

**ALFORD
NEIGHBOURHOOD PLAN
2018-2031**

SUBMISSION PLAN

**A Report to East Lindsey District Council of the
Examination into the Alford Neighbourhood Plan**

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Argyle Planning Consultancy LTD

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Summary and Overall Recommendation

0.1 Following my examination of the Alford Neighbourhood Plan (ANP), including a site visit to the Neighbourhood Area on 21 November 2018, it is my view that, subject to modifications, the ANP 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 ANP 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.

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 Alford 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 references to the plan making procedure are 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 ANP 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 Alford Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

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

Peter Biggers
10 January 2019
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

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

1.1.2 The ANP was produced by Alford Town Council (ATC) in consultation with the local planning authority (East Lindsey District Council), and interested parties and local stakeholders.

1.1.3 The Alford Neighbourhood Area equates to the administrative area of Alford Town Council.

1.1.4 Alford lies within East Lindsey District approximately 7 miles from the coast just east of the Lincolnshire Wolds and AONB. It is a small market town in an attractive flat fenland setting. Alford is crossed by the Wold Grift Drain which flows through the centre of the town. The older core to the town with its many historic buildings forms the heart of the conservation area and a small town centre from which development has extended out along main routes which in turn has been infilled behind with newer development. At the census in 2011 the town had a population of around 3459 living in 1518 households.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the ANP 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 ANP would be '**made**' by East Lindsey District Council. In the event of a successful referendum result the ANP 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 East Lindsey District Council, with the consent of ATC, 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 ANP 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 by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Regulation 106 (1) of Chapter 8 states that a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required.

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.

* 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.

- 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.

1.3.4 I have examined the ANP 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 Alford 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 ANP 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 21 November 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. Prior to and 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 Alford Neighbourhood Plan 2018-2031:

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 East Lindsey Local Plan Core Strategy 2018.
9. Alford Neighbourhood Plan Basic Conditions Statement – May 2018
10. Alford Neighbourhood Plan Consultation Statement – May 2018
11. Alford Neighbourhood Plan 2018-2031 Strategic Environmental Assessment Screening Opinion – 2018
12. Alford Neighbourhood Plan Habitat Regulations Assessment Screening Opinion November 2018
13. Alford Neighbourhood Plan Sustainability Appraisal August 2017
14. Alford Neighbourhood Area Designation Report - 31 August 2012
15. Alford Character Assessment
16. Alford Neighbourhood Plan Housing Site Assessment Methodology, Pro-Forma and Scoring.
17. Alford Neighbourhood Plan Strategic Housing Land Availability Assessment – Information on Sites

Also:

18. Representations received during the Regulation 16 publicity period post submission 15 August to 26 September 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 ATC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations, to East Lindsey District Council on 29 May 2018.

3.1.3 Public consultation on the ANP commenced with initial consultations in 2012-13.

The initial consultation was followed by various consultation stages, including:

- Vision and objectives consultation July 2015
- Draft plan consultation July 2017
- The pre submission consultation under Regulation 14 from 15 January to 25 February 2018.
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan from 15 August to 26 September 2018).

The Reg 16 Publicity period was set up to run initially from 20 June 2018 to 1 August 2018. However due to a technical problem not all the consultees received notification of the publicity stage and therefore ELDC decided to rerun the Publicity stage from 15 August to 26 September 2018. The regulation 16 stage resulted in consultation responses from 6 respondents. These are considered as necessary within my assessment of the plan in section 6 below.

3.2 Alford Neighbourhood Plan Consultation

3.2.1 The ANP Neighbourhood Planning Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved newsletters, press releases, flyers circulated to households, ELDC Neighbourhood Plan and ATC websites, social media feeds, email drops as well as a presence at community events and questionnaires. 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 2012 and ran through to April 2013. Drop in sessions were held which were well attended and residents were invited to submit comments and ideas on the issues facing Alford and how they could be resolved.

3.2.3 Based on the feedback from this early stage work the steering group developed the vision and objectives for the plan and consulted on this in July 2015 at a further well attended drop-in event where residents were invited to submit comments on feedback forms. On the basis of this an initial draft plan was prepared in July 2017 and screened as to whether a Strategic Environmental Assessment was required. This was again the subject of consultation at a drop in event in July 2017 where residents, stakeholders and consultees were again invited to submit comments on feedback forms.

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 on the plan (incorporating the sustainability appraisal) as required by Regulation 14 involved a 6 week period from 15 January to 25 February 2018. The ANP was made available online on the ATC and ELDC websites

and links to the plan provided via social media and email. Hard copies were made available in the local area and flyers were sent to every household in the neighbourhood area. Further drop-in sessions were arranged in January 2018 and a survey was provided for residents and consultees to complete. Statutory consultees and other key community stakeholders, including landowners and businesses, were consulted by email with a link to the plan or by letter. 19 responses were received from residents, 5 responses from Local Green Space owners, 3 responses from housing site owners and 7 from statutory consultees. ELDC did not formally respond to the pre-submission consultation as they had been offered the opportunity to comment prior to publication and the published version addressed the majority of points raised.

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 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 a very 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 Alford Town 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 Alford Neighbourhood Area, as designated, coincides with the administrative boundaries of the Town Council.

4.2.2 An application was made by the ATC on 12 April 2012 to designate the Alford

Neighbourhood Area. This was approved by East Lindsey District Council on 31 August 2012 following consultation. Due to the absence of any record that the designation application had been advertised, the designation was re-advertised for 4 weeks between 28 February 2018 and 28 March 2018.

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 ANP clearly states on its title page and in the introductory sections that it covers the period from 2018– 2031.

4.3.2 The plan period equates with the timescale of the East Lindsey Local Plan Core Strategy which sets out the strategic policies with which the ANP must be in general conformity. The intended time period satisfies the requirements of Section 38B of the PCPA as amended.

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 ANP, 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 ANP 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 section 7 to deal with matters the community has raised which cannot be addressed through the formal neighbourhood plan. This section is not examined here.

4.6 Plan Publication Following Submission

4.6.1 East Lindsey District Council (ELDC) undertook a final validation check of the ANP on submission in May 2018 and was satisfied that the Plan could proceed to be

publicised under Reg 16 and proceed to this independent examination. As stated above 2 publicity periods under Reg 16 were carried out due to an administrative error. Everyone making representations in the initial period of consultation were asked to resubmit representations in the second publicity stage ensuring all comments were picked up.

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 recently 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 Alford 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 is also being 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 to fully assess the contribution to sustainability an appraisal should be carried out and ELDC has encouraged all its Neighbourhood Plan Qualifying Bodies to carry one out.

5.2.3 In this case *Open Plan*, on behalf of ATC, has carried out an appraisal of its policies and proposals incorporating a formal Strategic Environmental Assessment. This has been done against a suite of 13 sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the ANP policies and proposals. These are broadly reflective of the sustainability framework used in the preparation of the East Lindsey Local Plan Core Strategy (ELLPCS) adapted to reflect the smaller, more specific nature of the plan area. The outcome of this assessment is that the policies and proposals including site allocations generally have a positive or at worst neutral effect on sustainability objectives. The SA also considered the sustainability of 2 alternative options to the plan as submitted – i) the ANP with no housing and employment allocations and ii) no ANP at all with decisions based on existing national and local policy. The ANP as submitted performed better compared to either alternative and delivered enhanced local sustainability outcomes. The SA also considered whether the plan would have secondary, cumulative or synergistic impacts. Generally these were also positive with the exception of 3 cases where there were minor negative secondary effects in terms of the sustainability objectives. Overall however the plan performed well.

5.2.4 Notwithstanding the reported outcome of the SA, I will consider any detailed points regarding the plan's ability to meet Basic Condition No 2 in section 6 below.

5.3 General Conformity with the Development Plan

5.3.1 At the time the preparation of the ANP commenced and up to submission, the adopted development plan remained the East Lindsey Local Plan 1999. However, in view of the age of this plan and the fact that ELDC had been developing the replacement Local Plan for some time and was well advanced with its preparation, ATC sought to ensure that the ANP was fully aligned with the emerging East Lindsey Local Plan Core Strategy (ELLPCS) including a full assessment of the ANP against the policies of the new plan in the Basic Conditions Statement which concluded that the ANP was in general conformity.

5.3.2 Unusually the Town Council did not hold submission back until the new local plan had been adopted which would have been the more usual and logical approach given the imminence of this at the point of submission. Equally it is not clear why the District Council did not discuss delaying the publicity stage under Regulation 16 with ATC until the local plan had been adopted. However as referred to above in para 3.1.3, due to a technical problem, the Reg 16 Publicity stage had to be run twice. The second consultation was post adoption of the ELLPCS and therefore all consultees had the opportunity to comment on the ANP in the context of the newly adopted ELLPCS had they wished to do so. None raised any procedural concerns about the fact that the adopted plan against which the ANP would be assessed to be in general conformity was now the ELLPCS as adopted July 2018.

5.3.3 All policies of the former local plan relevant to the ANP have been superseded by the new ELLPCS at the point of its adoption and therefore, at the point I am carrying out the examination, the strategic policies of the earlier ELLP no longer have any weight. Notwithstanding the fact that at the time it was submitted the only adopted plan was the former ELLP, the adopted strategic policies against which the ANP must now be in general conformity can only be those in the ELLPCS 2018.

5.3.4 Because ATC did not delay submission till after the adoption of the ELLPCS in July 2018 it is necessary to satisfy myself that procedurally the examination can take place based on the new ELLPCS. I have therefore reviewed with the District Council the extent to which the pre-adoption ELLPCS and its policies referred to in the submission draft ANP are essentially the same as those now adopted and that there has been no substantive change in the policy base. I am satisfied as a result of this policy review that, although some minor rewording has taken place, all ELLPCS policies referred to in the submission draft remain the same in scope and purpose and therefore the examination can continue on the basis that it is the newly adopted ELLPCS that the ANP must be in general conformity with. There will be a need for consequential changes to the supporting text of the ANP where it refers to the development plan and I have indicated in section 6 below and in Appendix 2 setting out typographical corrections where this should be carried out.

