

BASSINGHAM NEIGHBOURHOOD DEVELOPMENT PLAN 2016-2036

**A report to North Kesteven District Council of the Independent
Examination**

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1. Executive Summary

1. I was appointed by North Kesteven District Council with the support of Bassingham Parish Council to carry out the independent examination of the Bassingham Neighbourhood Plan.

2. I undertook the Examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be based on an effective programme of public consultation which has informed a clear Aim and Objectives for the Neighbourhood Area. These are translated into planning policies dealing with a range of issues distinctive to the locality. There is reasonable evidence of public representations on the Plan influencing its content. The Plan is commendably succinct and focused on the issues that have arisen through community engagement.

4. An essential minimum of supporting evidence is provided on most aspects of the Plan and there is good evidence of community support. I have considered the small number of representations made on the submitted Plan and addressed them in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Bassingham Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

2. Introduction

7. This report sets out the findings of my independent examination of the Bassingham Neighbourhood Plan. The Plan was submitted to North Kesteven District Council by Bassingham Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Bassingham Neighbourhood Plan by North Kesteven District Council with the agreement of Bassingham Parish Council. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

9. I am independent of both North Kesteven District Council and Bassingham Parish Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Bassingham Neighbourhood Plan
- the Basic Conditions statement
- the Consultation Statement and its appendices
- Bassingham Neighbourhood Plan Evidence Report & Sustainability Appraisal
- relevant evidence hosted on Bassingham Parish Council's website
- relevant parts of the development plan for the Neighbourhood Area (Central Lincolnshire Local Plan – adopted)
- representations made to the submitted neighbourhood plan
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. Having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a public hearing. There was one request for a hearing but I do not consider there to be any issues raised by the Plan which necessitate a hearing.

15. I carried out an unaccompanied visit to the Neighbourhood Area on a sunny May weekday. I walked around much of Bassingham village using public footpaths, the distinctive “jettys” and the local road network, including visiting each of the nine proposed “Locally Valued Key Facilities”. I observed the widespread use of distinctive red brick and the mixed success of new development in responding to the village's local character. I noted the mix of styles, heights, plot sizes and boundary treatments throughout the village which combine to create a pleasing environment of modest development at a domestic scale. I examined the proposed settlement boundary and appreciated the agricultural

setting of the village and the relationship with the River Witham. I visited the development site at Whites Lane and the site proposed for development at Lincoln Road/Thurlby Road. I also visited the site at Carlton Road/Torgate Lane identified in the Plan for possible future housing development.

16. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in *italics*. Modifications are also recommended to some parts of the supporting text. A small number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

17. Producing the Bassingham Neighbourhood Plan has clearly involved a wide range of people and organisations, supported by a small core of people on the Bassingham Neighbourhood Plan Working Group. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at North Kesteven District Council and the representatives of Bassingham Parish Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

18. I am required to check compliance of the Plan with a number of matters:

Qualifying body

19. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Bassingham Parish Council – which was recognised by North Kesteven District Council on 15 January 2015.

Neighbourhood Area

20. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area.

21. Bassingham Parish Council's application for a neighbourhood area was agreed by North Kesteven District Council on 15 January 2015. A map depicting the neighbourhood area is included in the Consultation Statement and the Basic Conditions Statement but not in the Plan itself.

- Include a map showing the designated neighbourhood area in the neighbourhood plan

Land use issues

22. I am satisfied that the Plan relates to relevant land use planning issues. While there are a number of wider considerations raised, the Plan identifies other mechanisms (e.g. Communities Options Group) to take these forward and the planning policies are clearly distinguished in the presentation of the Plan.

Plan period

23. I am satisfied the period of the neighbourhood plan is clearly stated as being from 2016 – 2036.

24. The Plan period is stated on the cover of the submitted plan. It is confusing that the accompanying Consultation Statement indicates a period of 2015 – 2036 and the Basic Conditions Statement a period of 2012-2036 on their respective covers.

- Amend dates on all documents accompanying the Plan to establish a Plan period of 2016 - 2036

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

26. I reviewed the Consultation Statement and other information on community engagement submitted with the Plan and online. This provides evidence that the Plan has been subject to systematic and structured community engagement, including wide public consultation at different stages in the Plan's development. This has allowed for community input shaping the Plan as it has developed and proposals have been firmed up. The local planning authority has been engaged throughout the process.

27. Public consultation on the neighbourhood plan deployed a range of techniques - including surveys, workshops and maps - which have engaged residents, landowners, local businesses, statutory consultees and others with an interest. Surveys and other information have been hand delivered throughout the village. Specific effort has been made to engage the landowner of the only site identified in the Plan for possible future development.

