

**BILLINGHAY
NEIGHBOURHOOD PLAN
2015-2025**

SUBMISSION PLAN

**A Report to North Kesteven District Council of the
Examination into the Billingham Neighbourhood Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

Argyle Planning Consultancy LTD
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Summary and Overall Recommendation

0.1 Following my examination of the Billingham Neighbourhood Plan (BNP), including a site visit to the Neighbourhood Area on 18 May 2018, it is my view that, subject to modifications, the BNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions. Often this is where the policy does not comply with the National Planning Practice Guidance that: *“a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”*.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the BNP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the plan, is honoured. However, this has not been possible in all cases and the Parish Council will no doubt be disappointed about the recommended deletions of policy ENV4, policy HT1 and policy EEG2. Whilst it was possible in many cases to propose a modification or modifications to the policies to resolve issues, in these cases (and particularly in respect of ENV4 and HTC1) the degree of change would be so significant as to substantially change the intention of the policy and would necessitate further consultation on it. In any event in respect of both these topic areas, very detailed policies covering the same ground and affording the necessary protection are part of the Central Lincolnshire Local Plan (adopted after the early stages of the BNP) and it is unnecessary to replicate this policy coverage in the BNP.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the basic conditions and is as robust as possible and that it can play its part in planning decisions and managing change in Billingham Parish in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing and numbering that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing is up to date. I have not necessarily highlighted all such changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the

- Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The BNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Billingham Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that takes place I also recommend that the Billingham Neighbourhood Area which is synonymous with the Parish's administrative boundary is taken as the area for the Referendum.

Peter Biggers
31 July 2018
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Billingham Neighbourhood Plan (referred to as the BNP throughout this report).

1.1.2 The BNP was produced by the Billingham Parish Council (BPC) and in consultation with the local planning authority (North Kesteven District Council), and interested parties and local stakeholders.

1.1.3 The Billingham Neighbourhood Area equates to the administrative area of the parish.

1.1.4 Billingham Parish lies to the north east of Sleaford, the nearest large settlement, and south east of Lincoln within North Kesteven District and is a rural parish in an attractive fenland setting. The parish has an area of around 1404 hectares and in 2011 at the census a population of around 2200 living in 977 households. The parish and the village has its roots in the farmland of the fens and Billingham itself is surrounded by a flat, mainly arable, fenland landscape criss-crossed by drainage ditches and waterways with scattered groups of woodland and field trees. The village sits to the western side of the parish and has an older historic core from which development has extended out along main routes which in turn has been infilled behind with newer development. Away from the village development is largely in scattered farm steadings in Billingham Fen and Billingham Dales.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the BNP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the BNP would be '**made**' by North Kesteven District Council. In the event of a successful referendum result the BNP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by North Kesteven District Council, with the consent of BPC, to conduct the examination and provide this report as an Independent Examiner. I am independent of the qualifying body and the Local Authority. I do not have any interest in any land that may be affected by the BNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 37 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan

meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA;
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA;
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to ‘excluded development’, and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

** NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

1.3.4 I have examined the BNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Billingham Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing i.e. by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the BNP and I confirm that *all* representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 18 May 2018 during which I looked at its overall nature, form, character and appearance and at those areas affected by policies in the Plan in particular. Subsequent to the site visit I asked a number of factual questions relating to the proposals of the plan of both the District Council and Parish Council as Qualifying Body. These questions and the responses received from the two councils are set out in Appendix 1. I am grateful to the District and Parish Councils for responding to my factual queries.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Billingham Neighbourhood Plan 2015-2025:

1. National Planning Policy Framework (NPPF) 2012 and the NPPF as revised 2018

2. National Planning Practice Guidance 2014 (as amended)
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act 2011
6. The Neighbourhood Planning Act 2017
7. The Neighbourhood Planning (General) Regulations (2012) (as amended)
8. The Central Lincolnshire Local Plan - Adopted 2017
9. Billingham Neighbourhood Plan Basic Conditions Statement - October 2017
10. Billingham Neighbourhood Plan Consultation Statement – December 2017
11. Billingham Neighbourhood Plan 2015-2025 Strategic Environmental Assessment Screening Report - January 2017
12. Billingham Parish Neighbourhood Area Designation Report - July 2017
13. Billingham Conservation Area Study
14. Billingham Heritage and Character Assessment - February 2017
15. Billingham Vision Document - October 2016

Also:

16. Representations received during the Regulation 16 publicity period post submission ending 9 Apr 2018.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 BPC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations, to North Kesteven District Council in December 2017.

3.1.3 Public consultation on the BNP commenced with initial consultations in 2014 and 2015 although an earlier attempt to start the plan had previously been begun in 2011 under the Government's Neighbourhood Planning Frontrunner Programme. The initial consultation over 2014-15 was followed by various consultation stages, including:

- The pre submission consultation from 2 May to 30 June 2017.
- The formal, publicity stage, as required by Reg 16, (the consultation period post submission of the plan from 26 February to 9 Apr 2018).

This last stage resulted in 10 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Billingham Neighbourhood Plan Consultation

3.2.1 The BNP Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods

used involved a newsletter (the Billingham Times), press releases in the Sleaford Target and Standard, flyers circulated to households, Neighbourhood Plan and Parish websites, Facebook and Twitter feeds, email drops as well as a presence at community events, targeted group meetings and face to face meetings. Copies of the Pre Submission Draft and Submission Plan were uploaded to the websites and links provided via email and social media as well as being available locally in hard copy.

3.2.2 The initial consultation stage of the plan, sounding out the community on issues, started in July 2014 and ran through to December 2015. General surveys of residents, businesses and interest groups were carried out as well as topic specific surveys on housing need and transport. The Neighbourhood Plan Group also targeted specific interest groups and participated at community events.

3.2.3 Based on the feedback from these early stages work on the plan was divided into the 3 main aspects emerging. With the assistance of AECOM, a visioning document was prepared in October 2016 on the basis of which the pre-submission draft plan was prepared and screened as to whether a Strategic Environmental Assessment was required.

3.2.4 The Consultation Statement sets out the detail of these early consultations and the findings and how the plan has responded to these. It is clear that full opportunities were available to the community to be involved and that the consultations gave a strong basis for the preparation of the plan.

3.2.5 The pre-submission consultation as required by Regulation 14 involved an 8 week period from 2 May to 30 June 2017. The BNP was made available online on the parish and BNP websites and links to the plan provided via social media and direct by email. 500 hard copies were made available in the local area and copies of the press release, explanatory letter and feedback form were sent to every household in the parish. All households were invited to the Annual Parish Meeting where the plan was discussed and 70 residents attended. Responses were received from 14 residents. Statutory consultees and other key community stakeholders were consulted by email with a link to the plan. 6 responses were received from interest groups, businesses or local councillors and 5 responses were made in writing from statutory consultees, including a very detailed and full response from the District Council.

3.2.6 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.7 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The extent of interest and participation by residents in the plan, although not substantial at the pre-submission draft

stage, has been maintained throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided full opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Billingham Parish Council, as the duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan area

4.2.1 The Billingham Neighbourhood Area, as designated, coincides with the boundaries of the Parish.

4.2.2 An application was made by the BPC on 1 June 2015 to designate the Billingham Neighbourhood Area. This was approved by North Kesteven District Council on 17 July 2015 following consultation.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The BNP clearly states on its title page and in the introductory sections that it covers the period from 2015– 2025.

4.3.2 The plan period does not equate with the timescale of the Central Lincolnshire Local Plan which sets out the strategic policies with which it must be in general conformity. Moreover the life of the BNP is short extending to only 7 years from the time it could be 'made'. However there is no requirement to align the timescale of the neighbourhood plan with other elements of the Development Plan and the intended time period to 2025 still satisfies the requirements of Section 38B of the PCPA as amended.

The implication of a relatively short forward timescale to 2025 simply means that an earlier review of the plan will be required than would normally be the case.

4.4 Excluded development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The BNP, as proposed to be modified in section 6 below, relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the BNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land. Some community projects are set out at the end of the plan in Part 2 to deal with matters the community has raised which cannot be addressed through the formal neighbourhood plan. This section is not examined in this report.

4.6 Plan Publication Following Submission

4.6.1 North Kesteven District Council undertook a final validation check of the BNP on submission in January 2018 and was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF has just been published on 24 July 2018. For continuity purposes however and for neighbourhood plans already in the system the NPPF states at paragraph 214 that “*the policies in the previous Framework (dated 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*”. I therefore have based my consideration of the extent to which the Billingham Neighbourhood Plan meets Basic Condition No 1 in section 6 below against the NPPF 2012.

5.1.2 The NPPF 2012 explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local

development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies.

5.1.4 The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF but again for the purposes of this examination the relevant advice is that in existence at the time the BNP was submitted.

5.1.6 The implication of the NPPF review and the advice in para 212 of the NPPF 2018 is that “*plans may also need to be revised to reflect policy changes which this replacement Framework has made*”. This would be carried out through a partial or complete review of the neighbourhood plan.