5.3.5 East Lindsey District Council has confirmed that the submission version ANP 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).

5.3.6 I consider the extent to which the policies and proposals of the ANP are in general conformity with the strategic policies of the ELLPCS 2018 in detail in Section 6 below.

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 obtained from the responsible authority (ELDC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion was prepared by ELDC in consultation with the statutory bodies in 2018. The screening opinion determined that, owing to the fact that development will be allocated in Alford and its proximity to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) that an SEA should be carried out. For practical purposes this was incorporated into the Sustainability Appraisal carried out by Open Plan on behalf of ATC.

5.4.5 The SEA as part of the SA was carried out in accordance with the requirements of the directive and concluded that there would be no significant effects of the ANP that could not be satisfactorily mitigated through the planning process.

5.4.6 Regarding Habitats Regulations Assessment the test in the additional Basic Condition now essentially mirrors that in respect of SEA and requires an appropriate assessment to be carried out where a plan is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authority (ELDC) that the plan is not likely to have a 'significant effect.'

5.4.7 No European sites are located within the Neighbourhood Area. However a number of sites lie on the coast in the vicinity of Alford – the closest being the Greater Wash Special Protection Area at 8 kms. The others are as follows:

- Humber Estuary - Special Protection Area (11km), Special Area of Conservation (17.5km) and Ramsar Site (11km);
- Gibraltar Point - Special Protection Area (18.3km);
- The Wash - Special Protection Area (20.3km) and Ramsar site (18.25km);
- Saltfleetby-Theddlethorpe Dunes (11.8km) and Gibraltar Point (17.5km) – Special Area of Conservation;
- The Wash and North Norfolk Coast Special Area of Conservation (20.5km).

No Habitats Regulations Assessment (HRA) screening was carried out by ELDC during the preparation of the ANP. Whilst the overall quantum of development in East Lindsey District, including Alford, had been the subject of assessment in the HRA for the ELLPCS, the ANP allocates in excess of the amount of development required of Alford, albeit by only a limited amount. In view of the requirements of the *Conservation of Habitats and Species Regulations 2017* I therefore requested that a screening was carried out prior to this examination and the results confirmed with Natural England as statutory consultee. The screening concluded that, given the distance to the Wash and the small scale of additional development proposed, there would be no likely significant effect on the integrity of the identified internationally designated sites as a result of the implementation of the ANP alone or in combination with other plans. This conclusion has been confirmed by Natural England as the statutory consultee and I have no reason to reach a different view. Appropriate Assessment is therefore not necessary.

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 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the ANP as part of the Basic Conditions Statement. However, the matter of how the plan responds to needs from all groups equally is within the scope of the SA carried out on the plan. In particular Sustainability Appraisal Objective 9 seeks to ensure “*support for inclusive, safe and vibrant communities*” against which most of the policies perform positively with only policies 4, 6 and 11 having a neutral impact. 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 particular protected characteristics, the ANP generally makes provision for all in its policies.

5.5.3 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the ANP 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.

5.5.4 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 ANP 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 Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the ANP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.5.5 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.

5.5.7 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 ANP 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 ANP 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 setting out the evidence for the policy and the plan distinguishes between the policies themselves, and their justification by boxing the policies. The plan makes it clear at paragraph 1.2.9 that the Community Actions helping to implement the plan are not part of the formal neighbourhood plan. However paragraph 1.2.9 states they are included in an appendix which would have been the correct procedure whereas in fact they appear as section 7 of the plan.

6.0.2 The legislation makes it clear that neighbourhood plans can only deal with matters relating to the development and use of land. As such these wider community actions

cannot form part of the plan without conflicting with Basic Condition No 1. Accordingly section 7 should be retitled Appendix A and the table of contents to the plan adjusted to reflect this.

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

6.0.4 First, as explained above with the adoption of the ELLPCS and the superseding of the former ELLP policies all references in the plan to the ELLPCS must be updated to make clear that it is now the adopted plan. The specific points where this is necessary are set out in Appendix 2 to this report.

6.0.5 Secondly, when providing mapping, as in the ANP, this should be clear and some of the mapping used in the plan is too small scale to be of any practical value in helping to clarify issues. In particular the development management policies map on page 20 is not large enough to clearly identify where policies with a spatial content apply. It should be at least a full A4 size as a minimum with related text on a preceding page.

6.0.6 Modifications are necessary to resolve these issues.

Recommendation 1 –

1A Retitle Section 7 of the plan – Community Actions as Appendix A, renumber other appendices and amend the table of contents accordingly.

1B Revise all references to the ELLPCS to make it clear that this is now the adopted local plan. (See Appendix 2 for paragraph referencing where this is necessary).

1C Enlarge mapping generally and in particular enlarge the Development Management Policies Map on page 20 to at least full A4 size.

6.1 Introduction

6.1.1 This section of the BNP is largely factual describing the purpose and intent of the neighbourhood plan. However at paragraphs 1.1.4 and 1.1.5 there are references to the Basic Conditions against which the ANP is being assessed. Rather than paraphrasing these the conditions should be quoted accurately as the terms have precise meanings. Thus changes are necessary in the two paragraphs.

6.1.2 Paragraph 1.1.4 also sets out the position with the ELLPCS and following its adoption this now needs to be the subject of revised wording.

Recommendation 2

2A – Revise Paragraph 1.1.4 line 1 to read :

“...a neighbourhood plan has to have regard to national planning policies and guidance (...) and be in general conformity with the strategic policies of the local

plan...”

2B - Revise paragraph 1.1.5 line 1 to read:

“As well as having regard to national planning policies and guidance and being in general conformity with the strategic policies”

Remove the first bullet as this is not one of the basic conditions and relocate the wording to follow what will become Bullet point 2 (ie after the European Union Obligations Basic Condition).

2C – Revise wording of paragraph 1.1.4 line 5 onwards to read:

“Settlement Proposals Document. The East Lindsey Local Plan Core Strategy (ELLPCS) was adopted immediately following submission of the ANP and now provides the strategic policies against which the ANP must be in general conformity. The policies and proposals of the ELLPCS and the Settlement Proposals Document (Submission Modification Draft) have been reflected within the ANP on its submission.”

Delete the rest of paragraph 1.1.4`

6.1.3 Beyond these modifications and some typographical corrections at Appendix 2 this section is simply contextual and there is no need for further change.

6.2 The Plan Process and Timeline

6.2.1 This section again is largely factual setting out in brief the process the plan has been through.

6.2.2 Paragraph 2.1.5 of this section again refers to the Basic Conditions and again instead of paraphrasing the conditions they should be referred to correctly. The first bullet point and first condition finishes with the words ‘it is appropriate to make the plan’.

6.2.3 In addition there are some procedural inaccuracies in paragraph 2.1.7. The examiner is not appointed by the Town Council. I have been appointed by East Lindsey District Council. Furthermore rather than referring to the examination being successful the wording should refer to the examination recommending that the plan can proceed to referendum. Finally the ANP, if ‘made’ following the local referendum, carries full statutory weight as part of the development plan and is not simply a material consideration.

Accordingly, I recommend the following modifications to comply with Basic Condition No 1;

Recommendation 3

3A – In paragraph 2.1.5 at the end of the first bullet add the words:

‘...it is appropriate to make the plan’

3B – In paragraph 2.1.7 Line 1 onwards revise the wording to read:

“An independent examiner will be appointed by ELDC.....If the examination report recommends that the ANP progresses to a local referendum ELDC will.....an integral part of the East Lindsey Development Plan and will carry full statutory weight in decision making regarding planning applications.”

6.3 Setting the Scene

6.3.1 The third section of the plan sets out the background to Alford and the issues facing the town.

6.3.2 To a large extent the section seeks to be a factual representation of the Alford Neighbourhood Area and I have no matters to raise regarding the basic conditions.

6.3.3 There are however a number of typographical corrections and these are set out in Appendix 2.

6.4 Vision and Objectives

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

6.4.2 The vision and objectives 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 market town character of Alford 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 objectives also encapsulate and reflect the aims set out in 1.5 to 1.11 of the ELLPCS 2018 and the SA confirms the impact of pursuing the vision and objectives would be either strongly positive or have no impact. They will therefore overall ensure the plan contributes to the achievement of sustainable development.

6.4.5 Accordingly, the Vision and Objectives of the ANP meet Basic Conditions Nos 1, 2 and 3. There is some repetition in the objectives which in the interests of a clear and unambiguous plan it would be helpful to remove from the tabulations in particular A3, and B2, 3 and 4.

6.4.6 Turley Associates in their Reg 16 representation on behalf of clients request an addition to the vision and objectives to ensure they are more positively worded to reflect the strong emphasis embodied in the NPPF to boost significantly the supply of housing and to provide a wide choice of high quality homes and particularly in respect of the objectives to provide a wider range of affordable housing. However the vision and objectives have been established over a period of time. They reflect the community's aspirations and to add to them at this stage would leave no opportunity for the community to comment on the change. In any event the thrust of what Turley seek to achieve is already broadly represented by the vision and objectives as a whole in that the plan seeks high quality development, it seeks development which promotes sustainability in the town

and it seeks to meet housing need. For these reasons there is no reason to add new elements to the vision or objectives at this stage.

6.5 Policies

6.5.0 Given 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 and the PPG advice that plans need to be clear and unambiguous it is important that the policies map on page 20 includes the conservation area boundary. The operation of Policy 10 depends on an understanding of where the designated conservation area is located. This should be added to the main policies map even though a separate map of the conservation area is included at page 76.

