

# **Leasingham and Roxholm Neighbourhood Plan 2012-2036**

**A report to North Kesteven District Council**

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## **Executive summary**

I was appointed by North Kesteven District Council on 14 June 2022, with the agreement of Leasingham and Roxholm Parish Council, to carry out the independent examination of the Leasingham and Roxholm Neighbourhood Plan 2012-2036.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 5 August 2022.

Leasingham and Roxholm is a rural parish in North Kesteven, with a population of around 1600. It is designated as a “medium” village in the current development plan for the area, and as such is expected to experience a growth rate of about 15% in the period up to 2036. The Plan seeks to accommodate this growth in a sustainable way and includes a set of policies designed to achieve that objective.

Subject to a number of recommendations (in most cases designed to clarify and simplify the policies and to reduce unnecessary duplication), I have concluded that the Leasingham and Roxholm Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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## Introduction

1. This report sets out the findings of my examination of the Leasingham and Roxholm Neighbourhood Plan 2012-2036 (the LRNP), submitted to North Kesteven District Council (NKDC) by the Leasingham and Roxholm Parish Council in May 2022. The Neighbourhood Area for these purposes is the same as that of the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated July 2021, and it continues to be the principal element of national planning policy. Detailed advice is provided by online national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether the Plan satisfies certain “basic conditions” that must be met before it can proceed to a local referendum, and whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes to both policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the LRNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the LRNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

## Procedural matters

6. I am required to recommend that the Leasingham and Roxholm Neighbourhood Plan either
  - be submitted to a local referendum; or
  - that it should proceed to referendum, but as modified in the light of my recommendations; or
  - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
  - the submitted LRNP
  - the Consultation Statement (February 2022)
  - the Basic Conditions Statement, including the Regulation 14 responses (undated)
  - the Strategic Environmental Assessment and Habitats Regulations Screening Report (September 2019)
  - the Strategic Environmental Assessment Determination Statement (referenced as

“Screening outcome” in the above report)

- the representations made to the LRNP under Regulation 16
- selected policies of the adopted Development Plan for the area
- relevant paragraphs of the NPPF
- relevant paragraphs of national PPG.

8. I carried out an unaccompanied visit to the Plan area on 5 August 2022, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape and those areas affected by specific policies or references in the Plan. Where necessary, I refer to my visit in more detail elsewhere in this report.
9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering the written representations<sup>1</sup>. In the present case, I considered hearing sessions to be unnecessary. I should add that none of the representations received at the Regulation 16 stage included a request for a hearing.
10. I have addressed the policies in the order that they appear in the submitted Plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

### **A brief picture of the neighbourhood plan area**

11. Leasingham lies about 2.5 miles north of Sleaford, close to the junction of the A15 and A17, these being key routes in this part of Lincolnshire. It is very compact in form, the current built-up area being generally well differentiated from its extensive rural background. The central part of Leasingham village is on gently undulating land, and much of the recent housing takes the form of detached houses (many of which are bungalows) set around culs-de-sac. The more historic core of the village is on its southern edge, around the junction of Moor Lane and Captains Hill (part of the original route to Lincoln, now superseded by the bypass close to the western edge of the village). Roxholm, in the northern part of the Parish, consists of little more than a care home and a small number of individual dwellings.
12. In relative terms, the Parish has seen considerable population growth in recent years, and at the 2011 Census this had reached close to 1600 residents. It supports a better range of facilities and services than many villages in Lincolnshire, since it has a post office, a convenience store and a farm shop, a community-run pub, and a few other small businesses. It also has a village hall, and a primary school situated alongside an extensive open recreation area. One key objective of the NP is to ensure that these social assets keep pace with its planned 15% growth.

### **The basic conditions**

13. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065<sup>2</sup> of the relevant Planning Practice Guidance. In brief, all neighbourhood plans must:

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<sup>1</sup> Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

<sup>2</sup> Ref ID: 41-065-20140306

- have regard to national policy and guidance (Condition a)
- contribute to the achievement of sustainable development (Condition d)
- be in general conformity with the strategic policies in the development plan for the local area (Condition e)
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f)
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- comply with any other prescribed matters.