28. Those conducting the consultation process have been sufficiently aware of the importance of the process to discard one technique – use of a map and red dot exercise to indicate preferred development sites - felt not to have worked effectively because of a lack of clarity in the guidance given to those contributing.

29. Over 60 responses were generated during pre-submission consultation in October to December 2016, including from North Kesteven District Council and a substantial response from Gladman Developments Limited. It is noted that consultation with English Heritage was undertaken but not with Historic England (which came into being on 1 April 2015 and is a statutory consultee). I have considered the implications of this and noted that Historic England was involved in the consultation undertaken by North Kesteven District Council (to which it made no representations) and commented on the screening appraisal. I do not consider its omission from the pre-submission consultation to be more than unfortunate.

30. The Consultation Statement provides a detailed breakdown of how responses to the pre-submission consultation have been addressed in finalising the Plan. There is evidence of

the Plan being amended in response to consultation feedback. Nevertheless, it is noticeable that not all of the amendments indicated in responding to consultees have been implemented – examples include the addition of a map showing the neighbourhood area and updating maps to show the revised Conservation Area boundary. These are picked up later in this report. Some constructive responses, such as from Natural England, have also only been “noted” when the Plan could have been strengthened by taking them on board. Other comments, such as criticism by Gladman Developments Limited of the lack of a good evidence base on views, have been accepted but no significant changes made.

31. Only five representations have been made on the submitted Plan.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan and commend the Parish Council and all those who have worked so hard over such a long time to engage and involve people in the future of the parish.

5. General comments on the Plan's presentation

Aim, Objectives, Themes and Policies

33. I have reviewed the Aim and the 11 Objectives prepared for 12 Policies around five Themes. The Aim reflects the feedback received through consultation and there is a positive approach to development. The Plan is set out to show the golden thread linking each policy with relevant Objectives that contribute to the overall Aim under different Themes. Each policy has a supporting text and is clearly distinguished by being presented in a box. I consider this an effective way of distinguishing the policies from the other Plan content. Only limited information is provided on the evidence base supporting each policy.

34. The Plan is inconsistent in the wording of its Themes and Objectives (e.g. Theme for 5.10-5.12 is "Environment, Design Quality and Sustainability" not "Environment"; Objective in Table in section 7 is "Provide new housing as required by Central Lincolnshire Local Plan" not "Central Local Plan"; Objective relating to provision of a greater range of affordable housing for all age groups is differently written on p19, 28 and 31)

- Amend Plan to provide consistent wording for each Theme and Objective using that provided in paragraphs 4.7 & 4.8 as the core text

35. The Plan recognises that many of the topics raised through the consultation go beyond the scope of a neighbourhood plan. The Communities Options Group is identified as one means of taking these issues forward.

Other issues

36. The Plan is commendably succinct and not cluttered by superfluous information. It includes three maps showing "constraints", changes to the Conservation Area boundary and a Key Diagram. These lack visual clarity and this is especially important given the Plan's intention to define both a development site and a settlement boundary. The legends are also inconsistent. The River Witham is invisible on the constraints map. The presentation of different boundaries for the Conservation Area is a cause of unnecessary confusion. The map titled "constraints" also includes "opportunities" and other information (such as bus

routes). The constraints map also identifies eight sites as “Potential development land” and provides each with a reference but no further explanation for seven of the sites is given and they are not referenced in the Plan’s policies. The reserve site is not labelled as such and called both “Potential Development Land” and “Potential Development Area” in different legends.

- [Rename the “Constraints Diagram” as “Opportunities and Constraints Diagram”]
- Provide higher quality full page maps for both the “Opportunities and Constraints Diagram” and the Key Diagram and provide a website link in the Plan for each to a high definition map
- [Include the revised boundary of the Conservation Area in the Key Diagram]
- Delete all areas shown as “Potential Development Land” with the exception of Site H2A
- Identify Carlton Road/Torgate Lane as a “Reserve site” in the legends

37. The paragraph numbering in the Plan does not flow sequentially (e.g. There are unnumbered paragraphs which should be 2.8 and 8.5) or is missing (e.g. 2.14, 2.15).

- Provide consistent paragraph numbering across the whole Plan

38. The Central Lincolnshire Local Plan has been adopted during the preparation of the Plan and it should be updated to reflect this situation (e.g. para 1.3).

- [Update the Plan’s references to the development plan context to recognise the Central Lincolnshire Local Plan as the adopted Local Plan]

6. Compliance with the Basic Conditions

National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the brief Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework.

40. The Basic Conditions statement provides a simple comparison of the Plan’s policies with relevant sections of the National Planning Policy Framework.

41. There are some areas where the drafting of the Plan’s policies needs to be addressed in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. In addition they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the need expressed in Planning Practice Guidance for policies in neighbourhood plans to be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications (paragraph 41). Policies should also be concise, precise and supported by appropriate evidence.