Recommendation 4

**4 Add the Conservation Area boundary to the Development Management Policies Map on page 20 and add the following text to the key block:
“Policy 10 – Conservation Area.”**

6.5.1 Policy 1 Site Allocation

i) The ANP sets out clearly how the housing requirement set out in section 2 of the ELLPCS will be met in the town and states that the requirement has already been met (and exceeded by 44 units) through existing commitments – a matter confirmed by ELDC. However, in view of the statement in the ELLPCS that the figure for Alford is a minimum and in order to support redevelopment of brownfield sites and provide for the delivery of affordable housing, the ANP allocates an additional 43 dwellings on top of these commitments amounting to an additional 87 units over the ELLPCS requirement. The sites selected for the additional provision went through a thorough assessment process following a call for sites and a process of consultation with the local community.

ii) The plan in providing additional housing on top of the requirement has regard to the intentions of the NPPF to provide for a choice of housing and is in general conformity with the quantum of housing sought in the ELLPCS. The modest additional provision would not undermine strategic policies of the ELLPCS.

iii) Turley Associates acting for a landowner at the Reg 16 stage have proposed two additional sites at Bull Fair Field and South of Tothby Lane. These sites have both been fully considered and assessed using the site assessment pro-forma and were dismissed in the preparation of the plan as they performed less well compared to other housing sites in the site assessment and sustainability checklist. Both are large sites and are not needed to meet the housing requirement in Alford set out in the ELLPCS. Moreover the Bull Fair Field is in part at least within flood zone 2 / 3, has poor road access and is designated within the ANP as a Local Green Space and whilst Turley have also objected to that policy my findings on that are discussed below.

iv) Notwithstanding the fact that these two sites have been assessed and dismissed, to

bring either or both forward as an allocation at this stage would not be possible without the current submission plan being withdrawn and ATC taking the plan back through consultation and resubmitting it. As the sites are not needed to meet the housing requirement at the current time the matter of their future development should be held over and considered as part and parcel of a future review of the plan when they can be assessed and considered alongside any other potential sites at that time.

v) Savills UK Ltd in their Reg 16 representation on behalf of clients raise concerns that the ANP housing site assessment has been unnecessarily harsh in its scoring of site AL055 off St Wilfrid's Close particularly in respect of the stated impact on the Conservation Area and in terms of its visual and environmental impact. However the scoring has still resulted in the site being selected and allocated. The assessment is not formally part of the plan and I see no need to propose its modification at this stage.

vi). Apart from a number of typographical corrections to the policy which are set out in Appendix 2 there are two matters which need to be clarified if the policy is to fulfill the PPG requirements of being clear and unambiguous. The first of these relates to the wording of part 1. The policy needs to make clear that it is relating to allocations in addition to the sites making up the main housing requirement in Alford and secondly the guide requirements in respect of site ref ALO36 need to be clarified regarding the design requirement which is at present ambiguous.

vi) Finally Anglian Water Services in their Reg 16 representation point out that the reference to a nearby groundwater abstraction site to Hunts Depot Site ANP9 is now no longer required as the source is no longer used by Anglian Water. The text in the guidance notes should be deleted. As it is the utility provider proposing the change the text should be corrected.

Recommendation 5 –

5A – Insert the following text in line 1 of policy 1 after ‘allocations’ –
‘...in addition to the requirements of the ELLPCS for Alford’

5B – Insert in line 5 of the guidelines for site AL036 after ‘proposals’:
‘...for AL036’.

5C – Delete the guidelines relating to the former groundwater abstraction site adjacent to Hunts Depot ANP9 in Policy 1’

vii) With these minor modifications in place policy 1 of the ANP meets Basic Conditions Nos 1 and 3. The sustainability appraisal demonstrates that the policy and the allocated sites have either a positive or neutral effect against the sustainability objectives and therefore basic condition 2 is also met.

6.5.2 Policy 2 Local Connection Criteria

i) The management of affordable housing typically involves allocation of the properties following a cascade approach prioritizing those in need in the immediate area first. To that extent the principle of policy 2 is acceptable and has regard to national policy and practice

and is complementary with policy 7 of the ELLPCS in setting out how affordable housing in the local area will be allocated.

ii) However, as before, the NPPF and the PPG require policies to be clear and unambiguous and in this respect the policy is in need of modification. First, the policy introduction needs to be clarified in two respects – that the allocation will be to people in need of affordable housing and that the allocation will be set out and controlled by the S106 agreement attached to the planning permission. Secondly instead of ‘place of development’ in 1) and 3) of the cascade Alford Town or Alford Parish should be used. Thirdly, at 5) and 6) it should state ‘Elsewhere in the District of East Lindsey’. Fourthly the last clause should confirm that those on the housing register must be in need of affordable housing.

Recommendation 6

6A – Add after ‘allocated’ in line 1 of policy 2:

‘...to occupiers in need of affordable housing’

6B – Add after ‘criteria’ in line 1:

‘The allocation will be managed through a S106 legal agreement attached to the planning permission.’

6C – Replace ‘Place of Development’ in 1) and 3) with ‘The Town of Alford’

6D – Add ‘Elsewhere in the’ before ‘District of East Lindsey’ in 5) and 6)

6E - Add ‘in need of affordable housing’ after ‘register’ in 7)i).

iii) With these modifications in place the policy meets basic conditions 1 and 3. The policy had a mainly neutral result and no negative impacts against sustainability objectives in the SA. The policy therefore would also meet basic condition No 2.

6.5.3 Residential Development

i) Policy 3 of the ANP seeks to support generally smaller residential developments as windfall, i.e. additional to allocations made in the plan.

The principle of the policy has regard to the NPPF which acknowledges the role smaller windfall sites play in housing provision. The policy also is in general conformity with policy SP 3 of the ELLPCS.

ii) However the detail of policy 3 raises a number of matters which again mean the policy runs counter to the requirement of the NPPF that policies should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and from the PPG that policies should be clear and unambiguous.

iii) Both these relate to section 2 of the policy. Firstly in 2a the policy refers to developments having to be ‘brownfield’ according to the definition in the NPPF. There is no formal definition of ‘brownfield’ in the glossary to the NPPF. The term that is defined is ‘previously developed land’ and therefore the policy wording needs to be modified. Secondly, there is ambiguity in section 2b setting out the proposal in respect of the Eastern Quarter. Because Policy Diagram 3 spatially defines this area in yellow as the Eastern Quarter it would be

possible to interpret policy 3 as allowing development adjoining that yellow shaded area but further east of it which is not the intention of the plan. Accordingly, a modification to this clause is necessary.

iv) Turley Associates in their Reg 16 representation on behalf of clients make a number of points regarding this policy, first that section 2 adds another layer of requirements and restrictions. However the NPPF in its core principles seeks the effective use of land – reusing previously developed land (PDL). Whilst it is accepted that more than just residential uses may be accommodated on PDL that alone is not a reason why policy 3 should not encourage the use of PDL for housing. Moreover given the local concerns about the skewed development of the town towards the west side I see no reason why the policy should not seek to encourage development that would redress this.

v) Turley's go on to make the point that this Eastern Quarter, in particular the area beyond the main body of the settlement, is more constrained than other land in the settlement and the plan should not therefore be encouraging development there. Turley talk in particular about quality of agricultural land, impact on the Conservation Area and listed buildings, access and flooding. Natural England mapping of the Likelihood of Best and Most Versatile Land for the East Midlands does indicate a high likelihood >60% likelihood of best and most versatile land occurring in the area but this is true of most of the land around Alford not just the Eastern Quarter. By contrast the Agricultural Land Classification Map for the East Midlands Region, although small scale, classes most of the Eastern Quarter as of only moderate to good soils - Grade 3. The relationship with the Conservation Area and listed buildings would not preclude development in this quarter if appropriately designed in a manner sensitive to the heritage assets and their settings. Moreover my assessment of the area on site showed a number of access possibilities and access would be no more restricted than in other areas of the town. I therefore do not agree these are necessarily constraints. However the Policy Diagram 4 clearly shows that the central section of what has been defined in yellow as the Eastern Quarter outside the main body of the settlement in Policy Diagram 3 is predominantly in flood Zone 3 or 2. Whilst I accept the Eastern Quarter is intended to be a broad indicative area it is misleading to include land with such a constraint and the area needs to be modified to exclude the central section within flood zone 3 and 2.

Recommendation 7

7A – Reword Policy 3 Section 2a to delete 'brownfield' and insert '*previously developed land*'

7B – Delete 2b and replace with the following wording:

"The site helps to redress the geographical imbalance in the settlement in that it is within or immediately adjoining the main body of the settlement within the indicative Eastern Quarter shown in Policy Diagram 3"

7C – Adjust the extent of the Eastern Quarter shown in Policy Diagram 3 to exclude all land within Flood Zones 3 and 2.

v) With these modifications the policy would meet basic conditions Nos 1 and 3. The policy was strongly positive/positive or neutral assessed against the sustainability objectives and

therefore Basic Condition No 2 is also met.

6.5.4 Flood Risk

i) Policy 4 of the ANP seeks to reflect the special circumstances set out in policy SP16 of the ELLPCS whereby development if it is important to encourage regeneration may be supported even though it is within flood zone 2. The ANP policy expands on how this will be applied in Alford and specifically identifies the town centre as one such area.

ii) In effect this is stating that in these areas the sequential test required in the NPPF will not apply. However I fail to see why both elements of the exceptions test including the site-specific flood risk assessment (SSFRA) should not have to be applied in this case. As drafted therefore section 1 of policy 4 does not have regard to the NPPF and is in conflict with Basic Condition No 1. Both the exceptions test and the SSFRA should be included in the tests in part 1.

iii) Also as with policy 3(2) 'brownfield' is not defined in the NPPF and in the interests of plans being clear and unambiguous the term used should be 'previously developed land' because that is defined.