14. The Basic Conditions Statement (BCS) is a straightforward account of the relationship between the LRNP and national and local policy. It begins by explaining the conditions and legal requirements which neighbourhood plans must satisfy, before setting out the background to the LRNP and summarising the scope of each of its nine policies. The main part of the BCS then comments on the way each policy relates to relevant paragraphs of the NPPF; the objective of achieving sustainable development; and specific policies in the CLLP (no policies in the Minerals and Waste Local Plan being impacted). The BCS concludes with a brief reference to compliance with EU obligations.

15. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:

- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan
- that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan
- that the plan period must be stated (which in the case of the LRNP is 2012 to 2036)
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

16. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.

17. An SEA and Habitats Regulations Assessment (HRA) Screening Report was published by NKDC in September 2019. Part 6 of this document records the results of consultation with the relevant statutory bodies, and Part 7 contains the outcome of the screening process as a whole. In the light of this, NKDC conclude that there are unlikely to be any significant environmental effects deriving from proposals in the LRNP, and thus that neither a full SEA nor HRA will be necessary. Full details of the considerations which support this conclusion are set out in the report, and I have been given no reasons to question any of them.

18. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

## National policy

19. National policy is set out primarily in the NPPF, a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance on neighbourhood planning, an online resource which is continually updated by Government. I have borne particularly in mind the advice in the paragraph 041<sup>3</sup> of the relevant PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

## The existing Development Plan for the area

20. The current development plan for the area has two elements: the Central Lincolnshire Local Plan 2012-2036 (the CLLP), and the Lincolnshire County Council Minerals and Waste Plan. The CLLP was adopted by the Central Lincolnshire Joint Strategic Planning Committee in 2017, and replaced local plans prepared for the City of Lincoln and West Lindsey and North Kesteven District Councils. Policy LP2 of the Plan focuses on delivering sustainable communities, including the provision of housing and employment opportunities that would meet the area's needs. It establishes a comprehensive settlement hierarchy. Leasingham is one of a large number of "medium villages" (level 5 in the hierarchy) where, "unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support", the following applies:

- they will accommodate a limited amount of development in order to support their function and/or sustainability
- with certain provisos, any development will be restricted to nine dwellings (0.25 ha for employment uses) on any one site
- the CLLP does not allocate any sites for development within such settlements (with the exception of two named villages).

21. CLLP Policy LP3 sets out the broad distribution of the anticipated growth within the Plan area (as between the Lincoln Strategy Area, Gainsborough, Sleaford and the remaining settlements). This last category is expected to accommodate around 12% of the total growth, in a way which reflects the hierarchy set out in Policy LP4. Policy LP4 sets out how growth is to be handled in the medium and small villages (levels 5 and 6), with a baseline of 10% being considered appropriate in most cases. Supporting paragraphs and Appendix B explain the way the indicative figures have been arrived at and make it clear that the growth levels do not represent absolute limits. In Leasingham's case, the appropriate growth over the Plan period is given as 15%.

22. The CLLP requires a sequential test to be applied when development proposals are being considered for the level 5 and 6 villages, with priority being given to brownfield land or infill sites in "appropriate locations within the developed footprint" (these terms being defined in the Plan), followed by brownfield sites at the edge of a settlement and then greenfield sites, also at the edge of a settlement. In addition, there needs to be clear evidence of local community support for the scheme if (taking into account recent completions, existing permissions and any allocations) it would result in an increase of more than 10% in the total number of dwellings in a village, or if the identified growth level (15% in this case) would be exceeded. Local communities are free to support additional growth by appropriate means, such as via neighbourhood plans.

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<sup>3</sup> Ref ID: 41-041-20140306

23. The Central Lincolnshire authorities have launched a review of the CLLP, with the Regulation 19 consultation period having run to 9 May 2022. NKDC have made it clear that their assessment of the NP has been made in the context of the *adopted* CLLP: this is in accordance with basic condition e). However, I bear in mind also the advice at paragraph 009<sup>4</sup> of the relevant PPG which says: “Although a draft neighbourhood plan or order is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

### **The consultation exercise (Regulation 14)**

24. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

25. The Consultation Statement is dated February 2022. It explains in detail the way the Parish Council sought to engage with local residents, including a referendum in November 2016 to give parishioners the opportunity to say if they wanted to have a neighbourhood plan (79% of those who voted supported the idea). The statement summarises how businesses, public bodies and other interests were approached, and then summarises the stages of the Plan’s preparation. There is reference to the dedicated website for the LRNP, which is regularly updated. The responses at Regulation 14 stage, together with a summary of the Parish Council’s reactions to the points made, are included in an appendix (available online as a separate document).