5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development:- economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However good practice suggests that where plans are allocating land for development an appraisal should be carried out.

5.2.3 In this case Urban Vision on behalf of BPC has only carried out a brief appraisal of its policies against NPPF and Central Lincolnshire Local Plan (CLLP) sustainability references. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the BNP policies and proposals which would have been the more usual procedure. However the tabulation assessment in the Basic Conditions Statement does indicate that the policies will comply with sustainability principles in the NPPF and CLLP. In respect of development proposals in the plan, although these are significant and would normally warrant assessment in a sustainability appraisal, I am satisfied in this case that as all the main sites are allocated in the

CLLP and have been assessed through the *Integrated Impact Assessment* * for that plan, the sites have been demonstrated to satisfy sustainability objectives.

5.2.4 I will however consider detailed points regarding the plan's ability to meet Basic Condition No 2 in section 6 below.

5.3 Conformity with the Development Plan

5.3.1 The adopted development plan in force for North Kesteven District is the Central Lincolnshire Local Plan 2017 (CLLP).

5.3.2 North Kesteven District Council has confirmed that the submission version BNP and other submission documents meet the requirements set out in regulation 15(1), and that the consultation statement meets the requirements set out in regulation 15(2). The Council has however raised some concerns in respect of general conformity with the strategic policies of the NLLP and I consider these points in further detail in Section 6.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (NKDC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by NKDC in consultation with the statutory bodies in January 2017. Although the screening acknowledged that sites were being proposed for development no large sites were being

* The Integrated Impact Assessment contains the site assessments and these can be found in Integrated Impact Assessment Part 2. Appendices April 2017. Appendix 4 contains the assessment of sites and the Billinghay sites are assessed from page 521-524.

proposed that had not already been assessed through the SA on the CLLP. Other sites were small scale and relatively unconstrained. The bulk of the plan policies seek to protect character, improve design, protect the natural environment and historic assets, encourage sustainable growth and infrastructure improvements and promote sustainable energy. As such, the screening opinion determined that there would be no likely significant adverse effects and no significant environmental impacts and therefore no need to carry out either assessment.

5.4.5 Regarding Habitats Regulations Assessment the test in the additional Basic Condition is that the making of the neighbourhood development plan is “*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*”

5.4.6 No European sites are located within the Neighbourhood Area with the closest being The Wash (which is covered by both SPA/SAC designations). This is located beyond Boston to the south east of Billingham and approximately 15 miles away. The screening opinion considered that there would be no direct individual or in combination effects of development in the BNP given the distance to the Wash and the scale of development proposed.

5.4.7 Neither the statutory environmental consultees nor anyone else has taken issue with the screening opinion findings and I have no reason to reach a different view regarding direct significant effects.

5.5 Other EU obligations

European Convention on Human Rights (ECHR)

5.5.1 The Human Rights Act 1998 encapsulates the Convention and its articles into UK Law.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the BNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the BNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of

the BNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.5.5 An Equalities and Human Rights Impact Assessment has been carried out for the BNP as part of the Basic Conditions Statement. This confirms that there would be unlikely to be any detrimental impact on most of the 'protected characteristics' set out in the Equality Act and generally the plan would bring positive benefits. It is recognised that whilst the plan does not directly address needs of racial or religious groups or sexual orientation, the BNP makes provision for all in its housing policies and in seeking to provide community facilities and a safe environment.

5.5.6 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.7 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.8 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the BNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the BNP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections. Each policy is accompanied by supporting text and the plan distinguishes between the policies themselves, and their justification. The plan makes it clear that the Community Actions included in Part 2, helping to implement the plan, are not part of the formal neighbourhood plan.

6.0.2 The *Planning Practice Guidance* (PPG) requires the plan to provide a clear and unambiguous guide to developers and in that respect I have three concerns with the general structure and content of the plan that raise issues in respect of Basic Condition No 1.

6.0.3 First, the plan would be clarified by the policy sections having subheadings and at least numbered referencing for each policy section if not each paragraph. At present only the policy boxes themselves are titled and it is not immediately clear for the reader navigating the Plan. Titling and numbering would make it much clearer for users of the plan and decision makers in referring to different sections.

6.0.4 Secondly, the plan should ensure that the structure of each section of policy is the same and that the sequence of policy, followed by purpose, then explanatory text is followed throughout. At present the sections at policy CFA2 and policy H1 follow a different sequence, probably unintentionally, but if not resolved it could result in confusion.

6.0.5 Thirdly, there is a need for the policies which relate to a specific area to be defined spatially on a Policies and Proposals Map. I accept that in most respects individual site maps have been provided but it would be much clearer for the policies to refer to one policies map rather than a selection of different figure numbers which is confusing and unclear.

6.0.6 Figure 30 fulfills some of the roles of a policies map but its intent is unclear as it mixes existing facilities with proposals and allocations. It also lacks the accuracy of site and policy polygons identifying the actual extent of proposed areas.

6.0.7 Modifications are necessary to resolve these issues.

Recommendation 1 –

1A Insert subtitles at the start of each policy topic in section 5 and reference numbering at the very least to policy topic level and ideally to paragraph level.

1B Amend the text sequence at policy CFA2 and H1 to follow that established for the rest of the plan ie policy/purpose/explanatory text.

1C Create a new Policies and Proposals Map for the Plan identifying the conservation area, other policy boundaries where there is a spatial component and identifying and referencing the actual extent of the allocated and permitted sites making clear the distinction between major development sites already with planning permission and those being allocated.

1D – Delete Figure 30.

6.1 Introduction

6.1.1 This section of the BNP is largely factual describing the purpose and intent of the neighbourhood plan. I have no comments to make on this section.

6.2 The Planning Process

6.2.1 This section again is largely factual setting out in brief the process the plan has been through. In preparing the plan for the local referendum it would help clarify the process if an additional paragraph is added referring to the outcome of this independent examination and the final step of the local referendum.

6.2.2 The PPG requires the plan to provide a clear and unambiguous guide to developers and in that respect the map of the plan area at figure 2 should be substituted with a plan to an accurate projection so that the perspective is corrected and provided with a scale and north point.

Recommendation 2

2A - Include additional paragraph at the end of section 2 after 2.4 referring to the outcome of the independent examination and the fact that the plan has been modified as recommended and will be the subject of a local referendum .

2B – Replace the map of the plan area on Page 4 with an accurate projection to scale and with a northpoint.

6.3 About Billingham

6.3.1 The third section of the plan sets out the background to Billingham and the issues facing the parish.

6.3.2 To a large extent the section seeks to be a factual representation of Billingham Parish. However there are a number of statements and details provided which are cumulatively misleading. Together these are significant and in as much as the PPG requires the plan to provide a clear and unambiguous guide to developers these need to be modified if the plan is to meet basic condition No1.

6.3.3 First on page 8 at Figure 5 a map is shown of the Conservation Area. This shows in dotted lines areas that presumably have been proposed to either be included or excluded from the designated area. The designation of conservation areas is carried out under separate legislation and is not a responsibility for the BNP. To include these proposed areas of change is ambiguous and misleading. Figure 5 should be replaced. In addition as recommended in Recommendation 1C because the plan content requires a spatial understanding of where the heritage assets are (including the Conservation Area) it would be sensible to include the current boundary of the Conservation Area in the proposed Policies Map.

6.3.4 The text at section 3.5 is confusing because initially it refers to some of the listed buildings and includes photos of two of these but the listing on page 10 is incomplete. As there are only 12 listed buildings in the whole parish if a list of them is going to be provided it should include all of them but clarified that the list relates to the position in 2018.

6.3.5 The section 3.7 on demographics and particularly Fig 11 and the conclusions drawn from it are statistically misleading. Fig 11 does not show that residents in their forties are the largest age group as stated because the graph includes those in their forties within a larger 30s-50s group. This is only the largest group because it spans 30 years whereas the other groups are smaller in particular the 16-19 age group. The last two paragraphs on Page 11 also need to indicate the source of the information. The findings of this section are misleading and if the plan is to be clear and unambiguous the section needs to be modified.

6.3.6 The section at 3.9 is also misleading. Council Tax bands indicate property values – not necessarily size. Whilst it may be the case that higher value properties are likely to also be the larger homes the District Council has made the point that the conclusion that there is a shortage of larger homes is not borne out by census information. The point could still be made using the census figures that there is a relatively small proportion of 4 and 5 bedroom homes. The paragraph following Fig 15 therefore needs to be modified.

6.3.7 In respect of section 3.13 introducing the Fen Road site the paragraph paints an incomplete picture regarding the site and is misleading as a result. The site now has permission for residential development which at the very least may constrain the BNP's aspirations for community use of the site. The actual position should be reflected in the text. In addition the reference at the end of the paragraph to the Billingham Vision Document produced by AECOM is also misleading. Only the Neighbourhood Plan can allocate a site. This reference therefore needs to be modified.