Recommendation 8

8A - Reword section 1) of policy 4 to read:

"a) the site is previously developed land..."

"b) the requirements of the exceptions test (including a site specific flood risk assessment in accordance with the expectations of the NPPF and PPG) have been met."

Renumber current parts b) and c) as c) and d) respectively.

8B – Reword 2b) Line 1 to refer to "Site Specific Flood Risk Assessment".

iv) With these modifications in place the policy is clarified and will meet Basic Condition No 1. By seeking to ensure flood risk is avoided a more sustainable pattern of development will be achieved. The SA confirms that impacts would be either positive or neutral and therefore Basic Condition No 2 is met. Finally, as modified, the policy is in general conformity with policy SP16 of the ELLPCS whilst being locally specific.

6.5.5 Town Centre Vitality and Viability

i) Policy 5 seeks to promote the revitalisation of Alford town centre and sets out what developments will be supported at both ground floor and above ground floor within the town centre. In that respect and in principle it has regard to the NPPF at paragraph 23 and policy SP14 of the ELLPCS.

ii) Again however there is an element of confusion in the policy. The plan rightly seeks to have regard to the NPPF and to define 'edge of centre' in accordance with it. However the NPPF definition is really designed for larger centres and the definition has been correctly identified as not 'fitting' the context of Alford. As a primary shopping area has not been

defined, given the scale and nature of Alford's town centre, the plan proposes that for the purposes of the policy the 'edge of centre' should be defined as 300 metres from the market place. This could be construed as not in accordance with the NPPF but more importantly places the 'edge of centre' a considerable distance beyond the defined town centre boundary, particularly to the north and, in the Alford context, certainly does not have 'edge of centre' characteristics. If this definition is applied through policy 5 it could undermine both the policy's objectives and those of ELLPCS policy SP14 which presumably for similar reasons does not define 'edge of centre'. Whilst it is good practice to define and make clear how policies will apply, in this particular case the policy would be more in conformity with SP14 if the interpretation of 'edge of centre' was left to be applied with common sense. If the Councils consider they wish to define it then it should be made clear that the edge of centre is that area between the town centre boundary up to a maximum of 300 metres from the Market Place. However my recommendation on balance is to remove the references and allow the policy to be applied through a common sense interpretation of edge of centre in the Alford context.

Recommendation 9

9A Delete the following text from the supporting text to policy 5:

- Para 5.5.6 2nd bullet after the 2nd 'available' to the end of the bullet
- Para 5.5.7 in its entirety.

9B Delete the following text from policy 5:

Section 5a) bracketed text which defines the edge of centre

iii) With this modification the policy will still meet Basic Condition No 1. It will also better reflect the policy intention of policy SP14 of the ELLPCS and therefore would meet Basic Condition No 3. The SA concludes the policy will have a mainly neutral impact with some positive elements around town centre regeneration. Thus Basic Condition No 2 is also met.

6.5.6 Policy 6 Employment

i) Policy 6 seeks to develop and encourage business and employment development in Alford. It has regard to the NPPF at section 3 which sets out policy to support a prosperous rural economy. ELLPCS policy SP13 requires the allocation of 1 hectare of employment land in Alford. However despite a process to identify suitable employment sites the Town Council has only identified one suitable site that is available and deliverable extending to just below 0.5 hectares (site EMP1) and this has been allocated. It has identified a further 2 suitable sites (EMP1 and EMP2) either one of which together with site EMP1 would exceed the ELLPCS requirement however neither of these are currently available. Whilst therefore technically there is a shortfall of available sites, the intention to support other sites is clearly set out in policy 6 and I do not think the initial shortfall of 0.5 hectares undermines the strategic intent of policy SP13. Policy 6 of the ANP is therefore in general conformity with the ELLPCS.

ii) As with other policies in the plan there is one minor matter in respect of the supporting text where the plan does not meet the PPG requirement to be clear and unambiguous. Paragraph 5.6.7 in referring to permitted development in the way that it does is not clear and is confusing compared to the clearer statement at section 5) of the policy itself. Also the text of the paragraph asks developers to demonstrate unavailability when this is not the test as set out in policy 6 section 5. The test should be non-viability.

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

Recommendation 10

10A - Reword lines 1-3 of supporting text at paragraph 5.6.7 to read:

“change of use for sites which are currently in employment use (Use Classes B1, B2 and B8), where *planning permission is required*, will not be supported unless the site has been allocated.....

10B - Delete the word ‘unavailability’ in line 4 and replace with ‘*non-viability*’

iv) With these minor points modified the policy and supporting text will meet Basic Condition No 1. It will also help to achieve a sustainable form of development in promoting economic growth locally in accordance with ELLPCS policy SP13 and in that respect Basic Conditions Nos 2 and 3 are also met.

6.5.7 Policy 7 Local Green Space (LGS)

i) The ANP at policy 7 takes up the opportunity offered in the NPPF to identify and designate LGS in accordance with paragraphs 76-78. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the green belt ie only where very special circumstances apply. The concept of LGS has not been applied through the ELLPCS which delegates responsibility for designation to neighbourhood plans. The concept of them in the ANP is therefore in general conformity with the policy objectives of the ELLPCS to enhance green space within the district. Accordingly the principle of the designations meets basic conditions Nos 1, 2 and 3.

ii) However the selection of the LGS and their justification has been challenged by Turley Associates in their Reg 16 representation on behalf of clients and in particular in respect of the Bull Fair Field west of Park Lane.

iii) The sites designated as LGS are set out in detail in Appendix A to the ANP together with the justification for their designation in terms of the tests set out in the NPPF.

iv) I had the opportunity during my site inspection to visit the sites and walk them. My findings in respect of the Bull Fair Field against the criteria set out in the NPPF are as follows:

v) The NPPF at paragraph 76 states that identifying land as LGS should be consistent with the local planning of sustainable development and complement investment in homes, jobs and services. In this respect the ANP already sets out a framework for sustainable development meeting the requirements for housing growth and providing for and encouraging the growth of the local economy, jobs and services. In circumstances, already identified in the plan, where there is a shortfall of greenspace it is fair to say that the designation of the LGS would complement investment in development and, subject to the main NPPF criteria for selection being met, I am satisfied that the designation in principle would be appropriate.

Is the Green space in reasonably close proximity to the community it serves?

The Bull Fair Field is surrounded on most of 3 sides by development and is close to the centre of the town where it sits on the north side of Alford Manor House. It is therefore highly accessible to the community.

Is the Green space demonstrably special to the local community and of local significance?

I accept that the principal use of Bull Fair Field is as agricultural grazing and indeed at the time of my visit there were cattle grazing there. It is not therefore public open space in the usual sense and public access is currently restricted to the northern corner where a public footpath crosses the field parcel to the north of the Bull Fair Field. However there are other reasons for designation presented in the NPPF. In this case the field is closely associated with the setting of Alford Manor house and creates an attractive rural backdrop to the manor. In part for this reason but also in respect of its former role as the site of the annual bull fair for Lincolnshire Red bulls it has historic significance to the community and town. My assessment on the basis of my visit was that it was an area of rural tranquility. Finally reports from the Town Council in response to the Regulation 16 representation is that it is an area of ecological value particularly in respect of wildlife using the corridor of the Wold Grift Drain.

Is the green space local in character and not an extensive tract of land?

I accept that the area is large and by far the largest of the proposed LGS but there is nothing in the NPPF criteria that suggests that LGS should be of similar size or evenly spread through the town. They are where they are because of their special nature. It appeared to me that the Bull Fair Field was local to the settlement and contained on almost 3 sides by development only having open countryside to the north and north west but enclosed on the north side by a mature hedgeline and Wold Grift Drain to the north west. It does not have the character of an extensive tract of land being quickly crossed and, when in it, the surrounding development is visible and at close quarters.

vi) Turley Associates challenge the Town Council's assessment in terms that it refers to the Bull Fair Field as 'ancient grassland' and that the assessment has not been prepared by professionals including an ecologist. I have given the Town Council the opportunity to respond to these points and its response is set out at Appendix 1. However much of the text in reply was already in the public domain in the Town Council's response at the Reg

14 pre-submission stage.

vii) ATC have accepted that the continued reference to 'ancient grassland' in Appendix A to the plan is an error as the point was accepted at an earlier stage and should have been corrected in preparing the submission draft plan. I therefore recommend below that this is corrected in preparing the plan to go forward.

viii) ATC have explained that the Lincolnshire Wildlife Trust (through local community member, Trustee and Deputy Chairman, David Sheppard who is a nationally recognised invertebrate expert, formerly with Natural England and its predecessor organisations) and the Greater Lincolnshire Nature Partnership were consulted regarding the proposed Local Green Space designation for the Bull Fair Field. The specific evidence to support the ecological importance of the site was obtained from the Greater Lincolnshire Nature Partnership (GLNP) which is the chief source of ecological data in the county of Lincolnshire, and as such, presents independent and authoritative information on these matters.

ix) Lincolnshire Environmental Records Centre Data Search Report 2015 was also referenced and is based on GLNP's comprehensive database of recorded sightings of protected species. The database shows that sightings of Brown Long-eared Bats have been made both in and near the Bull Fair field, whilst there have been sightings of the European Water Vole & the European Otter in the adjacent Wold Grift Drain and a waterway feeding directly into this. The species search database showing Bull Fair Field related sightings from the GLNP master database, shows those records relating to the Bull Fair Field and the nearby area. These recorded sightings support those made in the field by local residents, which with regard to the bats, are made on a regular basis.

x) In addition David Sheppard's "Profile of Alford Environment" which was a response to the Steering Group's request for information and uses information from the GLNP database, states that protected species other than bats, voles and otters, such as skylarks and brown hares, have also been recorded in the parish of Alford. This supports the sightings by local residents of these animals in the Bull Fair field. In addition, other protected species, namely Kingfishers, Little Egrets, common toads, and the West European Hedgehog, have all been spotted in the Bull Fair Field, along the adjacent Wold Grift Drain and in the near vicinity of the area.

xi) The Environment Agency in response to earlier consultation have identified the Wold Grift Drain as a Lincolnshire Chalk Stream which is a very special habitat, which supports some of our most threatened plants and animals although it recognised that the Wold Grift Drain, due to a number of pressures, does not support the numbers of plants and animals that would be expected in a chalk stream. It pointed out that any opportunities to improve or restore habitat within Alford would be beneficial. Measures to improve in-channel diversity would help provide improved habitat for fish, invertebrates and other ecology and create diversity of flow within the channel. The Environment Agency goes on to say that the designation of the Bull Fair Field as a Local Green Space appears to present opportunities for enhancement of the area.