26. There is no need for me to comment on any aspects of this exercise: suffice to say that I am satisfied that the statutory requirements have been fully complied with. I would also add that the Council and their volunteer colleagues are to be congratulated for getting the Plan to the submission stage in a timely manner despite the difficulties posed by the Covid 19 pandemic.

### **General observations about the Plan**

27. The Plan document itself is laid out in a straightforward way, and with its many photographs, maps and tables is generally easy to navigate. This is assisted by the fact that the policies are distinguished from the supporting text by being placed in green-coloured boxes. ***However, I recommend that the paragraphs be numbered to aid reference to the Plan’s contents.***

28. The Plan begins by setting out the statutory basis of neighbourhood plans and explaining the opportunities they provide for the local community to shape the development of the Parish in the period up to 2036. This is helpful, but as a detailed point and to aid public understanding, ***I recommend a rather more accurate summary of some of this contextual material on page 8:***

- ***amend the heading “Planning Regulations” to “Planning context”***
- ***delete the sub-headings “Context” and “Local Planning Policy Context”***
- ***remove the quotation marks for the first paragraph and start it with “The Government says that neighbourhood planning gives communities...” This is because the source of the quotation is unclear (and there may in fact be more than one)***

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<sup>4</sup> Ref ID: 41-009-20190509



- ***delete the second paragraph and insert: “In order to do this, the plan must have regard to national policy and guidance, found principally in the National Planning Policy Framework (latest version 2021), and must contribute to the achievement of sustainable development.”***
- ***delete the third paragraph and replace it with a new paragraph: “The plan must also be in general conformity with the strategic policies in the development plan for the local area. At the present time, this is found primarily in the Central Lincolnshire Local Plan (2012-2036), adopted in 2017”.***

29. The Plan continues with a brief description of the history, present character (including demographics), economy, housing types and physical setting of the Parish – one notable feature being the substantial recent growth in its resident population, up from 574 in 1961 to 1560 in 1981 (with then little change up to 2011).
30. The Vision guiding the Plan is set out in section 4. To summarise it, the intentions are to provide for a growing community in a sustainable way by maintaining the area’s rural character and heritage assets; supporting local services; ensuring development meets local needs and keeps pace with necessary infrastructure; and by strengthening the village’s links with the countryside and its natural assets. Nine specific objectives add detail to this overall view of the Plan’s purposes. The Plan then continues with a total of nine policies, each of which I comment on below.

### **Representations received (Regulation 16)**

31. I will deal with the detailed comments of NKDC under the relevant policy headings (in the interests of brevity, unless I consider it necessary, I do not generally record precisely what those comments were or the extent to which they are the subject of my recommendations). Other than a relatively minor observation by West Lindsey District Council (on which I comment under Policy 2), none of the statutory consultees and other public bodies who responded (The Environment Agency, Historic England, Natural England, National Highways, National Grid, the Coal Authority, the Witham Third District Internal Drainage Board and the NHS Lincolnshire Integrated Care Board) had any issues with the Plan.
32. Agents acting for Leasingham Hall Ltd, who own land within the Parish, consider that some significant changes need to be made to the Plan if it is to satisfy the basic conditions. My response to this is found under Policy 1 below. Representations were also made by three residents: those submitted by Resident 1 appear all to relate to proposals contained in the current Local Plan Review, and so it is not appropriate for me to respond to them. Those made by Resident 2 take the form of observations and do not raise issues of relevance to the basic conditions. Resident 3 was supportive of the Plan.