Recommendation 3

3A – Replace figure 5 with a map that only shows the current Conservation Area. Add the current Conservation Area boundary to the new Policies Map. (Recomm. 1)

3B – Reword the start of page 10 to read:

“The listed buildings in the Parish as at 2018 are:” and include all 12 listed buildings in the list on Page 10.

3C – Replace the graph at Fig 11 with one showing equal age cohorts and adjust the text accordingly or leave the existing graph to speak for itself and delete the paragraph following.

3D Provide a source for the information in the last two paragraphs of Page 11.

3E – Revise wording of paragraph following Fig 15 to read:

*“This chart shows the majorityare in Band A with a lack of **higher value** properties in bands D to G.*

2011 census statistics show that proportionately there is also a relatively small number of larger 4 and 5 bed homes available for larger families. Furthermore.....”

3F – Amend the text of the paragraph at 3.13 line 2 to read:

*“...owned by Lincolnshire County Council **and has planning permission for residential development (granted 2/2/18). It does however offer residents.....”***

Delete the last two sentences of the paragraph and replace with a new sentence:

“It is an aspiration of the Neighbourhood Plan to see the site used for a mix of residential development and community use”.

6.3.8 With these modifications completed the plan more accurately reflects the current

context in Billingham and will provide a clear and unambiguous basis for the plan. The section therefore will as modified meet Basic Condition No 1.

6.4 Vision and Aims

6.4.1 Section 4 of the BNP sets out the vision of the plan, and the aims to deliver the vision and provides the basis for the policies.

6.4.2 The vision and aims do appear to draw on the issues and matters of concern within the community that have emerged through the consultation stages of the plan and set out the wish to meet the local needs of the community whilst safeguarding the rural character of the parish and the qualities of the natural and built environment.

6.4.3 The plan therefore has regard to the PPG advice in respect of neighbourhood plans that they “*provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people*”.

6.4.4 The vision and aims also encapsulate and reflect the aims set out in sections 2.4 and 2.5 of the CLLP 2017 and are set out in a way in which it is clear that they are likely to contribute to the achievement of sustainable development.

6.4.5 Accordingly, the Vision and Aims of the BNP meet Basic Conditions Nos 1, 2 and 3.

6.5 Growth Strategy

6.5.1 It is not clear from section 5 of the BNP how the growth strategy has been arrived at or the justification for it.

6.5.2 In order to comply with the NPPF requirements that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area, this section of the plan should set out a brief context. This would explain the position in respect of the development strategy set out in the CLLP and better fulfil the requirement of the NPPF that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency.

6.5.3 Accordingly I recommend that the text from the first 2 paragraphs following Fig 29 in section 5.9 on page 43 is relocated to the beginning of the Growth Strategy section.

Recommendation 4 – Move the first 2 paragraphs following fig 29 on page 43 to the start of section 5.1 entitled Growth Strategy. Adapt the second paragraph to delete the last sentence and replace it with the following:

“The BNP therefore seeks to encourage new and expanded community facilities and infrastructure provision”

Continue with the text on Page 20 – “The Growth Strategy in the Neighbourhood Plan comprises.....”

6.5.4 By making this modification the plan sets out the strategic intentions from the CLLP for the village and more clearly fulfils the requirements of the NPPF.

6.6 Environment

6.6.1 Agricultural Land

i) The first policy of the plan ENV1 is the first of a series related to the environment and seeks to protect the best and most versatile agricultural land. In that respect and in principle it has regard to the NPPF at section 11. However inasmuch as the PPG requires a neighbourhood plan policy to be clear and unambiguous and drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications, clause b) is problematic. The wording of the clause does not work because the intention of the policy is that it **does** relate to proposals on best and most versatile land. The policy clauses should be setting out the exceptions. In addition the policy clauses are set out as either / or when to be in conformity with part G of policy LP55 of the CLLP on development in the countryside all the tests should be passed.

ii) The fact that the policy as it is worded is insufficiently clear and capable of being misconstrued is demonstrated by the fact that a representation at the Reg 16 stage was made by agents for the Lincoln Diocesan Trust suggesting that the circumstances where development on best and most versatile land would be supported should be set out.

iii) In addition to this issue with the policy there are 3 issues with the supporting text which are misleading. First in the paragraph headed 'Purpose', the second purpose is stated to be *"to protect, preserve and enhance Billingham's local character and rural setting"*. A policy protecting best and most versatile land is not designed to achieve this. Secondly in the 'Explanatory Text' there is a reference in lines 3-4 to land being Green Belt. There is no Green Belt land within the neighbourhood area. Thirdly in the last sentence there is a reference to AECOM recommending that Billingham retains its open fenland setting. This intention might have originated from AECOM but the neighbourhood plan now has to clearly **own** the intention.

Recommendation 5

5A - Reword clause b) of policy ENV1 to read:

"b) the proposal is designed to minimise the loss of best and most versatile land"

5B – Replace 'or' between each clause with 'and'

5C – Remove the second purpose ("to protect, preserve and enhance Billingham's local character and rural setting") in the paragraph entitled 'Purpose' at the foot of Page 21.

5D - Reword line 3 of the Explanatory text to remove reference to Green Belt and to read: "...and on Waterside beside the Skirth waterway."

5E – Reword the last sentence of the paragraph to read:

***"The BNP aims to ensure that Billingham retains its open fenland surrounding the village"*.**

iv) With these modifications in place the policy and its text is clarified and will meet Basic Condition No 1. By protecting the best and most versatile land from development a more sustainable pattern of development will be achieved and therefore Basic Condition No 2 is met. Finally, as modified, the policy is in general conformity with policy LP55 of the CLLP whilst being locally specific thus meeting Basic Condition No 3.

6.6.2 - Energy

i) Policy ENV2 is designed to encourage the provision of renewable energy in the parish thus helping to achieve more sustainable development. In that respect the policy has regard to section 10 of the NPPF on climate change. However again the detail of this policy is problematic in that it fails to provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency – the NPPF test. It also fails the PPG requirement to be clear and unambiguous with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

ii) The first clause of the policy is unclear in what is meant by “most appropriate and up to date alternative forms of energy” and yet is unequivocal in stating that permission will be granted for these. As worded the policy binds the authority to accept renewables when it is unclear what these are. The clause needs to be modified but not necessarily deleted as proposed by the District Council, provided the policy’s clauses are reordered to make the intentions clear.

iii) The third clause of the policy ties it to government guidance in particular the Written Ministerial Statement of 2015. The clause does not add anything to the policy but increases uncertainty and lack of clarity and should be deleted.

iv) The last clause is unclear in its intent because of its position in the policy and because the policy seeks to both encourage alternative renewable energy generation of a scale appropriate to the village context and the use of energy from renewable sources in new development.

v) To resolve these issues I recommend the following modification:

Recommendation 6

Reword policy ENV2 to read:

“Proposals for renewable forms of energy generation will be supported where there is no significant unacceptable or adverse impact on local character and biodiversity.

The scale of *such renewable energy generation proposals* should be proportionate to the scale of the village and the energy needs of its community.

New development proposals will be encouraged to incorporate renewable alternative energy sources and energy saving technologies”.

vi) With this modification the policy will meet Basic Conditions Nos 1 and 2 and will be in general conformity with and complementary to policies LP18 and LP19 of the CLLP thus meeting Basic Condition No 3.

6.6.3 Natural Environment

i) Policy ENV3 seeks to preserve and enhance the natural environment within the parish and the principle of the policy has regard to the requirements of the NPPF at section 11. Again however there are statements in the policy that are unclear, thus adversely affecting the ability of the policy to be delivered in a clear and unambiguous way. These are:

Line 1 – it is not clear what is meant where the policy states the natural environment should be “addressed positively”. ‘Protect and enhance’ or ‘conserve and enhance’ are more precise terms that would have regard to the NPPF.

Line 3 – the use of the word “develop” in this context is ambiguous and could be taken to mean that green space should be developed. The District Council suggests replacing this with “deliver” and I agree this would make the clause clearer.

Bullet point 2 - last sentence – The way in which neighbourhood plan policies will be applied will not usually allow the Parish Council the opportunity to agree appropriate plots for trees and the policy needs to be able to be delivered without this.

ii) To resolve these issues the following modifications are recommended:

Recommendation 7

7A – Reword line 1 to read:

“...and this should be *protected and enhanced* by development proposals..”.

7B – Reword 1st bullet line 1 to read:

“...*retain and enhance existing and deliver new green spaces....*”

7C – Reword 2nd bullet last sentence to read “Where the site is unsuitable for trees *appropriate off site tree planting within the Parish will be supported.*”

iii) As modified the policy will meet Basic Condition No 1. It will also help to achieve a sustainable form of development in protecting the natural environment and in that respect Basic Conditions Nos 2 and 3 are also met.