The links to the ecological evidence are set out in the Town Council's response at Appendix 1 to this report.

xii) Against this background I am satisfied that the ecological value of the field has been properly evidenced by the Trusts and Partnerships charged with nature conservation management in the County and I have no reason to reach a different conclusion.

xiii) Whilst I acknowledge that the Bull Fair Field does not offer formal public access it is clear that it is being used informally for walking. In any event the NPPF is clear that the importance to the community is not limited to the recreational use of the site. I am satisfied that in other respects the site is important to the town and should be protected as LGS.

Recommendation 11 –

Correct the reference to ‘ancient grassland’ at the top of page 86 in Appendix A and refer instead to ‘*This is an old grass field reduced in size....*’

6.5.8 Policy 8 Green Infrastructure and Connectivity

i) The ANP at policy 8 looks to protect and enhance green infrastructure networks and the connectivity they deliver. In this respect the policy has regard to sections 8 and 11 of the NPPF promoting healthy communities and conserving and enhancing the natural environment respectively.

ii) Policy SP25 of the ELLPCS also seeks to safeguard and expand the network of green infrastructure and policy 8 is in general conformity with it.

iii) There is however a tension between what the supporting text sets out as the policy objective and the wording of policy 8. As presently worded the policy will not deliver the positive planning that NPPF paragraph 114 requests. I accept that the paragraph refers to local plans however, as neighbourhood plans become part of the statutory development plan, by implication, paragraph 114 extends to them. The wording at the start of policy 8 is **reactive** to good developments already incorporating green infrastructure, it does not directly **require** development to consider the green infrastructure objectives. To have proper regard to the NPPF there is a need to modify the start of the policy.

ii) In one further very detailed respect the plan is at odds with Basic Condition No 1. The legislation requires that neighbourhood plan policies should only relate to the neighbourhood area and not relate to land outside it. With this in mind the map at Policy Map 8 needs to be corrected to delete any reference to paths and bridleways outside of the neighbourhood area.

Recommendation 12

12A – Reword the start of policy 8 as follows:

“All development proposals will be expected to demonstrate that they will maximize opportunities to:.....”

12B –Policy Map 8 Green Infrastructure – Delete paths and bridleways shown that are outside of the neighbourhood area.

iii) With these modifications in place the policy better responds to both national policy and local policy in the ELLPCS. The modification to the policy also will result in a more positive impact in respect of achieving sustainable development. Basic Conditions Nos 1, 2 and 3 are therefore met.

6.5.9 Policy 9 Sport and Leisure Facilities

i) Policy 9 seeks to both protect existing sporting and leisure facilities and encourage new provision. The policy closely parallels both the NPPF at paragraphs 73 and 74 and the ELLPCS at policy SP26.

ii) Whilst both the NPPF and the ELLPCS set out 3 circumstances in which development resulting in the loss or adverse impact on sport and recreation facilities could be permissible policy 9 only sets out two. However the way that policy 9 is worded talking specifically about the loss of or adverse impact on facilities from development means that the last circumstance in both the NPPF and the ELLPCS is of less concern because, presumably, a development that is specifically to provide sport and recreation facilities on the site would be looked on favourably. In any event as both the NPPF and the ELLPCS include the 3 tests it is not necessary for the ANP to slavishly repeat these and combining effectively two tests into one does not mean that the policy is at odds with the Basic Conditions.

iii) I have no other comments regarding policy 9 and as the SA concludes it has a mainly neutral/slightly positive impact I am satisfied that it meets all of Basic Conditions Nos 1, 2 and 3.

6.5.10 Heritage and Design

i) The ANP attaches considerable weight to achieving quality design in all new developments in Alford and ensuring that development respects the heritage significance of the town. Accordingly policy 10 sets out very detailed design principles that draw on both the Alford Conservation Area Appraisal for guidance regarding development in the Conservation Area and the Alford Character Assessment in respect of development in the wider town.

ii) The policy has regard to the policy requirements of the NPPF at section 7 requiring good design and section 12 on conserving and enhancing the historic environment. Its content is also in general conformity with ELLPCS policies 10 and 11 on design and the

historic environment respectively.

iii) The principle of the policy therefore meets Basic conditions Nos 1 and 2 however as with a number of other policies there are 3 matters where the policy and its supporting text are not clear and unambiguous.

iv) First the supporting text to the policy appears to refer to all development and indeed the policy commences by saying 'All development should.....' but the policy itself appears to relate more to residential development. Some adjustments to the text are necessary to allow the policy to operate in respect of other development types.

v) Secondly at part e) the intention is not clear. There is potential for confusion in respect of the terminology in particular the use of the words 'maintains' and 'characteristics' in line 2. Part e) would be clearer if it either kept to the wording of the NPPF at paragraph 126 and referred to 'sustaining' and 'significance' or the wording in the statutory test of 'preserving' and 'significance'.

vi) Thirdly in part g) it would be clearer in line 2 to retain the same terminology rather than to refer to both 'preserving' and 'protecting' a view when both words have slightly different meanings. In the context of important views I recommend that the concept of 'protecting' would be the more accurate approach.

vii) Savills UK Ltd in their Reg 16 response on behalf of clients state that the proposed inclusion of the allocated site AL055 in an extension to the Conservation Area is not appropriate or justified. This is a reference to Policy Diagram 10 which incorrectly shows amendments to the Conservation Area proposed as a result of an earlier assessment of the Conservation Area by ELDC. The ANP does not have the power to propose changes to a designated Conservation Area. Policy Diagram 10 therefore needs to be amended to just show the designated Conservation Area and nothing else.

viii) Finally in respect of the supporting text at paragraph 5.10.6 the paragraph finishes by saying 'a qualified expert's contribution should be sought' without saying what this is. The NPPF is clear at paragraph 128 that proposals affecting a heritage asset should describe the significance of the heritage asset and how it would be affected. This would normally be provided in a heritage statement and for clarity the text should refer to this.

ix) There are a number of typographical/grammatical corrections that also need to be made to the policy and these are set out in Appendix 2.

Recommendation 13

13A – In policy 10 (1a) Line 1 delete 'housing typology' and replace with 'type'. Insert after 'differentiating' the words '*in the case of residential development*'
In (1bii) Line 1 delete 'houses' and add 's' to 'surrounding'.

In (1c) Line 2 insert after ‘National Pollination Strategy’ the words ‘*and in respect of residential development*’

13B – Amend wording in policy 10 (1e) Line 2 to read ‘....*sustains and enhances the historic and architectural significance and possibly remediates...*’.

13C – Replace the word ‘preserved’ in Line 2 of policy 10 (1g) with the word ‘protected’.

13D – In paragraph 5.10.6 of the supporting text to policy 10 last line delete ‘a qualified expert’s contribution’ and replace with ‘*a heritage statement*’.

x) With these modifications in place the policy and text would be clear and unambiguous and Basic Condition No 1 would be met. The policy has performed satisfactorily in terms of its impacts on sustainability objectives in the SA and will contribute to achieving sustainable development. It is also in general conformity with the ELLPCS. Policy 10 therefore also meets Basic Conditions Nos 2 and 3.

6.5.11 Renewable Energy and Energy Efficiency

i) Policy 11 seeks to secure greater energy efficiency in new developments and the incorporation of renewable energy sources.

ii) The policy has regard to paragraph 97 of the NPPF and is in general conformity with policy SP27(4) of the ELLPCS. However paragraph 97 encourages policies to maximize renewable and low carbon energy development and as with policy 8 of the ANP policy 11 is reactive rather than proactive. In this respect the start of the policy should make it clear that energy efficiency and use of renewables will be expected as part of building design.

Recommendation 14

Reword the start of policy 11 to read:

“Development of buildings will be expected to be designed to achieve....”

In line 2 after ‘sources’ delete ‘will be supported’

iii) With this modification in place the policy would better reflect the NPPF and meets Basic Condition No 1. The policy is largely neutral in terms of its impacts in respect of sustainability objectives in the SA and will contribute to achieving sustainable development and as it is in general conformity with the ELLPCS it therefore also meets basic conditions Nos 2 and 3.

6.6 Reviewing the Neighbourhood Plan

6.6.1 At section 6 of the ANP the ATC commits to keeping the ANP under review which is good practice. However paragraphs 6.1.3 and 6.1.4 imply that the manner in which the review is carried out and proposed changes agreed is a matter for the Town Council. This

gives a misleading impression as any review will have to accord with the Neighbourhood Planning Regulations in place at that time and without making this clear the plan is in conflict with Basic Condition No 1.

6.6.2 Accordingly, I recommend the following modification to the text.

Recommendation 15

15A - Add to paragraph 6.1.3 after ‘undertaken’ the following:

“...in line with the Neighbourhood Planning Regulations applying at that time....”

