was published more than 3 months later contains a Figure that is out-of-date with regard to Neighbourhood Plan status.

The Figure should be updated to reflect the latest position on Neighbourhood Plans, it should incorporate a date to make it clear it reflects the status as at a specific date.

It should also be revised to reflect as a minimum the five stages for a Neighbourhood Plan, namely:

- Neighbourhood Area Designated
- Neighbourhood Plan in Preparation
- Post Examination Neighbourhood Plan
- Post Referendum Neighbourhood Plan
- Made Neighbourhood Plan

This is because, section 70(2) of the Town and Country Planning Act 1990 requires in dealing with an application for planning permission, to “*have regard to*” “(a) *the provisions of the development plan, so far as material to the application*” and “(aza) *a post-examination draft neighbourhood development plan, so far as material to the application*”. Since 19 July 2017, s70(3B)(a) provides that if a local authority has made a decision to hold a referendum on a neighbourhood plan, then it is a ‘post-examination draft neighbourhood development plan’.

Then section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where a decision on a planning application requires a decision-taker to have regard to the development plan, that decision shall be made in accordance with the development plan unless other considerations indicate otherwise. Since 19 July 2017, s38(3A) provides that the development plan includes a neighbourhood development plan that has been affirmed by referendum but is yet to be ‘made’ by the local planning authority. As such the day after the Referendum (assuming a Yes vote) the Neighbourhood Plan statutorily becomes part of the Development Plan by default, and it is not necessary to wait for the administrative process of SKDC then ‘making’ the plan.

If the Figure reflected these various stages of Neighbourhood Plan preparation it would be more helpful to plan users and decision-makers.

Change Requested - update Figure 4

Sustainability Appraisal (OBJECT)

The Parish Council are advised to object to the Sustainability Appraisal (SA) for the Draft Local Plan on the basis that it is considered to be fundamentally flawed. This is because it has failed to consider the proposed amendments to Policy SP2 (Settlement Hierarchy) underpinned by the settlement hierarchy methodology and recognise that the changes conflict with the SA objectives.

The SA fails to consider and assess the revised methodology and the changes to Policy SP2 against the SA objectives. Policy SP2 is only mentioned in paragraph 6.12 of the SA and is taken as a fait accompli, there is no assessment of the amendments against any of the SA themes. This is a serious omission.

The revised settlement hierarchy in Policy SP2 of the Local Plan Review is inconsistent with the following SA Objectives and actions:

‘Reduce the contribution to climate change made by activities within South Kesteven’ which includes the action to:

- Promote the use of sustainable modes of transport, including walking, cycling and public transport.

‘Promote sustainable transport use and encourage accessibility’ also includes the actions to:

- Reduce the number of journeys made and the need to travel
- Improve access to and quality of sustainable transport modes for all communities to encourage modal shift
- Improve accessibility to services, facilities and amenities

‘Support sustainable economic development in South Kesteven’ also includes the actions to:

- Improve accessibility to employment opportunities

Change Requested - The Settlement Hierarchy amendments to be assessed in the SA and be reworked to take full account of the SA Objectives resulting in Claypole remaining classified as a ‘small village’.

Anthony Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MIoL, MCMI, MRTPI*
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