42. Generally, I concur that the Plan has regard to national planning policies and guidance but there are some exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced. The lack of a strong evidence base is a significant issue and this is exacerbated by the evidence that is available being presented in an unstructured way on the website.

43. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments on the Plan policies.

Sustainable development

44. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement which identifies the Plan as promoting sustainable growth and encouraging economic, environmental and social progress. I concur with this view.

45. I am satisfied that the Plan meets this Basic Condition. It takes a positive approach to meeting the social and economic development needs of the Neighbourhood Area and respecting the natural and historic environment.

Development plan

46. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The statement provides a brief commentary on each Plan policy against relevant development plan policies. The statement’s development plan assessment is with the North Kesteven Local Plan and the 2016 draft of the Central Lincolnshire Local Plan. Since the statement was written the Central Lincolnshire Local Plan has been adopted (April 2017) and now forms the Local Plan for the area. North Kesteven District Council has confirmed the following are considered strategic policies for the purposes of neighbourhood planning:

Policy LP2 – The Spatial Strategy and Settlement Hierarchy

Policy LP3 – Level and Distribution of Growth

Policy LP4 – Growth in Villages

Policy LP5 – Delivering Prosperity and Jobs

Policy LP6 – Retail and Town Centres in Central Lincolnshire

Policy LP9 – Health and Wellbeing

Policy LP10 – Meeting Accommodation Needs

Policy LP11 – Affordable Housing

Policy LP12 – Infrastructure to Support Growth

Policy LP13 – Accessibility and Transport

Policy LP14 – Managing Water Resources and Flood Risk

Policy LP15 – Community Facilities

Policy LP17 – Landscape, Townscape and Views
Policy LP19 – Renewable Energy Proposals
Policy LP20 – Green Infrastructure Network
Policy LP21 – Biodiversity and Geodiversity
Policy LP22 – Green Wedges
Policy LP23 - Local Green Space and Other Important Open Space
Policy LP24 – Creation of New Open Space, Sports and Recreation Facilities
Policy LP25 – The Historic Environment
Policy LP28 – Sustainable Urban Extensions (SUEs)
Policy LP29 – Protecting Lincoln’s Setting and Character
Policy LP30 – Lincoln Sustainable Urban Extensions
Policy LP32 – Lincoln’s Universities and Colleges
Policy LP36 – Access and Movement within the Lincoln Area
Policy LP38 – Protecting Gainsborough's Setting and Character
Policy LP39 – Gainsborough Sustainable Urban Extensions
Policy LP43 – Protecting Sleaford’s Setting and Character
Policy LP44 – Sleaford Sustainable Urban Extensions
Policy LP47 - Access and Movement within Sleaford
Policies LP48 – LP54 – Site Allocations Policies
Policy LP55 – Development in the Countryside
Policy LP56 – Gypsy and Traveller and Travelling Showpeople Accommodation
Policy LP57 – Ministry of Defence Establishments

Central Lincolnshire Local Plan, Annex A

47. While the statement does not explicitly address the adopted development plan there have been no representations on development plan conformity and the difference in the plans is not significant for the purposes of the Basic Conditions. In its representations on the Plan, North Kesteven District Council has assessed it against the Central Lincolnshire Local Plan and concluded it is “in general conformity”. I am therefore satisfied that the Plan meets this Basic Condition.

Strategic Environmental Assessment

48. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects and by a Habitats Regulations Assessment if it is likely to lead to negative significant effects on protected European sites.

49. This has been addressed through publication of both a Sustainability Appraisal by Bassingham Parish Council and an SEA Screening Report by North Kesteven District Council. It is unfortunate that the Screening Report was not provided in the evidence base presented with the Plan although it is now being added.

50. The Sustainability Appraisal (undated) includes a basic screening for the Plan and concludes that it is not likely to have a significant effect on the environment because *“The scope of the BDNP and the geographical area to which it applies is relatively limited. The BDNP does seek to allocate sites for development, but these are not likely to have any significant environmental effects due to their size and location. The proposed policies within the BDNP also seek to achieve sustainability and a high level of environmental protection”*. In considering the Habitats Regulations Assessment it simply states that *“There are no nearby Natura 2000 sites, Sites of Special Scientific Interest or other statutory sites”*.

51. The screening opinion prepared by North Kesteven District Council relates to the consultation draft Plan. It also concludes an SEA is not required because *“The scope of the proposed BNP and the geographical area to which it applies is relatively limited. The BNP does not seek to allocate any sites for development, but provides guidance to be used to determine applications should they come forward. The proposed policies are mainly seeking to protect character or relating to uses or sites that are unlikely to result in development that will have a significant environmental impact.”* It also states that *“It is not considered likely to have a significant impact on any Natura 2000 site.”* The Environment Agency, Historic England and Natural England agree with this assessment.