### **The policies**

33. Unless otherwise stated, I have concluded that (so long as my specific recommendations are accepted) each of the Plan’s policies satisfies the basic conditions. I have therefore not made that point under each policy heading.
34. Before dealing with the policies themselves, I note that page 6 of the Plan is a map taken from the North Kesteven Local Plan (Inset map no.31), which shows what I take to be the “village envelope” relevant at the time. Since that Plan has been replaced by the Central Lincolnshire Local Plan, which contains no such map for Leasingham, and since in any event no reference to its purpose in the NP is made, ***I recommend that the map be deleted.*** Also, the heading of

part 5 of the Plan (“Location of development”) would read better as “Introduction to the policies”, and *I recommend that this small change be made.*

### **Policy 1: Location of development**

35. The first thing to say about this policy is that its title does not fully reflect its content. *I recommend that it be changed to a more neutral “New development within the Parish”.*
36. The preamble to the policy makes it clear that the Parish welcomes the type of appropriate, organic growth described in the vision statement, especially since this is seen as a way of ensuring that it does not stagnate and that the community remains diverse. The preamble (and the earlier material on the local policy context) includes the calculation that the 15% assumed increase up to 2036 equates to 108 new dwellings, or 4.5 per year<sup>5</sup>; it goes on to explain that monitoring data shows that 14 new homes have already been built and that a further 21 have planning permission.
37. Part 1 of the policy itself supports the principle of development “within the developed footprint” of Leasingham; part 2 supports proposals of up to nine homes “within the developed footprint of the village *and the immediate environs*”. It is not clear why there is an apparent distinction here, but it is potentially confusing. In addition, the only contextual reference in the Plan to the nine-dwelling ceiling is in the last sentence of the second paragraph of Part 5, which says that “taking into consideration (of) the size of the areas available and the size of the community, preferred sites should not exceed 9 homes”. This is somewhat vague.
38. I sought clarification from the councils on this threshold, primarily because NKDC had commented that there was no explanation of justification for its inclusion. They confirmed my understanding that the reference reflected the third bullet point of adopted Local Plan Policy LP2(5), which says that “typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings ...”. The Parish Council told me that they included reference to this ceiling because the policy is intended to continue in the new LP. NKDC have confirmed this but point out that draft Policy S4 would also allow for larger sites being allocated through the mechanism of neighbourhood plans, a point to which I return below. The Parish Council have chosen not to take up this additional flexibility.
39. Part 3 requires development proposals “to contribute to providing a housing mix”, but this is not defined anywhere, and nor is there any recognition of the practicalities of the policy objective where very small scale proposals are involved. The same is true of part 4, which says that planning permission should only be granted where schemes can demonstrate that there is “sufficient infrastructure capacity to support and meet all the necessary requirements arising from a proposed development” (this in any event is a matter which would routinely be assessed at the planning application stage).
40. There is also some overlap between the ground covered in Policy 1 and that in Policies 3 and 4. More generally, there is some duplication with policies in the Local Plan (for example, LP25 dealing with the historic environment, and LP26, which covers design and amenity considerations), which makes it difficult to see how the NP is adding anything of value in those respects.
41. In their comments on Policy 1, NKDC place some doubt on the continuing validity of its strategic context, due to the changes being put forward in the submitted version of the new

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<sup>5</sup> (This actually reads “4-5” per year: the opportunity should be taken to correct it).

Local Plan. I take this to refer in particular to Policy S4 of that Plan, which would provide for limited growth in villages to support their role and function: while this strategy is similar to that of the current LP, it is proposed to replace the “percentages” mechanism with another approach. In addition, Policy S4 would revise the way acceptable locations for development in villages are described.

42. If confirmed after the LP examination, these changes would have implications for the way LRNP polices are expressed, as NKDC point out. However, given their comment that “there are outstanding objections to a number of draft policies, site allocations and the [Local] Plan as a whole”, I have concluded that it would not be appropriate for me to attach significant weight to the LP review for the purposes of my examination.
43. Before proceeding to my recommendation in relation to Policy 1, I need to address the objection to it raised by agents for Leasingham Hall Ltd (to the extent that their concerns have not already been taken into account in my recommendations).