15B – amend paragraph 6.1.4 line 1 to read:

“Following review the Town Council will bring forward proposed changes to the neighbourhood plan as required. Proposed changes will be subject to consultation with the community and will be progressed in accordance with....”

6.7. Community Actions

Section 7 of the ANP sets out community actions. As discussed above at section 6.0 whilst the plan does state elsewhere that these are not part of the neighbourhood plan this is not clearly explained in section 7. As per Recommendation 1A this section should be moved to an Appendix and the introductory text amended to clarify that the actions are not formally part of the plan.

Recommendation 16 (In combination with Recommendation 1A)

Section 7 line 1 – change ‘community action policies’ to ‘*community action projects*’

Section 7 line 3 – change ‘policies’ to ‘*community action projects*’

7. Other Matters

7.1 Typographical and Formatting Corrections

7.1.1 There are a number of typographical / grammatical 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 it for the referendum these typographical amendments should be made.

Recommendation 17 – 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 Alford Neighbourhood Plan should proceed to a Referendum.

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

8.3 The Neighbourhood Area mirrors the administrative boundaries of Alford Town Council. 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 18 - I recommend to East Lindsey District Council that the Alford Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Alford Neighbourhood Area as approved by the District Council on 31 August 2012.

Peter D Biggers Independent Examiner – 10 January 2019

Appendix 1 – Clarifying Questions Put to ELDC and ATC During the Examination

Alford Neighbourhood Plan Examination Examiner's Questions

Questions for East Lindsey District Council to Answer

1. Was the East Lindsey Local Plan Core Strategy adopted at the time the Alford Neighbourhood Plan was submitted?

The Core Strategy was adopted (as part of the Local Plan) on 18th July 2018, the Inspector's report having been received on 3rd May 2018. The NDP was submitted 29th May 2018.

2. Have any of the ELLP Core Strategy policies referred to in the Submission Draft ANP changed in terms of reference number or scope as a result of final modifications and adoption?

The Core Strategy policy numbers have not changed from those referred to in the ANP. However, Paragraph 5.3.3 of the ANP refers to section 5 of SP3 in the Core Strategy, this should be section 4. The reference in paragraph 5.4.3 to paragraph 12 of SP16 of the Core Strategy, this should be paragraph 9.12. In terms of scope, the biggest change to the Core Strategy policies quoted in the ANP following the modifications and adoption is the inclusion of windfall criteria in SP3. Policy 3 of the ANP, which deals with this matter, is in general conformity with this modification, apart from the reasonable walking distance from the town centre which is more prescriptive than the Core Strategy policy.

3. Does the District Council agree with the analysis of the housing requirement and housing supply set out in the ANP?

Yes. The housing analysis set out in the ANP is correct.

4. Have the changes to the Alford Conservation Area shown on Map 10 been designated?

No. Map 10 is from a Conservation Area Appraisal prepared by consultants. It recommended extensions to the Conservation Area but have not been taken forward by the Council.

5. Can you provide the extent of the St Andrew's Healthcare ownerships West of Park Lane and South of Tothby Lane

The Council has not received plans showing St Andrew's Healthcare's ownership. Its representations to the Local Plan were of a more strategic nature. There is currently a planning application for the site South of Tothby Lane (application number N/003/00807/18) which can be viewed on the Council's website. East Lindsey District Council has no documentation relating to its land ownership West of Park Lane.

Questions for Alford Town Council to Answer:

1. Were the St Andrew's Healthcare sites referred to in the Reg 16 representations considered in site assessments following the Reg 14 consultation when similar representations were raised.

Following the Regulation 14 Consultation, as indeed with all previous consultations, the Alford Neighbourhood Plan Steering Group reviewed the assessments of all potential housing sites. No evidence was presented that changed the relevant assessments of sites AL309 and AL312.

St Andrew's Healthcare, via their agent Turley Associates, responded to the Regulation 14 Consultation on one matter only, namely the proposed Local Green Space Designation for land to the

west of Park Lane, Alford. The Neighbourhood Plan Steering Group's response to all the points they made is set out in the Plan's Consultation Statement. No mention was made by St Andrew's Healthcare about the possibility of the land in question being used for housing development. This site, AL309, was assessed by East Lindsey District Council in the SHLAA, which was part of the evidence base for the Local Plan, and was discounted as a potential site due to poor access and flood risk issues. In addition, development adjacent to the Manor House in Alford, a Grade II listed building, which is the major tourist attraction in the town, and near to a Conservation Area, was felt wholly inappropriate. The site scored negatively on the Sustainability Appraisal and low according to the Housing Site Assessment.

St Andrew's Healthcare made no comments in connection with housing site AL312 as part of their response to the Regulation 14 Consultation. They did, however, send a general letter to Alford Town Council with regard to a proposed development of housing site AL312, land to the south of Tothby Lane, ahead of their Regulation 14 response. In that letter they make it clear that they would be making a separate response to the Regulation 14 Consultation. The letter of information simply set out the supposed virtues of their forthcoming planning application for this site. The Steering Group considered carefully this representation as part of the site assessment, but concluded that no information contained in the letter produced evidence to warrant changing the previous assessments of this site being "-6" on the Sustainability Appraisal & amongst the lowest as measured by the Housing Assessment methodology.

In conclusion, the Steering Group considered in its site assessments all representations made by St Andrew Healthcare, both as part of Regulation 14 Consultation as well as previous correspondence.

2. Is there specific evidence to support the claim that the Bull Fair Field is ancient grassland and of ecological importance and was the assessment of it confirmed by a professional ecologist?

In the production of the Alford Neighbourhood Plan, and in particular its Character Assessment, much detailed research was conducted, and in this connection the Lincolnshire Wildlife Trust (through local community member, Trustee and Deputy Chairman, Dr David Sheppard *) and the Greater Lincolnshire Nature Partnership were consulted. As indicated in the Steering Group's response to the Regulation 14 Consultation representation by St Andrew's Healthcare, regarding the proposed Local Green Space designation for the Bull Fair Field, the specific evidence to support the ecological importance of the site was obtained from the Greater Lincolnshire Nature Partnership (GLNP). The link below will take you to the website of the GLNP, which clearly shows that this body is the chief source of ecological data in the county of Lincolnshire, and as such, presents independent and authoritative information on these matters.

<https://qlnp.org.uk/partnership/lerc/>

The "Lincolnshire Environmental Records Centre Data Search Report 2015" (attached) is based on GLNP's comprehensive database of recorded sightings of protected species. The database shows that sightings of Brown Long-eared Bats have been made both in and near the Bull Fair field, whilst there have been sightings of the European Water Vole & the European Otter in the adjacent Wold Grift Drain and a waterway feeding directly into this. Please refer to the attached database, "Species Search database showing Bull Fair related sightings from GLNP master database", which shows those records relating to the Bull Fair Field and the nearby area. These recorded sightings support those made in the field by local residents, which with regard to the bats, are made on a regular basis.

In addition David Sheppard made the following statement in his document "Profile of Alford Environment" (attached), which was a response to the Steering Group's request for information :

"Several species, protected by a variety of designations, have been found in recent years within the

parish of Alford or nearby."

That report, using information from the GLNP database, states that protected species other than bats, voles and otters, such as skylarks and brown hares, have also been recorded in the parish of Alford. This supports the sightings by local residents of these animals in the Bull Fair field. Whilst unrecorded, local sightings do not amount to confirmed independent evidence, they should carry some weight, as their frequency are a good indication of the rich wildlife to be found within this field. In addition, other protected species, namely Kingfishers, Little Egrets, common toads, and the West European Hedgehog, have all been spotted in the Bull Fair Field, along the adjacent Wold Grift Drain and in the near vicinity of the area.

It is also worth pointing to the comments received by the Environment Agency (Consultation Statement, comment 6 and comment 7 Environmental Agency, pages 20 and 21) regarding the identification of "the Woldgrift Drain as a Lincolnshire Chalk Stream.

Chalkstreams are very special habitats, which support some of our most threatened plants and animals. The Woldgrift Drain, due to a number of pressures, does not support the numbers of plants and animals that would be expected in a chalk stream. Any opportunities to improve or restore habitat within Alford as part of future developments would be beneficial. Measures to improve in-channel diversity would help provide improved habitat for fish, invertebrates and other ecology, and create diversity of flow within the channel.¹¹ The Environment Agency goes on to say that the designation of the Bull Fair Field as a Local Green Space appears to present opportunities for enhancement of the area. The "identification that the Bull Fair Field would be an ideal location for an additional park appears to have particular potential and it may be that working in partnership with the Lincolnshire Wolds Countryside Service, subject to funding, that significant benefits could be achieved to the Drain and the surrounding green space."

When compiling the "Alford Character Assessment" for the Neighbourhood Plan the phrase "ancient grasslands" was originally included. However, before its completion the phrase was altered to read "an old grass field". This was because it was thought there was no specific evidence to support the original description. In contrast this more general description is a matter of common knowledge, not requiring specific evidence. The fact that the phrase "ancient grasslands" remains in the Appendices to the Plan is an error, for which we apologise. It should also have been replaced with the description "an old grass field".

**Dr David Sheppard was appointed a Trustee of the Lincolnshire Wildlife Trust in 1993. He is convenor of the Nature Reserve Development Team, an active member of his local Area Group and Watch leader. David is a nationally recognised invertebrate expert, formerly with Natural England and its predecessor organisations.*

3. What, other than the aspiration to encourage development closer to the town centre, led to the identification of the Eastern Quarter in Policy Diagram 3? Were constraints on this area taken into account?