52. I do not consider the changes to the Plan since these assessments were undertaken to be significant and therefore conclude that it meets this Basic Condition.

- [Add the SEA Screening Report to the evidence base for the neighbourhood plan held on the Parish Council website]

Other European obligations

53. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been every opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner.

7. Detailed comments on the Plan policies

54. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbers will need to be amended to take account of the recommended changes.

Housing and Growth

55. **Policy HG1** – This provides for housing development on small sites within the development boundary and the renewal of an existing larger consent.

56. The Policy is consistent with Central Lincolnshire Local Plan Policy LP4 which is explained in the following terms – *“Policy LP4 does not limit development absolutely, but clarifies the anticipated level of growth for each settlement. Where a proposed development would exceed the identified growth level, in conjunction with other developments built since April 2012, other extant committed (permitted) growth and any sites allocated in the Local Plan, it will be expected to be accompanied by clear evidence of appropriate levels of community support or supported by either allocations or policies in an adopted Neighbourhood Plan.”* (CLLP, para 3.4.11). Bassingham is defined as a “Medium Village” in the Local Plan and Policy LP2 states that sites in Medium Villages will normally deliver fewer than 9 dwellings but exceptionally up to 24 dwellings.

57. The Policy is based on an assumption that future housing supply for Bassingham will readily meet the growth rate requirements of the Central Lincolnshire Local Plan. This seems reasonable on the basis of the current rate of delivery and existing consents. The Plan seeks to provide some flexibility for small sites, defined as being “3 dwellings or less”, but provides no justification for the 3 dwelling threshold. The supporting text states that *“sites of no more than 3 dwellings”* are *“defined as infill sites”*. The Local Plan does not provide a size threshold for “infill” which is defined simply as *“Development of a site between existing buildings”*. Gladman Developments Limited also questions the rationale for the 3 dwelling threshold.

58. Paragraph 5.4 states that the Local Plan deals with development of 25 properties and above and the neighbourhood plan with development below 24 properties. This is clearly grounded in Local Plan Policy LP2 although the actual wording of the Plan leaves developments of precisely 24 properties in limbo as they are not covered in either plan.

59. In the absence of any justification for the 3 dwelling threshold I consider Policy HG1 to be unduly restrictive and recommend that it applies to all infill sites as defined in the Local Plan. This also has implications for Policy HG4. The revised Policy takes a positive approach to the development of infill sites which is consistent with other development plan policies, including having evidence of community support as established by Local Plan Policy LP4.

60. Policy HG1 also confuses the role of the Parish Council in determining planning applications.

61. Policy HG1 seeks additionally to support the renewal of an existing planning consent on the Whites Lane site. This is an unusual approach and constrains the option of alternative and improved development proposals coming forward. It is recommended the policy is reworded accordingly and presented separately to Policy HG1.

- **Replace Policy HG1 as follows:**
“Planning applications for housing development on infill sites within the Bassingham Settlement Boundary will be supported where they do not conflict with other relevant policies of the Development Plan.”
- **Add new Policy HG2 “Development of Major Committed Site at Whites Lane”:**
“Development proposals to renew the existing planning consent for 35 dwellings on the major committed site at Whites Lane will be supported. Should this permission lapse and an appropriate alternative proposal be made for up to 35 dwellings on the site then this application will be supported.”

- Add to the supporting text “Demonstration of ‘clear local community support’ is as defined in the adopted Central Lincolnshire Local Plan. It means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from Bassingham Parish Council. If an applicant is in doubt as to what would constitute a ‘thorough, but proportionate, pre-application consultation exercise’, then the applicant should contact the local planning authority.”
- Delete references in the Plan to “3 dwellings” in paragraphs 5.2, 5.5 and 7.1
- Replace “below 24 properties” with “24 properties or fewer” in paragraph 5.4

62. **Policy HG2** – This identifies a reserve site for new housing development which also needs to be accompanied by a Design Brief. The supporting text identifies two circumstances where this site might be needed – insufficient development rates on infill sites or a change in the Local Plan – and proposes capacity of 24 “*sustainable*” (a word which is undefined) dwellings. There is evidence that the landowner is supportive of the development although no representations have been made to the Plan. The Policy would benefit from having a clearer trigger for requiring development of the site which relates to the monitoring of the Plans delivery by Bassingham Parish Council and the monitoring of growth levels in Bassingham by North Kesteven District Council as set out in Appendix B of the Local Plan. There may be other reasons triggering release than those indicated.