6.6.4 Flood Risk, Sewerage and Drainage

i) Policy ENV4 seeks to minimize the risk of flooding which is present within the plan area. Whilst the idea of a policy on this topic has regard to the NPPF the advice contained in the policy is partial and imprecise in its terminology which is likely to lead to confusion for

developers.

ii) Whilst it is recognised that flooding is an issue within the parish and modifications to the policy could perhaps be made in order for it to meet the Basic Conditions another issue is relevant here. At the time the policy was drafted there perhaps wasn't an adequate, recently adopted strategic policy but this is now no longer the case. Policy LP14 of the adopted CLLP now provides a comprehensive policy on flood risk and the requirements of the NPPF are also particularly detailed on this topic. Policy ENV 4 does not add anything to this policy control.

iii) It is clear from the supporting text that the real concern is in respect of drainage and surface water flooding. The last part of the policy appears to deal with this but its intended scope is unclear. I did seek clarification from the Parish Council regarding this last clause of the policy in my questions of clarification and they did confirm that the intention was that it was to apply to waste water and surface water flooding. See Appendix 1. However this element too is covered in full in policy LP14 of the CLLP and at a much more detailed level than policy ENV4 delivers.

iv) Neighbourhood plans are advised not to simply duplicate policy control which is adequately provided in other plans as the result can be confusing and misleading.

Whilst I note there is support at the Reg 16 stage from the Environment Agency for this policy, the whole policy now represents unnecessary duplication with adopted policy LP14 of the CLLP in place. Moreover it does not add any specifically local elements and accordingly I recommend that as it does not meet the Basic Conditions it should be deleted.

v) If the Parish Council wish to demonstrate that the plan has considered the issue of flooding the first paragraph of the 'Explanatory Text' could be retained with a cross reference that flood risk in development will be managed in accordance with CLLP Policy LP14.

Recommendation 8 – Delete policy ENV4 and supporting text other than the first paragraph of the Explanatory Text under a new heading “Managing Flood Risk”.

Add sentence to the end of the paragraph to read:

“Flood risk in development will be managed in accordance with CLLP Policy LP14”.

6.7 Heritage and Tourism

6.7.1 Heritage Sites and Assets

i) Although the title of the policy HT1 is Heritage Sites and Assets its purpose is not entirely clear. It seems to be in part preservation which would have regard to the NPPF but also in part about the 'exploiting' of these assets to promote tourism opportunities. The

whole concept of 'exploiting' a heritage asset is fundamentally flawed. Certainly the NPPF encourages putting assets to viable use consistent with their conservation but is definitely not about exploitation. Whilst it would be possible to adjust the text wording I am not satisfied that the policy is sufficiently clear either as to what it is seeking to do or where and how it is intended to apply. The Billingham Heritage and Character Assessment does identify heritage assets both listed and unlisted and assets to protect and gives pointers to what the Neighbourhood Plan could do in response but this is not reflected in policy HT1.

ii) In addition to an unclear reasoning behind the policy there are problems with the policy's clauses that means it also fails the PPG requirement to be clear and unambiguous. It therefore fails to meet Basic Condition No 1.

iii) Bullet point 1 links an unequivocal statement that 'planning permission will be granted' with a clause that is not clear in its intent and at odds with the NPPF in tying development affecting heritage assets to that designed to promote tourism growth.

iv) Bullet point 2 is fundamentally flawed. Permitted development is, as the term suggests, permitted. There is no control over it and therefore an attempt in this policy to ensure it follows Planning Practice Guidance is both unenforceable and contrary to legislation. Moreover there is no evidence to suggest why the clause is in the policy at all and therefore it is in further conflict with the PPG which requires proportionate, robust evidence to support the choices made and the approach taken. This clause is in direct conflict with Basic Condition No 1.

v) Bullet point 3 sets out a requirement to consider 4 policies of the CLLP. This is unnecessary as all development will be assessed against the appropriate policies of each level of the policy hierarchy – NPPF, Local Plan and Neighbourhood Plan.

vi) In respect of the last bullet of the policy, this is largely unworkable because it is not clear what the 'recommendations' referred to are. There is a section within the *Managing Change* section of the *Billinghay Heritage and Character Assessment* entitled *Character Management Principles* but it is not clear whether these principles are what is intended should be used. However even if it was, these are much more wide ranging than dealing just with heritage sites and assets and secondly, if they were going to be used, the principles should have been set out in the plan. This is too significant a change to be the subject of a modification, particularly where it is unclear whether it was the intention of the Parish Council to ensure development follows these principles. If the Parish Council considers that it wishes to form a policy around these principles it would need to do so through a future review of the Neighbourhood Plan.

vii) Again as with policy ENV4 above, since work on the neighbourhood plan started, the CLLP has now been adopted and policy LP25 provides detailed policy coverage on designated and non-designated heritage assets. Therefore the buildings of Billingham are not at risk if policy HT1 were to be deleted.

viii) Although there are clearly matters which could have been drawn from the Billingham Heritage and Character Assessment to be included in the BNP this has not been done. It would be open to the Parish Council to develop ideas from the Assessment as part of the community projects flowing from the BNP in Part 2 and to that end there would be value in retaining some of the background text in the plan as recommended below. However proposing modifications to resolve the problems with the policy outlined above would result in a significantly different policy which would necessitate further consultation and are therefore not open to me. As the policy does not meet Basic Condition No1 in its current form it leaves me no option but to conclude that it should be deleted.

Recommendation 9

9A – Delete policy HT1 from the plan.

9B – Insert new sub heading ‘Heritage Assets’ instead of ‘Background’ under the heading ‘Heritage and Tourism’.

Retain the first paragraph of the background text on page 24 changing ‘underexploited’ in line 4 to ‘not widely appreciated’.

Remove the paragraphs starting “ Tourism at present” on page 24 and that headed ‘Purpose’ on page 25.

Remove the heading ‘Explanatory Text’ on page 25 but retain the first paragraph of that section.

Insert heading ‘Tourism Opportunities’ before the paragraph starting ‘Billinghay’s location’

6.7.2 Skirth Navigation

i) Policy HT2 of the plan is an aspirational policy that seeks to encourage the regeneration of the Skirth Navigation and improved access to it. The policy is locally specific and meets the Basic Conditions. I have no comment to make on it.

6.8 Travel and Transport

6.8.1 Access for pedestrians and cyclists

i) Policy TT1 of the plan is intended to encourage sustainable transport modes in connection with new development and in that way seeks to resolve some of the transport issues within the parish and village. As such the policy has regard to the NPPF at section 4 and in particular paragraph 35 and to policy LP13 of the CLLP dealing with accessibility and transport. The policy will also help to achieve more sustainable living. Accordingly Basic Conditions 1, 2 and 3 are met.

ii) There is a typographical error in line one of the policy which is dealt with in Appendix 2. Also simply in the interests of the plan being clear and unambiguous there are

two minor amendments to the text that are necessary. The reference to S106 in the policy without explanation would be clearer if the term ‘planning obligations’ was used instead and in the first part of the Explanatory Text it is not clear what ‘such proposals’ relates to. I therefore recommend the following modification.

Recommendation 10

10A – Replace ‘S106’ in the second clause – line 2 with ‘*planning obligations*’

10B – Replace ‘Such proposals’ at the start of the Explanatory Text on Page 28 with: “Traffic management and pedestrian and cycling schemes as part of development proposals would be strongly encouraged.....”

6.8.2 New Development and Sustainable Modes of Transport

i) The purpose of Policy TT2 is stated as being to improve road safety by ensuring an appropriate level of off street parking and to encourage sustainable transport provision through public transport. In that respect again the policy has regard to the NPPF at section 4. However the policy title should include reference to road safety if this is the purpose.

ii) I was concerned about the appropriateness of seeking a minimum level of parking based on 2 spaces per dwelling and whether this was in general conformity with the CLLP. However the Council has confirmed that the CLLP does not set out parking standards and there is evidence that the Parish Council has based the policy requirement on the circumstances set out in paragraph 39 of the NPPF which should be considered in setting local standards.

iii) There are two typographical errors which are addressed in Appendix 2 and it is clear from the explanatory text that all the clauses of the policy are expected to be applied therefore the policy should clarify this by inserting “and” between the penultimate and last bullet point. Otherwise I have no comments to make on the policy and it meets the basic conditions.

Recommendation 11

11A - Amend title of the policy section to refer to road safety in order that the title properly reflects what is the stated purpose of the policy:

“New Development, *Road Safety* and Sustainable Modes of Transport”.

11B – Insert “*and*” between the penultimate and last bullet point.