#### *Leasingham Hall Ltd*

44. The company own land to the west and south of the Grade II listed Leasingham Hall, which is being refurbished as seven apartments. They make the following principal points:
  - There is a need for the Plan “to proactively promote sustainable development to ensure a suitable number of homes are built in the right location”. This conclusion is based on a calculation that only 1.4 homes have been built per annum (presumably between 2012 and 2022), compared with the 4.5 needed to meet the CLLP assumption of 108 dwellings expected between 2012 and 2036. I note here that this analysis takes no account of the 21 dwellings with planning permission, referred to in the supporting material to the policy;
  - Given the small number of brownfield sites available, the next most sustainable locations for growth are infill sites and those immediately adjacent to the developed area of the village. Planning permission has been granted for the development of land at Springs Lane (ref: 20/0577/FUL) for nine new dwellings. Once completed, this will have the effect of extending the built-up area of the village closer to the A15; it will also mean that the parcel of land the subject of the objection, to the immediate north-west of the Hall, will become an infill site;
  - the inclusion in the Plan of a map showing the developed area of the village is supported, but it should be redrawn to take into account the recent planning history. (It will be noted that I have recommended that the map on page 6 be deleted).
45. None of the points made by the objectors is evidence that the Plan fails to satisfy the basic conditions, in particular the requirement that it should contribute to the achievement of sustainable development (Condition d). No objection is made, in so many words, to the Plan’s failure to allocate the land in question for development – in any event, this is something which would not be supported by Local Plan Policy LP2. There is ample evidence to show that, as a whole, the Plan supports growth in the village, albeit with sensible and appropriate provisos.
46. Taking all these matters into account, ***I recommend that the content of Policy 1 be deleted and replaced with the following:***

***“Small-scale development proposals (of up to nine dwellings) within the developed footprint of Leasingham village, or immediately adjacent to it, will be supported in principle. Planning applications will be determined having regard to the criteria set out in Local Plan Policies LP2 and LP4 (until such time as they are replaced by policies in the Local Plan Review) and to all other relevant policies in this Neighbourhood Plan.***

***Roxholme is treated as countryside, and development proposals there will be restricted, in the terms set out in Part 8 of Local Plan Policy LP2.”***

47. ***I further recommend that the supporting material to the policy be substantially modified by including an explanation of the provisions of the adopted Local Plan as they affect Leasingham, together with an acknowledgement that this context may change as a result of the Local Plan Review, and that it therefore may become necessary to revisit this element of the Neighbourhood Plan. This explanatory material should also include reference to the growth thresholds set out in LP Policy LP4 and the definitions of “appropriate locations”, “developed footprint” and “demonstration of clear local community support” found in the Local Plan.***
48. I return below to other elements of the submitted version of Policy 1 which would be lost if the above recommendation is accepted.
49. There is a map on page 24 of the Plan with the title “Land Use Categories”. No reference to this is made in the text, and it appears to be connected with an exercise (by whom is not explained) to identify potential development sites within the village. ***Unless its purpose can be made clear, I recommend that the map be deleted.***

### **Policy 2: Maintaining separation**

50. This policy states: “Development proposals located in areas between Leasingham and Holdingham that would either visually or physically reduce the separation, or sense of separation, will be discouraged. See map page 27”. The preamble to the policy says this is a sensitive area if coalescence is to be avoided, adding that the gap between the two villages is only about 1km, and that the sense of separation has been reduced by the building of an industrial plant and service areas associated with the A15/A17 junction. The map referred to shows a significant stretch of land running east-west to the north of the A17 hatched in red (and including the recent developments referred to). However, this is all beyond the Parish boundary and thus the NP Area, and consequently cannot be the subject of a policy in the Plan. ***I therefore recommend that Policy 2 be deleted.***
51. I should make it clear that this recommendation ought not be taken as implying that the visual assessment that led to a decision to include the policy is flawed in any way (and I could appreciate the value in ensuring the continuing separation of Leasingham and Holdingham from my visit).