63. The identification of the site has come through consideration of alternatives during the preparation of the neighbourhood plan. There is some criticism from Gladman Developments Limited of the site selection process. While the options might benefit from being more clearly presented I am satisfied with the process that Bassingham Parish Council

has undertaken. This has included community assessment of 30 different sites, including the option of a site off Thurlby Road.

64. The proposed reserve site is confusingly referred to as Site H2A although the reason for this is unclear and will not be relevant once the Plan is in force.

65. Policy HG2 requires development proposals to be accompanied by a Design Brief which includes the principles outlined in Appendix 1 and is consulted on with Bassingham Parish Council. By stating this “*must*” be provided the Policy is overly restrictive and wider consultation than with the Parish Council may be beneficial.

66. The boundary of the site is broadly defined in the Key Diagram but this is not sufficiently detailed to provide the certainty needed for such an allocation. I deal with the relationship with the proposed Development Boundary in considering Policy HG3.

- **Rename and renumber Policy HG2 as Policy HG3 “*Reserve site – land at Carlton Road/Torgate Lane*”**
- **Replace new Policy HG3 as follows: “*Proposals for the development of up to 24 dwellings on the reserve site at Carlton Road/Torgate Lane shall be supported where monitoring indicates a shortfall in the growth rate for the neighbourhood plan area. Development proposals should be accompanied by a Design Brief which addresses the requirements set out in Appendix 1.*”**
- Amend the supporting text as follows:
 - Add “The monitoring of growth rates required in Policy HG3 will be undertaken by Bassingham Parish Council and North Kesteven District Council as set out in Appendix B of the Central Lincolnshire Local Plan.”
 - Replace para 7.2.1 with “Insufficient development is being delivered from existing or new planning consents to meet the Local Plan’s expected growth levels.”

- Replace para 7.2.2 with “A change in the growth rate expected as a result of a review of the Central Lincolnshire Local Plan.”
- Delete “sustainable” in paragraph 7.2
- Replace para 7.3 with “Any proposal relating to the Reserve Site should be accompanied by a Design Brief which has been subject to public consultation and addresses the requirement set out in Appendix 1.”
- [Delete references to Site H2A in the neighbourhood plan]
- Provide a large scale map showing the boundaries of the reserve site.

67. **Policy HG3** – This establishes a “Development Boundary” for Bassingham village.

68. The proposed “Development Boundary” performs two functions – to identify where there is support for infill housing (which is addressed in Policy HG1 and does not need to be addressed again in Policy HG3) and to identify where policies relating to countryside protection apply. It does not follow the line of existing development in all places, including allowing for the implementation of the permission for 35 dwellings on the Whites Lane site. In this way it acts more as a “Settlement Boundary” or “Village Envelope”. It is also relevant to more than housing development.

69. It would be more consistent to draw the boundary to include the reserved site within the settlement. This does not affect the likelihood of it being developed – which is subject to the requirement of Policy HG2 – while recognising its potential for future development. It provides a buffer which will help support the long term certainty of the settlement boundary.

70. Policy HG3 also includes superfluous references to the need for developments to be consistent with other development plan policies and national planning policy.

71. I have considered representations from Gladman Developments Limited that Policy HG3 undermines the Local Plan which does not use settlement boundaries. In my view it is entirely appropriate for a neighbourhood plan to define a settlement boundary whether or not this is provided for in a Local Plan. I do not consider Policy HG3 to be in strategic conflict

with the Local Plan. North Kesteven District Council is satisfied with the strategic fit of the Policy.

72. Paragraph 7.6 sets out some important considerations but these are not addressed in a related Policy and so the only development plan policies that apply are in the Central Lincolnshire Local Plan. The Environment Agency has provided some helpful additional text for inclusion in paragraph 7.6.

- **Rename and renumber Policy HG3 as Policy HG4 “Settlement Boundary”**
- **Amend new Policy HG4 as follows: “The Bassingham Settlement Boundary is defined in the Key Diagram. Development proposals outside the Settlement Boundary will be regarded as being in the countryside.”**
- Amend the supporting text as follows:
 - Replace all references in the Plan to “Development Boundary” with “Settlement Boundary”
 - [Add “Development regarded as being in the countryside is subject to Central Lincolnshire Local Plan Policy LP2 and Policy LP55 among other development plan policies. Housing development on infill sites within the Settlement Boundary is subject to Policy HG1 of the neighbourhood plan among other development plan policies.”]
 - Delete “usually” in paragraph 7.4
 - [Add to paragraph 7.6 “Some parts of the village within the Settlement Boundary lie in areas at risk of flooding. Infill development proposals in these areas will need to be considered in line with Government advice on this matter and will specifically need to meet the requirements of both the Sequential and Exception Tests as set out in the National Planning Policy Framework. They will also be required to submit a flood risk assessment which takes into account the impacts of climate change.”]