6.8.3 Mitigation of Traffic Impacts

i) Policy TT3 requires that development proposals make proper provision of highway infrastructure to address traffic impacts. The policy itself is appropriate and addresses the basic conditions but the PPG requires that policies are based on robust evidence and

there are 2 issues with the supporting text.

ii) First the purpose of the policy states that it 'encourages increased use of services and facilities within the village'. This is misleading - the policy does not and would not achieve this objective.

iii) Secondly, the explanatory text states that there are a range of potential improvements identified for the B1189 as it passes through the village and that development should make appropriate contributions to these. It is not immediately apparent either in the plan or in the community proposals at the end of the plan what these are. At the very least, if there are agreed schemes that it is expected development will contribute to, these should be set out in the explanatory text.

Recommendation 12

12A - Delete the text in the second line of the 'Purpose' section on Page 29.

12B – Set out the agreed potential highway infrastructure improvement schemes in the Explanatory Text on Page 30.

6.9 Employment and Economic Growth

6.9.1 Conversion of Residential Property to Commercial Use.

i) Policy EEG1 encourages the conversion of residential units to commercial use subject to certain safeguards. The policy has regard to section 3 of the NPPF encouraging economic growth in rural areas. In promoting business development and job opportunities locally within the village the plan is helping to achieve a more sustainable community. The policy also is in general conformity with the employment and economic strategy of policy LP5 of the CLLP. Accordingly the policy meets the basic conditions and I have no comment to make.

6.9.2 Enterprise and Business Units

i) Policy EEG2 looks to support new business along Mill Lane and the A153. The policy as worded presents a number of problems making it unclear. In particular it does not specify locations on these roads in which development would be supported. In addition the terminology of 'enterprise units' and 'new and innovative businesses' is not clear and unambiguous. A direct question was put to the Parish Council as part of this examination to clarify the intent and the Parish responded that the intention was the allocation of the sites in policy SA4 and SA5 and no other sites (see Appendix 1). That being the case policy EEG2 merely duplicates SA4 and SA5 and by setting out proposals in a slightly different way and apparently applying to a wider area will potentially just confuse. It therefore does not meet Basic Condition No 1 and the PPG advice in particular and should be deleted. However I recommend that some of the supporting text of the policy is retained

and added to the background text to illustrate what the BNP proposes to do. A forward reference to policies SA4 and SA5 should also be added.

Recommendation 13

13A – Delete policy EEG2

13B – Relocate the text in the first sentence of the ‘Purpose’ section at the foot of page 32 (without the heading) and the first paragraph of the Explanatory Text on page 33 (without the heading) to the end of the Background Text on page 31.

Reword the start of the relocated text to state:

“Policies in the neighbourhood Plan are designed to.....”

Add to the end of the relocated text:

“...and two specific sites are allocated through policies SA4 and SA5 on pages 50-53 of the plan”.

13 C - Delete all other supporting text to policy EEG2.

6.9.3 Digital and Communications Infrastructure

i) Policy EEG3 seeks to secure internet connectivity in connection with new development. The policy responds to concerns about broadband and internet connectivity in the parish and has regard to the NPPF at section 5 in particular paragraph 42 recognising that advanced high quality communications infrastructure is essential for sustainable economic growth.

ii) The policy in clause 2 makes it clear that the requirements are subject to viability which ensures that the policy does not put unreasonable demands in the way of development proposals.

iii) The only comment I have in respect of the policy is the requirement in clause 1 for a connectivity statement to be submitted as part of a planning application. Validation of planning applications is in part controlled by regulation and in part through local validation lists operated by local planning authorities. North Kesteven District Council’s validation list does not include connectivity statements as a requirement for planning applications. Whilst policy LP12 of the CLLP encourages development to be supported by necessary infrastructure it does not require details to be submitted in any specific form. Policy EEG3 already requires proposals to demonstrate how they will contribute to local connectivity which could be through a Planning Statement or Design and Access Statement or a connectivity statement but the policy’s insistence on a connectivity statement is unenforceable and contrary to Basic Condition No 1.

Recommendation 14 - Delete the last sentence of clause 1 of policy EEG3

6.10 Community Facilities

6.10.1 Medical Centre Expansion

i) Consultation carried out in preparing the BNP has identified current issues regarding community medical facilities and in particular parking at the medical centre in Billingham. Given that the site adjoins a site allocated in the CLLP for housing, the plan proposes that part of the site is used for expansion of the medical centre. The intention of Policy CFA1 is understood and indeed the objective has regard to the NPPF at section 8 and in particular paragraph 70. However the neighbouring site now has outline permission for housing without any provision for expansion of the medical centre. There is therefore a question mark over the ability to deliver the proposal. There is no in principle problem with retaining a policy that may not be delivered in the plan. The District Council proposes a more general policy to secure medical facilities but this is likely to remove the impetus to secure the extension on the best site and secondly would constitute a substantially different policy which has not been consulted on with the local community. It is suggested therefore that Policy CFA1 is retained largely as is but a sentence is added to the effect that, if extension as part of Waterside is impossible, favourable consideration will be given to a site elsewhere.

ii) Policy CFA1 also includes a clause about health impact assessments. This element of the policy bears no relation to the rest of the policy, is unsupported by evidence in the supporting text and means the policy is not clear and unambiguous. The clause does not meet the Basic Condition No 1 and should be deleted.

Recommendation 15

15A – Reword clause 1 of policy CFA1 to read:

“Detailed proposals for housing on the Waterside site as identified on the Policies Map should include....medical centre site.” Delete reference to Fig 27

15B – Delete clause 3 of the policy

15C – add at the end of the policy:

“In the event the development of the Waterside site cannot accommodate extension of the medical centre, favourable consideration will be given to new facilities on an alternative site provided the location is as accessible to the village as the existing site.”

iii) With these modifications in place the policy would meet Basic Conditions Nos 1, 2 and 3.

6.10.2 Community Facilities

i) Policy CFA2 seeks to protect existing facilities from loss and encourage their enhancement or the delivery of new facilities. Again as with policy CFA1 the policy has

regard to section 8 of the NPPF and is in general conformity with policy LP15 of the CLLP.

ii) However as with other policies in the plan there are issues in regard to the extent to which it is clear and unambiguous and the PPG test.

The terminology between the list of community facilities on page 38 and the policy itself is not consistent and will create confusion as to the intent.

iii) The District Council consider that the Fen Road site of the former Lafford School cannot be included in the list of community facilities on page 38 and whilst this is true of that part of the site which has planning permission for housing it is not true of the playing field which is protected under national policy in the NPPF at paragraph 74. It is wholly appropriate that this part of the site is retained in the list.

iv) As discussed in the section on general format of the plan above, the running order of this section needs to reflect the rest of the plan and policy CFA2 should be moved up to the top of the section.

Recommendation 16

16A – Replace the word ‘identified’ in clause 2 line 1 of the policy with ‘existing’.

16B – Reword the introduction to the list of community facilities on page 38 to read: “Residents considered the following to be the existing community facilities:”

16C Reword the first bullet of the list of community facilities to read:

- **The playing field on the Fen Road site**

v) With these modifications the policy would meet Basic Condition Nos 1 and 3 and inasmuch as the protection and enhancement of community facilities will help to achieve/maintain a sustainable community it would also meet Basic Condition No 2.

6.11 Housing

6.11.1 Housing Types

i) Policy H1 seeks to encourage a range of housing types to ensure that locally identified housing needs are catered for. In principle the policy has regard to the NPPF at section 6 paragraph 50 which similarly requires authorities to plan for a mix of housing catering for the needs of different groups in the community.

ii) Whilst the principle of the policy is acceptable and also generally conforms with CLLP Policy LP10, the District Council has raised concerns in its Reg 16 representations that the evidence for this policy is statistically weak. I accept that the response rate to the housing survey was low but it is not unreasonable to conclude that those wishing to express a housing need in response to the survey would do so. However I do accept that the

justification for the policy in the sections ‘Purpose’ and ‘Explanatory Text’ is poor.

iii) I assume that at an earlier stage the policy was different as both the purpose and explanatory text imply that the policy relates to sustainability and design. It does not and some of the supporting text relates more to policy H2 than H1. With this removed the justification is exceedingly light and in conflict with the PPG advice that evidence should be robust and drawn on to support the policy.

iv) Moreover if the policy is to be retained it needs to be understandable and capable of implementation. Ideally it needs to include the local needs identified.

v) Whilst I accept the District Council’s argument that CLLP policy LP10 also requires a range of house types it is general in its requirement. If there is sufficient evidence for the local needs identified in policy H1 it should be retained in a modified form.

Accordingly, I recommend that the policy and text is modified rather than deleted.

Recommendation 17

17A - Reword the ‘Purpose’ and ‘Explanatory Text’ to the policy to remove design and sustainability references which are dealt with in policy H2.

17B – Develop the explanatory text to justify the policy content and in particular to support the three types of housing need singled out.

17C – Delete first line of policy H1 and reword the balance as follows:

“Proposals for 10 or more dwellings should incorporate a range of housing types, sizes and tenures and help in particular to meet the identified local needs in Billingham for:

- ***Affordable housing including starter homes;***
- ***Smaller accessible housing to provide appropriate downsizing opportunities for the elderly;***
- ***Family sized housing.***

vi) With these modifications in place the policy would have regard to the NPPF, be in general conformity with policy LP10 and contribute to a sustainable community in the parish. As such the Basic Conditions would be met.