### **Policy 3: Housing character and design for future development**

52. The first sentence of this policy begins: “All [my emphasis] development proposals must deliver high quality design” by satisfying a list of criteria. Given the title of the policy and its content, and the need to reflect the practicalities where only minor development is involved, ***I recommend that this be changed to read “All proposals for new housing development must, as appropriate to its scale and location, deliver ...”.***
53. Part 2 of the policy states that “substandard” schemes “will not be considered”. It would

usually be inappropriate for a local planning authority to refuse even to consider a planning application; and given that the assessment process is implicit in the first part of the policy, **part 2 is superfluous and I recommend that it be deleted.**

54. Given my recommendation in relation to Policy 1, **I further recommend that an addition be made to the policy: “Where appropriate having regard to the scale and location of any new housing proposals, contribution should be made towards improving the mix of homes within the Parish”.**

#### **Policy 4: Heritage protection**

55. Policy 4 offers support to schemes which “preserve or enhance the character or appearance of the Parish, listed buildings and their settings and any features of special architectural or historic interest and other designated and non-designated heritage assets”. Clearly, the broad objective here is fully in line with national and local planning policy, but the way it is expressed is somewhat confusing and in any event duplicates elements of Local Plan Policy LP25 (without adding anything).
56. It is Government policy that neighbourhood plans should generally not seek to duplicate policies in local plans. However, in my view this may be tempered by the need to allow neighbourhood plans to have a degree of self-containment, where it is in the broader public interest. Consequently, while **I recommend that Policy 4 be deleted**, I am also recommending that the issue be covered in a general development management policy (see below).

#### **Policy 5: The green environment**

57. This policy includes a list of criteria relating to landscape, biodiversity etc which will be taken into account when development proposals are assessed. NKDC takes the view that it should be deleted because of its potential conflict with Local Plan policies – which, in any event, they consider provide sufficient protection for these interests. Having looked at Local Plan Policies LP20 (Green Infrastructure Network) and LP21 (Biodiversity and Geodiversity), this is a conclusion which I broadly share. **I therefore recommend that Policy 5 be deleted.**
58. That having been said, and bearing in mind my comment about duplication under the previous policy, I will be recommending that the issue be included in the additional policy referred to.

#### **Policy 6: Access to countryside**

#### **Policy 8: Pedestrian access, public rights of way and bridleways within Leasingham**

59. I have taken these two policies together because there is substantial overlap between part 2 of policy 6 and part 1 of Policy 8, and between part 1 of policy 6 and part 3 of Policy 8. Between them, the policies seek to protect both the integrity of these publicly accessible routes and their general value as recreational resources. Neither presents any difficulties in relation to the basic conditions, but in addition to removing the duplication I consider they would benefit from some of the modifications to the wording proposed by NKDC. I would also note that improvements to footpath surfaces and signage (Policy 6/1) are not appropriate for inclusion as a policy.
60. The last part of Policy 6 states that “Roxholm is classed as countryside and as such easy pedestrian/cycle access will be encouraged”. The logic of this statement is not clear, nor is its value in development management terms. There would be no problem in some reference to this appearing in the supporting material, but it is not appropriate for inclusion in the policy.

61. *I therefore recommend that Policies 6 and 8 be deleted and replaced with a single policy headed “Pedestrian access, public rights of way and bridleways”, reading as follows:*

*“In order to maintain and enhance access to the countryside and within the Parish generally*

- development proposals that would either obstruct or result in a significantly negative impact upon the enjoyment of footpaths, public rights of way or bridleways will not be supported*
- development proposals that will enhance or extend an existing public right of way or that will deliver a new one in a suitable location will be supported in principle*
- proposed development within or immediately adjacent to the developed footprint of the village will be required to incorporate adequate and safe pedestrian links from every property within the site to the existing footpath network*
- development proposals that would enhance connectivity through the village will be considered favourably in principle. Where a development site presents an opportunity to join up two or more rights of way, the proposal should deliver such a connection and clearly demonstrate this on site plans*
- new development that would be visible from a public right of way should, where necessary, incorporate green landscaping to reduce any visual impact.”*

#### **Policy 7: Local green spaces**

62. NPPF paragraphs 101-2 say that the designation of land as local green space allows communities to identify and protect green areas of particular importance to them. Such designations should only be used where the green space is:

- in reasonably close proximity to the community it serves
- demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife
- local in character and is not an extensive tract of land.