- Provide a large scale map showing the settlement boundary.

73. **Policy HG4** – This seeks to provide for affordable housing on larger sites within the Settlement Boundary.

74. Policy HG4 is problematic for a number of reasons because it is:

- dependent on the application of a 3 dwelling threshold in Policy HG1 which is not evidenced and is recommended for deletion
- based on a weak definition of *“homes affordable to new households and retired people.....managed by a registered social landlord.”* This would mean eligibility for any housing provided was very selective and it would rule out a wide range of housing products provided other than by registered social landlords. North Kesteven District Council’s definition is *“social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.”* The supporting text also includes reference to *“smaller”* affordable homes which adds further confusion
- lacking a robust evidence base demonstrating that the need for affordable housing for these types of household in the neighbourhood area is demonstrably greater than others in the area of the Central Lincolnshire Local Plan by way of justification for the policy
- in conflict with national planning policy which states that affordable housing *“contributions should not be sought from developments of 10-units or less”* other than *“in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less”*. Central Lincolnshire Local Plan Policy LP11 establishes a threshold of 11 units and in no instance other than rural exception sites is a 100% affordable housing requirement supported by national policy.

75. For these reasons I consider Policy HG4 to be in conflict with the Basic Conditions.

- **Delete Policy HG4**

Transport

76. Transport issues have been an important matter during public consultation on the Plan and it recognises the limited scope for policies to address many of the issues that have been raised.

77. **Policy T1** – This establishes a number of transport issues to be considered by applicants.

78. The expectations established by Policy T1 range from “*mandatory*” provision of information to giving “*careful consideration*” to some issues. National planning policy is such that it is not mandatory to prepare a Design and Access Statement other than for major development (as defined by Order). The unnumbered paragraph indicating a mandatory requirement for a Transport Statement goes beyond national planning policy and is not accompanied by a policy.

79. I share North Kesteven District Council’s view that some of the considerations relate only to larger developments and in all cases they should be appropriate and proportionate. As its title confirms, Policy T1 also applies to more than housing development.

- **Reword Policy T1 as follows:**

“Where it is appropriate and proportionate, planning applications should be accompanied by information which demonstrates how the following considerations have been addressed:

- ***provision of safe walking and cycling routes in the immediate area of the site with consideration given to the need to maintain and enhance walkable access to services and facilities in the village, and to the surrounding open countryside;***
- ***opportunities to extend existing routes for walkers and cyclists, including routes linking into the surrounding countryside, as well as into the village, and to accommodate people of all ages and abilities, including those with push chairs and wheelchairs;***

- **how use of materials, provision of off road parking and shared surfaces and traffic calming measures can encourage low *vehicle* speeds throughout the development;**
 - **how the proposals link with public transport;**
 - **impacts of the traffic arising from the development; and**
 - **identified impacts that would result in an unacceptable reduction in highway safety.”**
- Delete unnumbered paragraph relating to Transport Statements at foot of page 33

Employment and Businesses

80. **Policy EB1** – This seeks an enabling approach to new start and micro businesses.

81. There is evidence to show that employment opportunities will generally be met within the neighbourhood area through conversion of agricultural buildings and existing purpose built developments.

82. Policy EB1 is supportive of new employment opportunities. It is quite generally worded and lacks precise definition. The Policy is unduly restrictive in one aspect – where it seeks to prevent any proposals that exacerbate conditions of on-street parking stress. It is recognised that most parking in Bassingham is on-street but any increase in stress would need to be significant to be a reason for refusing planning consent.

83. The Policy also needs to be amended so that all four considerations apply to all development proposals.

84. With these two small changes I consider Policy EB1 to meet the Basic Conditions.

- **Amend Policy EB1 to insert:**
 - **“*significantly*” before “exacerbate” in the fourth bullet**
 - **“*and*” after “properties,” in the third bullet.**

Community Life

85. **Policy CL1** – This identifies and seeks to protect nine locally valued key facilities from being lost to development unless it is shown to be acceptable after exploring different options.

86. The nine facilities are identified on the Key Diagram and I visited them on my unaccompanied walk around the village. They are demonstrably important. The Policy is consistent with national planning policy to “*promote the retention and development of local services and community facilities in villages*” (NPPF para 28) and “*guard against the unnecessary loss of valued facilities and services*” (NPPF para 70).

87. As drafted, the wording does not provide the clarity required by national planning policy. I have considered and largely support an alternative wording proposed by North Kesteven District Council which meets the objectives of the Policy. Nevertheless I do not consider an “exceptional circumstances” test to be appropriate – this goes beyond national planning policy where such a test is relevant only to national designations such as Green Belt, designated landscapes and designated heritage assets.