6.11.2 Housing Design

i) Policy H2 seeks to ensure a high standard of design for housing in Billingham and to that extent it has regard to the requirements of the NPPF that seek high quality in all developments. As such the principle of the policy is acceptable and is likely to help achieve sustainable development in Billingham. However again the detail of three of the criteria are problematic and are not clear and unambiguous.

ii) First the wording to criteria 4 where it starts 'Have a balanced approach' would not be at all clear to developers. Inasmuch as this aspect of the design is already covered in policies TT1 and TT2 the criterion is unnecessary and potentially confusing. The criterion should be deleted.

iii) Secondly the wording of criterion 10 repeats policy TT2 but needs to be modified to ensure the requirements are clear and consistent to avoid confusion.

iv) Criterion 13 is supposed to apply to all new developments but by definition this could therefore be assumed to be a requirement on individual houses. It is completely unreasonable and unenforceable and moreover there is no evidence to justify its application in this case. It should be deleted.

Recommendation 18

18A – Delete criterion 4

18B – Reword criterion 10 to read:

“Integrate car parking within proposed landscaping for the site so that it does not dominate the streetscene and ensure that car parking requirements are provided within the plot where possible”

18C – Delete criterion 13.

v) With these modifications the policy will meet Basic Conditions 1, 2 and 3.

6.12 Site Allocations

6.12.1 As per Recommendation 4 in the section on Growth Strategy the text at the beginning of the section on site allocations would be removed and relocated to the Growth Strategy section. The text for the Site Allocations section would begin on page 45 with the last remaining paragraph on page 43 relocated to follow the first paragraph on page 45.

As I am advocating the development of a single policies and proposals map at Recommendation 1C neither Fig 29 nor Fig 30 are necessary and in particular Fig 30 is likely to result in significant confusion with a policies map and should be deleted. (See Recommendation 1D)

Recommendation 19

In accordance with Recommendation 4 start the text for the Site Allocations section 5.9 with the text at the top of page 45. Relocate the last paragraph on page 43 starting with “Geographical features...” to follow the first paragraph of text on p. 45.

6.12.2 Former Lafford School Site Fen Road

i) Policy SA1 proposes the Fen Road site as a location to provide community hub facilities

for Billingham. The intention of the policy is understood and indeed the objective has regard to the NPPF at section 8 and in particular paragraph 70. However a similar situation exists as that with the Waterside site and the medical centre in that outline permission now exists for 16 residential units on the former Lafford School site without any provision for community facilities. There is therefore a question mark over the ability to deliver the proposal. The District Council proposes in its Reg 16 representations that the policy is deleted and the proposal developed as a community proposal in Part 2. However in preparing the plan an alternative mixed use scheme was designed incorporating the same housing provision but also including the community elements which the community seek. There is no in principle problem with a policy seeking land use at variance to an extant permission but clearly the policy needs to acknowledge the current position and there is still a risk that it may not be deliverable. With that in mind the last clause in particular cannot be enforced.

ii) It is suggested therefore that the policy is retained largely as is but modified to reflect the fact that the detailed design stage for the site should incorporate both housing and community facilities. This being the case and the priority appearing to be community facilities over other uses it would be sensible to reduce the elements to be incorporated on the site and in particular to remove retail use.

iii) In addition to the above the policy currently proposes that the development is funded out of other development in the village. There is no official mechanism in place to achieve this and as some of the CLLP allocations also already have permission it would be too late to secure contributions from developments across Billingham. As such the proposal is unreasonable and the reality is that funding for these community facilities will have to be secured by other means.

iv) The net effect of these policy shortcomings is that SA1 does not meet the PPG guidance of being clear, unambiguous and precise and as such, unless the policy is modified, Basic Condition No 1 is not met. Finally as with other spatial policies SA1 will have to refer to the policies map proposed under Recommendation 1.

Recommendation 20 –

20A - Reword policy SA1 to read:

“The former Lafford High School Site *as identified on the policies map* is a key element to the spatial strategy for Billingham and is allocated for mixed use development including:

- ***Housing (permitted in outline)***
- **D1 non-residential institutional use (for example health or educational use)**
- **D2 assembly and leisure (for example sports or recreational facilities)**

***Detailed proposals for community facilities* on the site should link in withto create a village hub and include:**

- **Adequate parking to support the existing and new community facilities (30**

spaces are recommended) and

- The retention of the playing fields for sports and recreational use

20B - Delete the rest of the policy.

20C – Identify the boundary of the allocated SA1 site on the policies map.

v) Whilst the policy as modified may prove to be difficult to deliver, it acknowledges the current position and would meet Basic Condition No 1. If it can be delivered it would help to achieve more sustainable development and it is in general conformity with the CLLP. Therefore Basic Conditions Nos 2 and 3 are also met.

6.12.3 Land Off Sprite Lane

i) Policy SA2 allocates a site off Sprite Lane for community allotments in response to what is reported demand from the local community. The provision of allotments and the policy, in principle, is in accordance with Basic Conditions.

ii) However a local resident has objected at the regulation 16 stage that allotments are not needed and the site is inappropriate in particular because Sprite Lane is narrow and incorporates a public right of way along it. The resident also points out that the statement ‘no risk of flooding’ may be technically incorrect as there are underground springs that surface in Sprite Lane.

iii) I do not have any evidence to challenge the aspiration to allocate an allotment site and indeed sometimes the creation of an allotment site in a more accessible location generates demand once it is established. However it is important that the site is in an appropriate location.

iv) I inspected the proposed site and the lane as part of my site visit to Billingham and in general found that there was nothing in the nature of the lane and the low level of traffic using it that would create a situation that would be detrimental to highway safety if the proposed allotments were to be developed.

v) The only modification necessary to the policy to make it clear and unambiguous such that it meets Basic Condition No 1 is to refer to the allocated site being identified on the policies map proposed in Recommendation 1. If the fact regarding springs is accurate the supporting text should also be corrected.

Recommendation 21 –

21A - Revise wording of policy SA2 to read :

“...allotments *as identified on the policies map.*”

21B – Identify the boundary of the allocated SA2 site on the policies map.

6.12.4 West Street

i) The site north of West Street is allocated in the CLLP for residential use and already has outline permission for 132 dwellings. It is identified in the plan for local retail, leisure or medical facilities to help support a sustainable community in Billingham as it grows and expands. As such again the proposal has regard to section 8 of the NPPF and in particular paragraph 70.

ii) However a similar situation exists as that with the Waterside and Lafford School sites in that outline permission now exists for 132 residential units on the West Street site without any provision for community facilities. There is therefore a question mark over the ability to deliver the proposal. The District Council in its Reg 16 representations proposes that the policy is deleted for this and other reasons regarding its lack of clarity. However it is not impossible that, in designing a reserved matters application for the site, some community facilities, additional to the housing, could be incorporated. The NPPF is clear at paragraph 70 that planning policies should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities. There is no in principle problem with a neighbourhood plan policy seeking land use at variance to an extant permission but clearly the policy needs to acknowledge the current position and there is still a risk that it may not be deliverable.

iii) The first paragraph of the policy is not clear and unambiguous. As it simply sets out the justification for the policy, which is already expressed in the supporting text, it does not clearly express the intent of the policy and how it will be delivered. As worded it therefore conflicts with Basic Condition No 1. Finally as with the other spatial proposals of the plan the policy would be clearer if it referred to a formal policies and proposals map rather than individual Figures as with Figure 31.

iv) It is suggested therefore that the policy is retained but modified to reflect the fact that detailed design for the site should incorporate both housing and retail or community facilities. I note the concern of the District Council that policy SA3 as currently worded appears to endorse these community uses being sited generally on West Road. However I have made it clear in the recommended modification that such uses would be additional to the 132 units and should be within the site boundary. I am therefore not persuaded that there is any conflict in terms of general conformity with the CLLP and its allocation of the West Street site.

v) There is an additional problem in respect of this section of the plan in that a Reg 16 representation has been received from the owner of land on the south side of West Street identified in Fig 32 as having potential for retail development. The representation categorically states that the site is not available for development for this purpose. The site is in use for garaging and vehicle repair workshop. I take the view that this situation, where there is a clearly expressed objection from the owner at both pre submission and submission stages that the site will not be available, is different to the position on the

larger allocated site north of the road where, at this stage, there is still the potential that the Neighbourhood Plan's aspirational policy could be delivered. The references to the site on the south side of West Road should be deleted along with Fig 32.

Recommendation 22

22A - Reword policy SA3 as follows:

Reword paragraph 1 of policy to read:

“Land to the north of West Street as identified on the policies map is proposed for mixed use development including:

- ***Housing (132 units permitted in outline)***
- ***A1 retail and / or D1 or D2 community facilities”***

Reword paragraph 2 to read:

“Retail or community facilities should be additional to housing allocated on the site and must be of a scale.....layout of the proposal.”