The identification of the Eastern Quarter was motivated by the desire to redress the physical imbalance to the town caused by concentration of development westward and southward. The previous East Lindsey Local Plan (ELLP) 1995 (still in force when the Alford Neighbourhood Plan was being produced) recognises this issue and makes a "deliberate attempt to redress" this dynamic through site allocations (Chapter 17, paragraph 17.5). Unfortunately, the ELLP was not particularly successful in this sense, and the town continued to grow southward rather than eastward. As a result of that, the Market Place has been progressively "pushed" to the edge of the main body of the town, losing its centrality with potential effects on its vitality and viability. It is believed that development in the Eastern Quarter will help to put the Market Place once again at the physical centre of the town, which may in turn promote use of the retail shops and community facilities offered by the town centre, and thus fuel

its regeneration.

Community consultation demonstrated public support for the idea of addressing the geographical imbalance by supporting development to the north and east. The Housing Site Assessment Methodology, which includes a "geographical balance across the town" criteria, was consulted at the early stage of preparation of the plan and supported by the community.

As explained in paragraph 5.3.11 of the Justification Text of Policy 3, the Diagram should not be interpreted as an allocation or a zoning tool, but as a visualisation of the spatial concept represented by the Eastern Quarter. The identification of this diagrammatic quarter is based on the eastern side of the main body of the settlement, taking the Market Place as a reference point to define the east side. Ultimately, the Local Planning Authority will need to decide on a case-by-case basis whether or not a development proposal is located in the Eastern Quarter and hence helps to redress the geographical imbalance, using the Diagram as an indicative location.

Constraints in this area have been taken into account as part of the site allocation: sites proposed in the Eastern Quarter have been assessed against the Sustainability Appraisal of Housing as well as the Housing Site Assessment Methodology. These methodologies included criteria to assess planning constraints such as impact on Conservation Area and heritage assets, environmental and landscape impact, flood risk, access and traffic, access to service and facilities, etc. Although no site has been allocated in the area, the assessment demonstrated the area is not unsuitable for development due to any major constraint. Windfall development proposals in the Eastern Quarter will still be required to meet all the Policy requirements contained in the Neighbourhood Plan as well as the Local Plan.

4. What evidence is there to support the assertion in the Basic Conditions Statement that there would be no impacts on human rights and equalities? Was an impact assessment carried out?

As part of the submission of the Neighbourhood Plan, the Screening Opinion produced by East Lindsey District Council (see Alford Neighbourhood Plan Basic Condition Statement - Appendix A- Screening Opinion) required a full SEA.

The Steering Group complied with this request through the preparation of a Sustainability Appraisal. Sustainability Appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.

However, Sustainability Appraisal does not simply consider the effects of the proposed Neighbourhood Plan on the environment, but analyses ways by which the plan can contribute to improvements in social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have on these two strands of sustainability.

A Sustainability Appraisal Scoping Report was produced for the Neighbourhood Plan in December 2015, and provided an overview of the local community, analysing among other factors the situation of different equality groups in Alford (based on age, gender, ethnicity, sexual orientation, religion or beliefs, disability, et c.).

The Scoping Report concluded that the population of Alford as a whole is older than the national average, about the same as the county average and younger than the district average. It is also mentioned that Alford lies towards the most deprived end of the IMO ranking. Finally, the schools in Alford reported a higher than average number of pupils with special educational needs and/or disabilities.

The Report highlighted that the residents in Alford rate their health very similarly to residents across the district, and slightly poorer than residents across the county and nationally. The Report did not highlight any minority group in terms of nationality, ethnicity, people who do not speak English as a first language, religion or belief.

In producing the Sustainability Appraisal, with regards to the social impact, particular attention has been given to the issues of the ageing population, the rights of disabled people, and the level of deprivation in the Town. Looking at the SA Objectives used to evaluate Objectives and Policies of the Neighbourhood Plan, it is worth noting the following:

- "SA Objective 9: Support inclusive, safe and vibrant communities" considered the need of the above mentioned equality groups to promote a more diverse and cohesive community.*
- "SA Objectives 10: Ensure that local housing needs are met" assessed policies against their capacity to meet the identified needs of all sectors and equality groups in the community, and*
- "SA Objective 12 Encourage and provide the facilities and infrastructure for healthy lifestyles" ensured Objectives and Policies of the Plan contributed to the reduction of health inequalities.*

The Sustainability Appraisal was submitted to ELDC for initial review in October 2017 and was consulted on as part of the Regulation 14 Consultation in January 2018.

Regarding the level of consultation throughout the whole plan-making process, great care has been given to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions in this sense, seeking to provide housing to meet local needs and promoting affordable housing.

The population profile has revealed that there are not significant numbers of people who do not speak English as a first language and it has not been necessary to produce consultation material in other languages.

The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. There have been numerous consultation and engagement opportunities from the very first stages of the process; all these events and opportunities have been widely publicised in advance, trying to connect with different community groups and to reach all residents. Both the publicity solutions and engagement methods were tailored to engage with each identified group, taking account of specific characteristics of the target groups, (e.g. demographic, locations, etc.).

The draft Neighbourhood Plan was consulted on as part of Regulation 14 Consultation in January 2018; responses have been recorded and any changes as a result described in the Consultation Statement.

In conclusion, whilst an Equality Impact Assessment Report has not been specifically prepared, it is believed that the SA incorporated the elements of such an assessment and appraised the potential impact on human rights and equalities; moreover, the level of consultation and the whole engagement strategy were designed to ensure equitable and fair opportunities for the entire community of Alford.

5. What is the reason for the variance in respect of some of the SHLAA assessment and why Alford Town Council decided to allocate e.g. AL056?

When Alford Neighbourhood Plan Steering Group, acting on behalf of Alford Town Council, first set about the task of deciding which sites to allocate for housing development as part of the Neighbourhood Plan, the only tool they had at their disposal was the ELDC SHLAA (October 2012). On scrutiny of this document, it became evident that with regard to certain sites, important information given appeared to be out of date, inaccurate or indeed missing, that the document was not comprehensive and indeed somewhat simplistic in its analysis. It was clear that the group needed a much more sophisticated and robust method for assessing the appropriateness of each site. It was also vital to tap into local knowledge. We thus began by ruling no site out, even if discounted on the SHLAA, and adding into the list of potential sites, others that were brought to our attention by members of the community. Indeed the process was a fluid one right up until the consultation which dealt with site allocation in July 2017. Some sites did not come to our attention until quite late in proceedings, whilst others had to be discounted along the way due to a change in circumstances (mostly to do with availability).

Hence early on, we developed a detailed tool for the assessment of each site. The methodology is set out in our submitted documents together with an explanatory document giving the reasoning for the scoring for each site, according to each of the criteria used. The suitability and viability part of the SHLAA assessment was subsumed within this methodology, but it offered a far more sophisticated and useful way of considering the merits or otherwise of all possible sites. In the light of new circumstances and feedback from consultations, the assessments were consistently revisited in order to bring them up to date, reflecting new evidence as it became available.

It was obviously vitally important to establish whether all those sites on our comprehensive list were available. Without this knowledge, we could have wasted a good deal of time assessing sites that ultimately were not going to be put forward for consideration. For those sites where there was any doubt about their availability, letters were sent to landowners asking them to confirm the status of their site in this regard, and all landowners were consulted prior to the Consultation in July 2017 as well as before the Regulation 14 Consultation.

East Lindsey District Council Planning Department also gave the group a Sustainability Appraisal tool, which they intended to use for all potential housing sites across the District. This we ran alongside our own housing assessment, in order to get a fuller picture to aid allocation. The group's judgements using this methodology were submitted to ELDC and received approval.

The ultimate variance of the Steering Group's assessments with regard to the SHLAA is, in general terms, explained above, but it is also useful to look at each of the relevant allocated sites in turn:

AL033 (Next to 139 Chantry Road, Alford)

The only constraint listed in the SHLAA and the reason for it being discounted was the site's unavailability. Contact with the site landowners showed this to be inaccurate. The landowners were more than happy to have the site put forward as part of the Alford Neighbourhood Plan.

AL055 (St Wilfrid's Close)

Firstly, as above, contrary to the SHLAA analysis, the landowner confirmed that the land was available and they would like it included as an allocated site. The SHLAA also concluded that the site was unsuitable because it abuts the Conservation Area, has access issues, trees and amenity would be lost, and it would have a visual impact on the church. Interestingly the access issues were completely resolved by the building of a new roadway (St Wilfrid's Close) to serve the development of site AL308 (also a discounted site in the SHLAA, but a development approved by the Planning Authority!). The road could also adequately serve site AL055. The fact that the site abuts the Conservation Area should not in itself be a fatal constraint, provided that the design of dwellings are sensitive to this fact and in keeping. This is mentioned in the Alford Neighbourhood Plan's "Site Proforma" document. Nonetheless, it scored low as a result of its proximity to the church for two of the housing site criteria. The loss of trees on site could be minimised by reducing the number of dwellings to three, and furthermore those trees retained together with new planting could act as screen to the church. Whilst this site scored relatively low overall on the housing assessment, it was

assessed as being positive in terms of its Sustainability Appraisal. Taking all those, sometimes conflicting, factors into account it was felt appropriate to present it to the public as a potential allocated site in the July 2017 Consultation. Its ranking / level of support in that consultation, which was not entirely expected, then put the land in the list of allocated sites.

AL056 (to rear of the George Inn)

As with site AL055, and contrary to the SHLAA, the building of St Wilfrid's Close improved the possibilities for access to this site, and once again the landowner confirmed its availability and their desire to have it included in the Plan. The same comments as above pertain to the fact that the site abuts the Conservation area. On both the housing assessment and the Sustainability Appraisal AL056 scored positively and its proposed inclusion amongst allocated sites was sufficiently supported by the public in the July 2017 Consultation. It is acknowledged that the development of this site would best be carried out at the same time as site AL055.

AL322 (off South Market Place & Carr Lane)

Whilst this land was not included in the original SHLAA, it is understood that ELDC discounted the site on the basis of poor access. However, subsequent to that assessment, the site's parameters were expanded by the joining together of two pieces of land, with the agreement of two separate landowners. This then meant that access was quite acceptable from Carr Lane.