88. Planning policies only relate to development for which a planning application is required so if a reference to permitted development is desired then it should be in the accompanying text.

- **Reword Policy CL1 as follows:**

“Any proposal requiring a planning application for change of use or redevelopment which would either result in the loss of, or a significant adverse impact on, any Locally Valued Key Facilities identified in Table 1 and the Key Diagram will not be permitted unless:

- ***it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm;***

- *the proposal is accompanied by a clear and proportionate demonstration of community support; or*
- *suitable alternative replacement facilities are to be provided.”*

Any proposal that would result in the loss of any of the Locally Valued Key Facilities should be accompanied by a demonstration that the continuing operation of the facility is not feasible or viable and how suitable alternative facilities will be provided.”

Environment, Design Quality and Sustainability

89. **Policy ES1** – This establishes a positive requirement for high quality and inclusive design.

90. I share the view of Gladman Developments Limited that as drafted the Policy lacks the clarity needed for decision makers. It establishes criteria for both the approval and refusal of planning consent which broadly mirror each other. This is unnecessarily repetitive. There is a lack of evidence for what constitutes the “*local distinctiveness*” and “*aesthetic qualities*” of Bassingham against which planning applications are to be considered. There is relevant information in the evidence base which can be referenced to provide this although the correct National Character Area profile for the neighbourhood area is not included.

91. Policy ES1 includes a requirement for applicants to demonstrate how proposals “*design out crime*” although this is neither addressed in the supporting text nor has it come through the community consultation. The requirement is also limited to larger developments which include a Design and Access statement.

92. The supporting text includes an erroneous reference to “Mandatory” Design and Access Statement (para 11.2) which would significantly weaken the Policy if it only applied to larger developments and paragraph 11.3 is incomplete.

- **Reword Policy ES1 as follows:**
“Planning applications for new development which plans positively for the achievement of high quality and inclusive design which conserves local distinctiveness and the character and aesthetic qualities of Bassingham as a traditional Lincolnshire rural settlement will be supported. Planning applications should demonstrate how development proposals design out crime where a Design and Access Statement is required.”

- Amend the supporting text to:
 - Insert *“Further information on what contributes to the local distinctiveness, character and aesthetic qualities of Bassingham is provided in Bassingham Conservation Area Appraisal (2016) and Natural England’s National Character Area profile for Area 48 Trent and Belvoir Vales (2013).”*
 - Amend paragraph 11.2 to begin *“Where a Design and Access Statement is required this is an appropriate vehicle.....”*
 - Complete paragraph 11.3
 - Insert *“Further information on measures to design out crime is provided in the series of Design Guides produced by Secured by Design and from Crime Prevention Design Advisors.”*

- Add Natural England’s National Character Area Profile for Area 48 to the evidence base on Bassingham Parish Council’s website

93. **Policy ES2** – This seeks to support environmental sustainability considerations in new development which exceed Building Regulations.

94. The Written Ministerial Statement of 27th March 2015 indicates that plans should not include any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. These matters are to be addressed in existing and future versions of the Building Regulations. It is not appropriate for a Plan policy to establish a higher optional standard. Policy ES2 also lacks an evidence

base on the environmental performance of development in the neighbourhood area and how it compares to others. The Policy is also relevant to all new development and not just new housing.

95. Without significant change Policy ES2 is in breach of the Basic Conditions.

- **Reword Policy ES2 as follows:**

“Planning applications for development will be supported which:

- ***promote energy efficiency, including through a Fabric First approach to building materials;***
- ***address the potential for reduced air permeability of the building fabric to improve energy performance;***
- ***address the potential for Mechanical Ventilation with Heat Recovery systems to improve energy management;***
- ***increase passive Solar Gain through their orientation, layout and/or design of surrounding planting and landscaping;***
- ***incorporate photovoltaics and other forms of renewable energy within the fabric of the building and/or within the development site; and/or***
- ***incorporate water recycling measures on a building or site-wide scale to reduce mains water demand.”***

96. **Policy ES3** – This seeks to protect heritage assets.

97. There is clear evidence of strong community support for the protection of heritage assets in Bassingham. The Policy does not define the heritage assets although its title refers to built heritage, listed buildings and Bassingham Conservation Area. Listed buildings and Conservation Areas have a clearly established legislative and policy context for their protection. National planning policy distinguishes between designated and undesignated heritage assets. Nevertheless, while Policy ES3 applies to all heritage assets it is general in nature and does not conflict with the specific protections afforded designated assets.