22B – Identify the boundary of the allocated SA3 site on the policies map.

22C - Delete Fig 32 and the related text beneath it.

vi) Whilst the policy as modified may prove not to be deliverable it acknowledges the current position and would meet the Basic Conditions. It would be in general conformity with the CLLP allocation and including the potential for community facilities will help to achieve a more sustainable community.

6.12.5 Land to the East of the A153

i) Policy SA4 proposes land east of the A153 for B1, B2 and B8 uses. The policy has regard to section 3 of the NPPF in promoting economic growth in rural areas.

ii) However the District Council has made representations at the Reg 16 stage expressing concern that the site is adjacent to residential properties and could give rise to adverse impacts on living conditions and that the site is also partly within Flood Zone 2 and 3 and to encourage its development would be contrary to national flooding advice and therefore Basic Condition No 1. The District Council suggest the policy is deleted.

iii) In respect of flooding, it is accepted that part of the site is in flood zone 2 and 3 according to the Environment Agency Flood Mapping and it is certainly not the case that development should be advocated where it would be at risk from flooding or aggravate a flooding situation for other development. However the proposed use would fall in the 'less vulnerable' classification where development can be appropriate up to and including flood zone 3a. In this particular case the access to the site is also outside flood zone 2 and 3 according to the flood map and could be accommodated within flood zone 1. Thus subject to a flood risk assessment being carried out and appropriate mitigation being put in place there is no in principle reason why an allocation of the site for commercial use cannot be

made. However whilst the supporting text to the policy refers to the sequential and exceptions test the policy itself makes no reference to flooding or the need for flood risk assessments which is a factor that needs to be rectified if the policy is to meet Basic Condition No 1.

iv) Regarding potential impact on residential living conditions, the site is a large site lying between two residential properties. The properties are already located on a busy main road and B1 uses in particular, which are by definition more able to be positioned close to residential property, are unlikely to add any significant noise and disturbance for these properties. In any event the policy already sets as a criterion that there must be no adverse impact on residential amenity. As a precautionary approach however it is recommended that the policy restricts future use to B1 only.

v) In addition, as with other policies elsewhere in the BNP, it is inappropriate to fetter the Local Planning Authority with an unequivocal statement that “planning permission will be granted”. Instead the policy should express support for proposals introducing these uses.

vi) Finally, for clarity, as with other policies, the policy should refer to the main policies map proposed in Recommendation 1 rather than the individual Figure 33 identifying the site.

Recommendation 23

23A – Revise wording of policy SA4 to read:

“Development proposals for B1 uses will be supported on land east off the A153 as identified on the Policies Map where it is demonstrated:

- ***Through a flood risk assessment that flood risk can be avoided or if necessary mitigated;***
- ***That there would be no adverse impact on residential amenity and***
- ***That adequate foul water disposal already exists or can be provided in time to serve the development.”***

23B – Identify the boundary of the allocated SA4 site on the policies map.

vii) With these modifications in place the policy would meet basic Conditions Nos 1, 2 & 3.

6.12.6 Land Off Mill Lane

i) Policy SA5 proposes land west of Mill Lane adjacent to existing business units for B1-B8 uses. The policy has regard to section 3 of the NPPF in promoting economic growth in rural areas. However as outline planning permission already exists, not all of the criteria are appropriate. Permission already means that the principle of the use can be assumed to be compatible with surrounding uses (criterion 1). Although the District Council suggests that all the criteria can be deleted it may be that at the reserved matters stage there is still a need to ensure the detail of any proposal has no adverse impact on residential amenity.

Also the point regarding the provision of adequate foul water disposal was expressly requested to be included by Anglian Water at the pre submission stage when the Parish Council agreed it should be added. There is no reason to remove it now as the outline permission may not have adequately resolved all matters of drainage detail. All of criteria 2 should therefore be retained.

ii) In addition as with other policies elsewhere in the BNP it is inappropriate to fetter the Local Planning Authority with an unequivocal statement that “planning permission will be granted”. Instead the policy should express support for proposals introducing these uses.

iii) Finally for clarity, as with other policies, the policy should refer to the main policies map proposed in Recommendation 1 rather than the individual Fig 34 identifying the site.

Recommendation 24

24A – Revise wording of policy SA5 to read:

“Proposals for B1, B2, B8 and D2 uses will be supported on land off Mill Lane as identified on the Policies Map where it is demonstrated that:

- ***there would be no adverse impact on residential amenity and***
- ***adequate foul water disposal already exists or can be provided in time to serve the development.”***

24B – Identify the boundary of the allocated SA5 site on the policies map.

iv) With these modifications in place the policy would meet basic Conditions Nos 1, 2 & 3.

7 Other Matters

7.1 Treatment of Extant Permissions

7.1.1 Savills acting for the Lincoln Diocesan Trust made representations at the Reg 16 stage that if other major sites for housing and other development are identified in the Neighbourhood Plan then all should be. Savills point out that permission exists for 10 dwellings on land off Wallcott Road at the west end of Billingham and not yet developed.

7.1.2 For consistency and as part of my proposed modification (Recommendation 1C and 1D) to replace Figure 30 with a policies map, I recommend that for clarity all major extant permissions and CLLP allocations are identified on the policies map and distinguished from any sites which it is proposed to allocate in the neighbourhood plan but which do not have planning permission. If permitted or allocated sites are also subject to a policy of the BNP that policy annotation should be clearly marked on the policies map with a boundary line included indicating where the policy will apply.

Recommendation 25 – Include the permitted residential site and its boundaries west

of Walcott Road on the policies map along with other permitted major development sites as proposed at Recommendation 1. These permitted sites should be keyed in a way to differentiate them from the allocations .

7.2 Typographical and Formatting Corrections

7.2.1 There are a number of typographical and formatting errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the basic conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2 and in modifying the plan as set out above and finalising for the referendum these typographical amendments should be made.

Recommendation 26 – Make typographical and formatting corrections as set out in Appendix 2 at the end of this report.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Billingham Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Billingham Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the allocations proposed would not affect residents in adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

Recommendation 27 - I recommend to North Kesteven District Council that the Billingham Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Billingham Neighbourhood Area as approved by the District Council on 17 July 2015.

Peter D Biggers
31 July 2018
Independent Examiner
Argyle Planning Consultancy Ltd

Appendix 1 – Clarifying Questions Put to NKDC and BPC During the Examination

NKDC Questions (In no particular order)

1. How far has the conservation area review for Billingham progressed – is it likely that the revised area will be designated shortly ie in time for modifications to the NDP to reflect the revised area?

The Billingham Conservation Area is not currently under review nor is it a priority in terms of the future work programme for conservation area re-appraisals. It is suggested that the current Conservation Area boundary is used for the purposes of this Neighbourhood Plan.

2. What is reality of situation at Lafford School site if permission was granted for residential in February. Is there still prospect that the NDP aspirations to provide parking, recreation facilities and A1/D1 and D2 on the site could be realised?

Outline planning permission for residential development was granted on 2 February 2018. The outline permission was solely for residential development and affords a period of three years for submission of reserved matters for the details of the development, all matters having been reserved. During the consideration of the application there were representations made by the NP Group to the effect that a mixed use was envisaged and indeed the landowner referred to pre-application discussions and engagement with the NP Group on alternative uses. Nonetheless the applicant chose to pursue a wholly residential redevelopment through their outline planning application, and continued to do so even when formal representations were made by the NP Group. These representations were material in the assessment of the outline planning application but given the stage of preparation of the NP, only very limited weight could be afforded to them. It remains to be seen whether there is any willingness on behalf of the landowner to modify their development aspirations for their land. With the extant outline planning permission in place, were the landowner to pursue a residential development through submission of reserved matters then the principle of development, irrespective of any allocation via the NP, could not be revisited. Ultimately it is a question of the landowners intent: if they intend to pursue their permission for residential development, then the aspirations of the NP will prove undeliverable. Only the landowner can answer whether or not the NP allocation is deliverable.

3. What is current position regarding planning permission for the large residential allocation off Mill Lane to the south of the village – is anything yet in place?

The Council has held informal pre-application discussions with landowners looking to bring forward small scale development of allocation CL1110 with access derived from the existing road network to the north-east of the site where it adjoins the existing village footprint. Whilst the Council would welcome such a development, we are keen to explore how an access from existing road network within the village could enable a more comprehensive development including progression in to allocation CL3031. This will entail some further traffic assessment and engagement with the County Council. However, there are no current pre-application discussions on-going relating to allocations CL3018 and CL3031 in the CLLP.

CL1101 has full planning permission for 65 dwellings.

4. What is current position regarding the West Street allocation? Is it still only an outline permission in place and would it still be feasible to realise the NDPs aspirations to provide new local retail and leisure facilities? Although the policy for West Street refers to medical facilities it is not clear what is intended here.