AL317 (land known as the Rabbit Farm)

Whilst this site was not ultimately allocated, it did appear in the list of potential sites for allocation in the July 2017 Consultation. The SHLAA had discounted it on the basis of its access. However, a site meeting with an officer from Lincolnshire Highways concluded that the access was not a problem, provided a piece of signage was moved and a hedge cut back. In other words minor adjustments would make access satisfactory.

It is to be hoped that all of the above adequately explains the variance referred to in the question.

6. Regarding the ATC responses – there is reference in their response re the Turley representation that implies that a housing site assessment and scoring was done for both the Bull Fair Field and South of Tothby Lane sites but I do not have access to this – they are not in the scorings and assessments on the web pages as far as I can see. Please can you ask the Town Council to forward these or confirm that it is only the SHLAA assessment that exists.

Confusion may have arisen from the fact that the Bull Fair field is part of site AL309, which is described in the site assessments as “west of Park Lane”, and that the other St Andrew's Healthcare / Turley Associates site is AL312 described as “off Tothby Lane”. The scoring for these two sites is to be found in the following documents which are on the ELDC website and fully accessible:

“Reasoning for Scoring on Housing Assessment-Submission Version”

“Reasoning for Scoring on Sustainability Appraisal of Housing Sites-Submission Version”.

The answer to question 5 above may help to illuminate the situation further.

In addition please find attached along with/accompanying this document a full version of our housing assessment matrix that was used in preparation for the Consultation of July 2017. N.B. there was a late change in the site list presented at the Consultation due to one site suddenly becoming unavailable.

Site Ref:	Location	Approx. No. of homes	In favour	Maybe in favour	Not in favour
AL033	Plot next to 139 Chantry Rd	1	41	0	1

ANP 15	<i>Old Boys' School House, West Street</i>	2	37	1	0
AL036	<i>Adjacent 9 Chantry Rd</i>	3	37	0	2
ANP9	<i>Hunts Depot</i>	11	36	2	1
ANP1	<i>Waterloo Homes, Willoughby Road</i>	20	35	4	4
AL056	<i>Rear of George public house</i>	2	34	1	7
AL322	<i>Off South Market Place & Carr Lane</i>	1	33	2	3
AL055	<i>Behind and to side off Church Hall</i>	3	32	1	5
AL316	<i>Farlesthope Road opposite Cemetery</i>	28	31	4	8
AL302	<i>East Of Spendluffe Avenue</i>	80	31	5	13
ANP 4	<i>Seymour Lane</i>	11	30	5	4
ANP23	<i>Station Road - J Large land</i>	1	29	5	6
AL317	<i>"Rabbit Farm" Station Road</i>	35	22	9	12
AL320	<i>Football Ground</i>	41	14	5	26

Appendix 2 - Recommendation 25–Table of Typographical and Formatting Corrections		
Page	Location	Correction
6	Para 1.2.4 line 3	Insert ' <i>and</i> ' after 'town centre'
6	Para 1.2.10 lines 1 and 7 Para 1.2.10 line 3 Para 1.2.10 line 11	Correct title of Core Strategy Delete 'a further 110'. Insert after 'granted' the words ' <i>for a further 110 houses</i> Insert ' <i>time</i> ' after the word 'same'
8	Para 2.1.1 line 2	Remove '2017' and insert '2018'
13	Para 3.2.1 Line 1	Amend start of sentence to read: ' <i>According to the 2011 census the town...</i> '
13	Para 3.2.2 Line 2	Delete 'which' and replace with the word ' <i>has</i> '
14	Para 3.2.4 line 1	Start line with ' <i>In terms of</i> '
14	Para 3.2.5 line 6	Reword line to read; ' <i>puts Alford amongst the.....areas in ...</i> '
15	Para 3.3.2 line 3	Delete 'its' before 'remoteness'
15	Para 3.3.3 line 1	Delete 'with the' after 'those' and 'need' after 'important'
15	Para 3.3.4 line 1	Replace the word 'that' after 'residents' with the word 'who'
17	Para 4.2.1 line 1	Correct title and status of Core Strategy
21	Introductory paragraph to section 5 line 2	Correct title and status of Core Strategy
23	Para 5.1.3 line 1	Replace 'these' with ' <i>the</i> '
24	Para 5.1.9 line 4	Add 's' to term
27	Policy 1 Part 1) line 2	Add 's' to proposal
29	Policy 1 site AL056 and AL055	Amend references to 'Saint's Wilfrid Church' to read 'Saint Wilfrid's Church' and correct spelling of 'Wilfrid' in line 6

31	Para 5.2.3 line 1	of AL056. Correct title and status of Core Strategy
34	Para 5.3.2 Line 1 Para 5.3.3 Line 1	Correct title and status of Core Strategy Correct plan reference to read: <i>'Section 4 of the ELLPCS Strategic policy SP3'</i>
35	Para 5.3.6 Line 6 Para 5.3.7 Line 6 Para 5.3.8 Line 1	Correct spelling to read <i>'unequivocally'</i> Correct title and status of Core Strategy Add 's' after 'proposal'
36	Para 5.3.10 Line 2 Para 5.3.10 Line 7	Add 's' after 'objective' Correct title and status of Core Strategy
37	Para 5.3.14 Line 2	Amend 'regarding' to read <i>'regard to'</i>
38	Policy 3 (2b) Line 2	Add 's' after 'provide'
41	Para 5.4.1 Line 3 Para 5.4.1 Line 4 Para 5.4.1 Line 6 Para 5.4.3 Line 1	Insert <i>'Risk'</i> after 'Flood' Change 'which' to <i>'who'</i> Change 'Agencies' to <i>'Agency's'</i> Delete the words 'a relevant' and change 'thus' to 'and'
42	Para 5.4.3 Line 5	Correct paragraph reference to read '9.12' plus correct title of Core Strategy
42	Para 5.4.4 Line 1 Para 5.4.4 Line 4 Para 5.4.7 Line 2 Para 5.4.7 Line 6	Amend reference to policy 3 to read '4' Amend Sustainable Urban Drainage to <i>Sustainable Drainage Systems (SuDs)</i> Delete the words 'risks to' at end of line and substitute <i>'may'</i> . Insert title of Core Strategy at reference to policy SP16
43	Policy 4(3) Line 2	Substitute <i>'SuDs'</i> or <i>'Sustainable Drainage Systems'</i>
47	Para 5.5.5 Line 3 Para 5.5.5 Line 5 Para 5.5.6 2 nd bullet Line 1 Para 5.5.9 Line 2	Correct reference to 'class uses' to read <i>'use classes'</i> Amend to read: <i>'Regarding above ground floor premises'</i> Reword start to read <i>'In cases where'...</i> Add 's' to 'premise'
49	Policy 5(3) Final paragraph line 1	Correct reference to 'class use' to read <i>'use class'</i>
50	Policy 5(5b) Policy 5(Cii)	Delete 'to' after 'edge of' Insert brackets around 'or adjacent to'

52	Para 5.6.2 Para 5.6.3 Line 2	Insert title of Core Strategy at reference to policy SP13 Correct reference to 'class uses' to read ' <i>use classes</i> '
53	Para 5.6.3 Line 7 Para 5.6.4 Line 5 5.6.5 Line 2 and 5.6.7 Line 2	Delete 'of' and replace with 'or' Delete 'in' and replace with 'on' plus add 's' at the end of 'merit' Correct reference to 'class uses' to read ' <i>use classes</i> '
60	Policy 7 (1iii)	Correct spelling of 'Chaunty'
62	Para 5.8.2 Line 5	Correct title of Core Strategy
63	Para 5.8.5 Line 5	Capital 'S' at 'Local Green spaces'
64	Para 5.8.9 Line 2 Para 5.8.11 Line 4	Delete the word 'ones' Add 's' to the word 'term'
65	Policy 8 (1a) Line 2	Change reference to 'Policy Map 9' to read ' <i>Policy Map 8</i> '
67	Policy Map 8 Legend	Correct spelling of 'bridlewa' in 'Permissive Bridleway'
68	Paragraph 5.9.2 Line 3	Amend '(see community aspiration)' to read ' <i>(See Community Action at Appendix 1)</i> '
70	Para 5.10.2 Line 2	Correct title of Core Strategy
71	Para 5.10.6 Line 8	Add 's' to 'promote'
72	Para 5.10.7 Line 3	Add 's' to 'premise'
74	Policy 10 (1a) Line 1 Policy 10 (1ai) Line 1 and (1aii) Line 1 Policy 10 (1ai) Line 2 and (1aii) Line 2 Policy 10 (1bi) Line 2 Policy 10 (1bii) Line 2 Policy 10 (1cii) Line 3	Add comma after layout Add 'which' after settlement Amend spelling of 'stories' to 'storeys' Delete the word 'tiles' after 'slates' Delete 's' in 'character areas'
75	Policy 10 (1d) Line 3 Policy 10 (2) Line 2 Policy 10 1f) and 1g)	Add full stop after 'countryside' Add full stop after 'harmed' Add comma after 'arise' Start lines with capital letters
77	Paragraph 5.11.2 Line 3	Reword to read ' <i>according to standards of ...</i> '

79	<p>Paragraph 5.11.3 Line 2</p> <p>Paragraph 5.11.3 Line 3</p> <p>Paragraph 5.11.3 Line 4</p> <p>Paragraph 6.1.1 Line 1</p>	<p>Correct policy reference should either read '<i>requirements of policy 10</i>' or '<i>requirements of policy 11</i>' or both</p> <p>Amend 'landscape' to 'townscape'</p> <p>Delete 'are' after 'that they'</p> <p>Correct title of Core Strategy</p>
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