98. Policy ES3 is unduly restrictive in stating applicants “*must*” provide details and that development “*will be required*” to contribute positively. It also implies wide use of Design and Access Statements when these are only mandatory for larger developments. The Policy need only refer to the latest Conservation Area Appraisal given the Plan runs to 2036 and so others may be produced. The Policy has not attracted any comment from Historic England.

- **Rename Policy ES3 as “*Heritage assets*”**
- **Amend Policy ES3 to**
 - **[Insert a comma before “*where appropriate*” in the first paragraph]**
 - **Replace “*will be required to*” with “*should*” in the first paragraph**
 - **Replace “*The Design and Access Statement accompanying such proposals must*” with “*Where a Design and Access Statement is required it should*” in the second paragraph**
 - **[Delete “*adopted by NKDC on 15th December 2016*” in third paragraph]**

99. **Policy ES4** – This addresses development outside the settlement boundary and establishes a number of criteria to be considered.

100. Policy ES4 recognises that some development will take place outside the settlement boundary. It has an important relationship with Policy HG3 (renumbered as HG4) which, as recommended for amendment, establishes that Central Lincolnshire Local Plan Policy LP2 and Policy LP55 apply to all development in the countryside outside the settlement boundary. The Policy adds a number of additional considerations. It lacks a clear evidence base and does not provide the necessary clarity for decision makers. This is despite acknowledgment in paragraph 11.11 of the need for a systematic and robust approach and unsourced references to relevant professional guidance.

101. I share Gladman Developments Limited concerns about the lack of definition of “*views and vistas*” beyond a few generalised photographs from unspecified locations in the “*Views in and out of the village*” document. I also share concerns over the “*exceptional reasons*” test for the loss of hedges which goes beyond national planning policy.

102. The Policy seeks to address impacts on green infrastructure but it is unclear whether this part of the Policy relates only to developments outside the settlement boundary and references to the Central Lincolnshire Green Infrastructure Study should be in the supporting text. I am also concerned that the Policy is not consistent with national planning policy for protecting the best and most versatile agricultural land and note that there is no Grade 4 or 5 agricultural land within the neighbourhood area. The Policy is based on an assumption that Design and Access Statements are required for more than the largest developments in the area.

- Amend Policy ES4 as follows:

“Planning applications for new development outside the settlement boundary will be supported which are consistent with Central Lincolnshire Local Plan Policy LP2 and Policy LP55 and which demonstrate how the following considerations have been addressed:

- ***Contribution to a green infrastructure network;***
 - ***Utilising soft boundaries, such as tree lined native hedges;***
 - ***Including characteristic landscape features, including scattered trees, farmsteads and copses, in new landscape design;***
 - ***Conserving hedges and the field pattern they create or provide replacement planting where their loss cannot be avoided;***
 - ***Exploring opportunities for landscaping and planting to connect to existing routes and green infrastructure within the village; and/or***
 - ***Avoidance of the best and most versatile agricultural land (Grades, 1, 2 and 3a) in preference for use of poorer quality land.”***
- Amend the supporting text to:
 - [Insert “Information on green infrastructure in the neighbourhood area is included in the Central Lincolnshire Green Infrastructure Study (2011).”]
 - [Add the Central Lincolnshire Green Infrastructure Study (2011) to the evidence base on Bassingham Parish Council website]
 - [Provide a reference to the guidance in paragraph 11.11]

103. **Policy ES5** – This establishes considerations for development involving renewable energy generation.

104. Policy ES5 establishes relevant criteria for renewable energy generation. It is overly prescriptive in stating that development “*must not*” detract from local character. It also introduces a non-planning consideration in seeking compliance with the Microgeneration Certification Scheme.

- **Amend Policy ES5 as follows:**
 - **Replace “Where planning permission is required” with “*Any proposal requiring a planning application for*”**
 - **Replace “Development” with “*Settlement*” in the first bullet**
 - **Replace “must” with “*should*” in the third bullet**
 - **Delete the fifth bullet**

- [Insert the following in the supporting text “It is expected that all energy generating infrastructure and its installation will comply with the Microgeneration Certification Scheme where appropriate.”]

105. **Appendix 1 – Design Brief** – This sets out some points to be considered in a Design Brief where this is considered necessary.

106. The text addresses the role of a Design Brief in supporting the design quality policies in the Plan although it is only referenced directly in renumbered Policy HG3. The application of the Design Brief is not mandatory and I do not consider it to be unduly onerous. The justification for requiring only buildings exceeding 2 storeys to be in keeping with the visual aspect of their surroundings is unclear – single storey buildings can also be visually jarring depending on the context.

- Amend fifth bullet of Appendix 1 as follows – delete “exceeding 2 storeys”

8. Recommendation and Referendum Area

107. I am satisfied the Bassingham Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.