63. These tests are reproduced in the preamble to Policy 7 which (with an accompanying map) identifies nine areas of land that the Plan seeks to protect with that guidance in mind. However, there is nothing in the Plan which explains the rationale behind the choice of sites, and I was unable to find anything within the supporting evidence base which shows clearly how the NPPF criteria have been met. I therefore asked the Parish Council to explain the background here. To summarise their response, it was that (a) all the spaces are within the village footprint; (b) they all serve an important social function and are habitats for a variety of wildlife; and (c) none of the spaces are extensive tracts of land. They also provided me with a copy of the responses to a questionnaire on the subject which parishioners completed during March 2018.

64. The NPPF does not set out any particular methodology for determining whether or not a potential site would satisfy the criteria set out paragraphs 101-2, and nor does Planning Practice Guidance (paragraphs 005-022). Best practice advice is available separately (for example Locality’s toolkit), which favours a more rigorous, systematic approach to designation

assessments than appears to have been followed by the LRNP.

65. I do not, however, consider that this is an issue causing a difficulty for the basic conditions (and I note that no objections were made to the inclusion of any of the proposed sites). Nevertheless, ***I recommend that the supporting material to Policy 7 include an explanation of the background to the proposed designations.***
66. In addition, the second part of the policy says that development of LGS sites will not be permitted “other than in very special circumstances”, but this is a quotation from an earlier version of the NPPF, and should be amended accordingly.
67. Paragraph 103 of the current Framework (2021) states that “policies for managing development within a Local Green Space should be consistent with those for Green Belts”. ***I recommend that the policy be amended to quote NPPF paragraph 103 verbatim, and that to aid public understanding the following be included in the supporting material to the policy:***
- “The National Planning Policy Frameworks states that***
- (a) inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147); and***
- (b) when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations” (para 148).***
68. I am satisfied that these amendments would have no effect on the intention behind Policy 7 itself.

#### **Policy 9: Community assets**

69. The preamble to Policy 9 lists the range of community assets currently enjoyed by the residents of the Parish, and the policy itself seeks to “develop, improve or expand” them, so long as this would be consistent with other relevant policies. This clearly has support as a policy objective at national and local level, but it is not clear what part 2 of the policy, which relates to proposals for new retail uses, is designed to achieve. In particular, part 2b) appears based on the assumption that the policy relates to changes of use (which is the subject of part 3); and the requirement in part 2c) that a proposal for a new retail use must be accompanied by evidence that there is a “community need” for it is unreasonable in principle. Some criteria listed in the policy relate to general development management issues which are covered elsewhere in the Plan (or are the subject of my recommendations).
70. ***I recommend that the policy be simplified and clarified by replacing it with the following:***
- 1. Proposals to develop, improve or expand facilities to support the social, cultural, economic and physical well-being of the local community (including the provision of leisure facilities for children and young people) will be encouraged and supported provided they are consistent with other policies in this Neighbourhood Plan and the Local Plan.***
  - 2. Proposals that would result in the loss of or change of use of community facilities will be permitted where at least one of the following conditions is met:***

- *a replacement facility is provided in a suitable location; or*
- *it can be satisfactorily demonstrated that the facility is no longer fit for purpose or economically viable for a new or another community use; or*
- *the alternative use would have significant community benefits for the local community.*

71. *I further recommend that some explanatory text be included in the supporting material, along the following lines: “It should be noted that some loss of community assets as a result of changes of use cannot be prevented, since they do not require planning permission. This is due to the provisions of the Use Classes Order and the General Permitted Development Order, details of which may be found on the relevant Government websites”.*

#### **Recommended additional policy**

72. If my recommendations are accepted, they would (in part) include limiting the scope of Policy 1 such that it only deals with the strategic context for the Plan, with no specific land-use issues or development management criteria included; it would be made clear that Policy 3 relates specifically to housing schemes; and Policies 4 and 5 would be deleted.
73. In order to ensure that some of the legitimate issues raised by these policies as originally submitted are not lost from the Plan, and generally to aid public understanding of it, *I recommend the addition of a new policy (with supporting text to explain its purpose), to read as follows:*

#### *“Policy x: Development management criteria*

*In addition to the requirements specific to housing schemes set out in Policy 3, all development proposals must have regard to the following criteria, as appropriate to their scale and location:*