CL2091 (West Street) is subject to an outline planning permission for up to 132 dwellings and is allocated in the CLLP for residential purposes. The outline permission runs until 22 December 2019. The attitude of the landowner to an alternative mix of development is unknown to the

Council. However, for the Council there are concerns that need to be registered about the introduction of a range of alternative uses, including retail and leisure, for a site that is exclusively allocated for residential purposes in that to do so would bring the NP directly in to conflict with the CLLP.

The policy as written is too broad in scope and needs specificity. It is apparent from Fig. 32 in the NP that it is envisaged that the garage site offers an opportunity for suitably scale retail development but the policy reads that such facilities could be sited generally on West Street that draws it in to the potential conflict with the CLLP.

5. What is current position re Waterside allocated site? Is it still only an outline permission in place and if so are the NDPs aspirations to take some space for additional parking and extension to the medical centre achievable?

The following is an extract from the Officer report for the outline planning permission – 17/0278/OUT – that references the then emerging NP and its aspirations for the expansion of medical facilities. As can be seen, the NHS made no comments relating to expansion of the health centre.

The site is allocated for residential development in policy LP52 of the Central Lincolnshire Local Plan (2017) (CLLP) under reference CL4721 'Land off Waterside Billingham'. The site extends to 2.05 ha and has an indicative dwelling capacity of 49 dwellings. The current application occupies the allocated site. It is in outline but with all matters reserved. A plan accompanies the application which shows how the site might be developed out for 33 dwellings, but this is indicative only and does not form part of and limited weight is afforded to it.

A Neighbourhood Plan for Billingham is being produced, however its status as a presubmission consultation document means that it can only be afforded limited weight. Specifically, the draft NP has only recently completed its six week statutory pre-submission consultation (Regulation 14), which ran to Tuesday 13 June 2017. However, whilst the weight afforded to the draft document is reduced, the draft Plan reflects the allocation of the site in the CLLP, with the exception (via proposed policy CFA1), that it seeks the provision of land within the allocated site for expansion of the Medical Centre located adjacent to the site on the High Street. However, this request and policy recommendation can only be given limited weight given the Plan's status, especially in light of the NHS submitting no comments in relation to the planning application, and the absence of such a requirement through policy LP52 'residential allocations' of the CLLP. The CLLP, as opposed to the draft NP, therefore takes primacy. It is also pertinent that pre-application advice was sought on the proposals, with the NHS raising no objection at that time, nor was the provision of expansion land required as part of that consultation response.

As a general comment, the NP seeks through various policies to secure investment in health facilities. The desire and wish to improve health facilities is understood. However, the general strategy of the NHS locally is focused on the consolidation and reduction of the burden of the health estate and is not geared towards expansion. In response to the recent residential planning applications for the Waterside site (CL4721) and Lafford School, it is noteworthy that the NHS has not asked for funding which indicates that capacity exists within the health service provision locally for the scale of development being proposed.

6. Is the requirement in policy TT2 that there must be a minimum of 2 spaces per new dwelling in accordance with current parking standards?

The CLLP does not impose parking standards.

BPC Questions

1. What is intent in last paragraph of policy ENV4 – is it supposed to relate to waste water and surface water drainage?

It was the intention of the policy to refer to waste water. Of course surface water would also need to be managed.

2. As EEG2, through the explanatory text, relates/refers to sites in figs 33 and 34 is it the intention that policy relates to these sites only or a wider range of sites on Mill Lane and east of the A153?

It is those sites 32 and 33 only.

3. Do parish own or otherwise have control of the site proposed for allotments on Sprite Lane? If not does the owner consent to the proposed use?

The proposed site is privately owned and as, at this stage, it is just a proposal specific consent has not been obtained, however the owner was consulted during the public consultation and Regulation 16. Other sites were considered but were not appropriate for a variety of reasons.

4. Has BPC had any discussions with owner of garage site on West Street given objection from the owner at Reg 16 stage just completed?

The original wording said 'should provide' and the wording was amended in response to the objection to 'could provide' but no formal discussions were carried out.

We feel that the objection was not regarding the use of the site but the fact the he was not directly consulted. As we held a number of public consultations and updates were provided in the village newsletter bi monthly we felt that he would have been aware of it.

5. Has BPC had discussions with developers and or owners in respect of proposals for West Street (main site), Waterside and Lafford Road former school site about the possibility of incorporating NDP aspirations into reserved matters applications?

Lindum Construction attended our meetings with regards West Street.

The owner (who has recently passed away) of Waterside attended a number of meetings when the site was discussed and he was aware at each stage of the process.

Lincolnshire County Council are owners of the former Lafford site. We contacted them on a great number of occasions and invited them to meetings. At the time they applied for outline planning permission we requested further meetings to discuss incorporating our plans into their plans and wanted to work together. We attended the planning application meeting and raised our issues by way of objections due to the lack of dialogue with them. From the point of the school being demolished they had discussions with the Parish Council and requested input from the village on the site. We contacted them to progress but to no avail. On the day we made the draft plan public the outline planning was submitted to the District. Furthermore we had contacted them to discuss the use of the site temporarily for school, nursery, Children's centre and swimming pool parking. Another group in the village applied for it to be an asset of community value. As a fence had been erected around the site it was turned down because the site had not been used in recent times (as a result of the fence) by the community.

6. If intention is to see part of the Waterside site used to extend the medical centre and provide additional parking what are the medical facilities proposed as a possibility on the Lafford Fen Road site?

Due to the importance of a medical site we felt that we needed to provide 2 sites as a possibility. The medical centre have already turned down 200 patients due to a lack of

space. There is also demand for other facilities falling under 'medical' i.e. dentist, minor surgeries centre, physiotherapist etc. By including a further site this would provide a site for these community facilities as well as expansion of the further site.

Supplementary Questions

1. I realise that there are no European Sites (SPA/SAC) within the neighbourhood area but can you send me info regarding the closest sites. I assume that these are still not close enough for development sites to have a bearing but I need to be reassured.

The nearest SPA/SAC is The Wash (which is covered by both designations) which is located beyond Boston to the south west of Billingham. This is approximately 15 miles away.

2. Because the assessment against sustainability is limited - essentially limited to a short section of the basic conditions statement - could you provide me with the Sustainability Appraisal results for the main housing sites allocated in the NDP carried out in association with the CCLP namely:
CL2091
CL4721 and
CL1101 / CL1110 / CL3018 /CL3031

Again I want to be reassured about the SA outcomes on these and that it is appropriate to say that these were included based on satisfactory performance against SA as part of the CCLP.

The sustainability appraisal for housing sites in Billingham that were allocated in the Local Plan is in the Integrated Impact Assessment (IIA) .

The IIA contains the site assessments and these can be found in Integrated Impact Assessment Part 2. Appendices April 2017. Appendix 4 contains the assessment of sites and the Billingham sites are assessed from page 521-524. Further assessment of the sites is available in the LP48-LP54 Residential Allocations Evidence Report. In this evidence report, the details of the assessment approach are contained in the opening sections and the assessment of Billingham sites (including rejected sites) are provided on pages 528-557.

The site allocations and SA (as part of the IIA) were assessed at examination and the Inspectors were satisfied about their sustainability.

Appendix 2 - Recommendation 26–Table of Typographical and Formatting Corrections

Page	Location	Correction
5	Last paragraph Line 2	Insert full stop after 'village'.
6	Paragraph below Fig 3	Relocate paragraph below Fig 3 to Page 5 Replace 'sewage' in line 1 with 'sewerage'. Insert 'the plan' at the start of line 3 to read 'the plan lays out....'
11	First paragraph line 2	Replace 'compromises' with 'comprises'
11	Figure 11	Insert titles to x and y axis of graph – 'Age groups' on x axis and % on y axis.
11	Second paragraph line 1	Replace 'are aged in their forties' with 'are aged in their thirties to fifties' to properly reflect Fig 11.
12	Fig 12	Adjust key block to Fig 12 as the text has slipped out of the box making the key unclear
16	Section 3.14 First paragraph line 2	Replace 'county' with 'country' and insert a source for the statistic
22	Paragraph 2	Remove paragraph which is 'stray' text repeating earlier section
28	Policy TT1 line 1	Insert 'of' after 'development'
29	Policy TT2 3 rd bullet line1 4 th bullet line 1	Replace 'Incorporate' with 'Incorporating' Delete 'for each property' as this duplicates the wording earlier in the bullet point
30	Last paragraph line 3	Replace 'business' with 'businesses'
31	Fig 26	Adjust key block to Fig 26 as the text has slipped out of the box making the key unclear
32	Policy EEG1 Line 4	Replace 'is' with 'are'
35	First paragraph line 4 Fourth para line 1	Replace 'scholl' with 'school' Replace 'allocation' with 'allocations'

37	Paragraph of Explanatory Text at top of Page 37	Delete text as this merely repeats explanatory text on the previous page
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