- 1. the need to avoid an unacceptable impact on the setting, character and appearance of the Parish within the wider landscape*
- 2. the effect on any heritage asset, taking into account the provisions of Local Plan Policy LP25 (The Historic Environment)*
- 3. the amenity that current and future occupiers of adjacent or nearby premises may reasonably expect to enjoy*
- 4. the capacity of existing infrastructure to accommodate the proposal*
- 5. the need for adequate car parking and servicing arrangements*
- 6. the need to protect and, where possible enhance, existing landscape features, green networks and the biodiversity of the Parish, taking into account Local Plan Policies LP20 (Green Infrastructure Network) and LP21 (Biodiversity and Geodiversity), which includes the approach that will be taken towards any necessary mitigation measures.*



## **Monitoring and review**

74. It is the practice in many neighbourhood plans for clear guidance to be given on the circumstances where (or when) a review might be undertaken. However, this is not a statutory requirement, nor is it the subject of Government policy beyond guidance that communities are encouraged to keep plans up to date. Part 5 of the Plan includes a commitment by the Parish Council to monitor the Plan's effectiveness on an annual basis, and to work towards reviewing it at regular intervals.

## **Conclusions on the basic conditions**

75. I am satisfied that the Leasingham and Roxholm Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

## **Formal recommendation**

76. I have concluded that, provided that the recommendations set out above are followed, the Leasingham and Roxholm Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the neighbourhood plan area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI  
Independent Examiner

12 September 2022

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
27	General	<ul style="list-style-type: none"> <li>number paragraphs to aid reference to the Plan's contents</li> </ul>
28	Page 8 (context)	<ul style="list-style-type: none"> <li>amend text as suggested to provide a more accurate summary of the contextual material</li> </ul>
34	Introduction to the policies	<ul style="list-style-type: none"> <li>delete inset map no.31 (page 6) from the North Kesteven Adopted Local Plan</li> <li>amend the heading of part 5 of the Plan as suggested</li> </ul>
35	Policy 1	<ul style="list-style-type: none"> <li>amend title of policy to "New development within the Parish"</li> </ul>
46	Policy 1	<ul style="list-style-type: none"> <li>replace the content of Policy 1 as suggested</li> </ul>
47	Supporting material to Policy 1	<ul style="list-style-type: none"> <li>make substantial modifications to the supporting material as suggested</li> </ul>
49	Land Use Categories Map	<ul style="list-style-type: none"> <li>delete the map on page 24 unless its purpose can be made clear</li> </ul>
50	Policy 2	<ul style="list-style-type: none"> <li>delete the policy</li> </ul>
52	Policy 3	<ul style="list-style-type: none"> <li>amend the first sentence of the policy as suggested</li> </ul>
53	Policy 3	<ul style="list-style-type: none"> <li>delete part 2 of the policy</li> </ul>
54	Policy 3	<ul style="list-style-type: none"> <li>add an additional part to the policy regarding the mix of homes as suggested</li> </ul>
56	Policy 4	<ul style="list-style-type: none"> <li>delete the policy (but see also recommendation at para 70)</li> </ul>
57	Policy 5	<ul style="list-style-type: none"> <li>delete the policy (but see also recommendation at para 70)</li> </ul>
61	Policies 6 and 8	<ul style="list-style-type: none"> <li>delete the two policies and replace with a single policy as suggested</li> </ul>
65	Policy 7	<ul style="list-style-type: none"> <li>include within the supporting material an explanation of the background to the proposed designations</li> </ul>
67	Policy 7	<ul style="list-style-type: none"> <li>amend the policy to quote NPPF para 103 verbatim</li> <li>include further explanation in the supporting material as suggested</li> </ul>
70	Policy 9	<ul style="list-style-type: none"> <li>reword the policy as suggested to simplify and clarify it</li> </ul>
71	Policy 9	<ul style="list-style-type: none"> <li>include explanatory text in the supporting material along the lines suggested</li> </ul>
73	Additional policy	<ul style="list-style-type: none"> <li>add a new policy as suggested to cover a range of development management criteria, mainly carried forward from policies recommended for deletion or amendment</li> </ul>