

Horncastle Neighbourhood Plan

The Report by the Independent Examiner

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Summary

It is very evident that a great deal of effort and careful thought has been devoted to the preparation of the Horncastle Neighbourhood Development Plan. As with many neighbourhood plans, the strategic context has been difficult in the absence of an up to date local plan and there is no clear indication of the amount of new housing development that Horncastle will be required to accommodate.

Although this presents difficulties it also provides an opportunity for a neighbourhood plan to develop policies that will influence the form of new development to ensure that it meets the needs of the community and makes a positive contribution to local distinctiveness and the quality of life of residents. Many neighbourhood plans have found this very difficult, but the Horncastle Neighbourhood Development Plan has grasped this opportunity positively and contains a set of constructive and carefully worded policies which will have to be taken into account in the determination of planning applications if the plan is successful at referendum. The Plan meets the requirement to plan positively for growth and the Urban Structures Study and the proposals for the development of the Green Wheel make an important contribution to defining the needs of Horncastle in terms of sustainability in a way that has the potential to influence new development without being too prescriptive. The Town Council and the Neighbourhood Plan Steering Group in particular are to be congratulated on their efforts.

I have found it necessary to suggest some modifications to enable the Plan to meet the basic conditions and other legal requirements. I appreciate that in some cases the modifications I have proposed may give rise to disappointment but I believe that they do not undermine the essential aims of the Plan.

I have concluded that, if the modifications that I have recommended are made, the Horncastle Neighbourhood Development Plan:

has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

has regard to national policies and advice contained in guidance issued by the Secretary of State;

contributes to the achievement of sustainable development;

is in general conformity with the strategic policies of the development plan for the area;

does not breach and is compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to recommend that the Horncastle Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Horncastle is included in the plan area. In some directions the parish boundary is drawn quite tightly; some of the Plan's proposals extend up to the boundary and there are also suggestions as to what could happen on the other side of the boundary. However, I have seen nothing to suggest that the policies of the Plan will have "a substantial, direct and demonstrable impact beyond the neighbourhood area".¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Horncastle Town Council is the accountable body for the Horncastle Neighbourhood Development Plan 2015-2030 (which I shall refer to as the HNDP or the Plan). The Plan area covers the whole of the parish of Horncastle and it has been prepared by the Neighbourhood Plan Steering Group (NPSG) consisting of town councillors and members of the public and supported by the local planning authority.
3. Horncastle is a market town with a long history dating back to Roman times and a population of almost 7000. It lies at the intersection between the east-west route between Lincoln and Skegness and the roughly north-south route between Sleaford and Louth and is the service centre for a large rural hinterland. It also lies at the convergence of the rivers Bain and Waring and to the east are the Lincolnshire Wolds, an Area of Outstanding Natural Beauty (AONB).
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by East Lindsey District Council (ELDC) with the agreement of Horncastle Town Council (HTC) to carry out the independent examination of the HNDP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
6. I confirm that I am independent of both ELDC and HTC and have no interest in any land which is affected by the HNDP.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed seven neighbourhood plan examinations and three health checks. I

therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B to the Town and Country Planning Act 1990.
9. I must:
 - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
 - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
10. The Plan meets the basic conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - b) the making of the Plan contributes to sustainable development;
 - c) the making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a

case. In carrying out the examination I came to the conclusion that the examination could be completed without a hearing.

12. The documents which I have referred to in the examination are listed below.

- Horncastle Neighbourhood Development Plan 2014-2029
- Appendix A: Recommendations from Horncastle Town Plan 2007-2009
- Appendix B: Building for Life 12: How to use BfL12
- Appendix C: Development Brief
- Appendix D: Community Consultation Statement
- Appendix E: Green Wheel Delivery Action Plan
- Appendix F: Non Designated Heritage Assets
- Appendix G: Supporting Studies and other Important Information
- Appendix H: Horncastle Neighbourhood Plan Area and Adjoining Parishes
- Appendix I Map 2 400m and 800m walking distances from Town Centre
- Appendix J: Map 3 Green Wheel – Spaces
- Appendix K: Map 4, Green Wheel – Routes
- Appendix L: Map 5, Green Wheel Wider Footpaths and Bridleways
- Appendix M: Map 6, Key Views
- Appendix N: Map 7, Town Centre – Primary Shop Frontages
- Appendix O: Map 8, Employment
- Appendix P: Map 9, Risk of Flood from Rivers and Sea Map
- Appendix Q: Maps 10a, 10b, 10c and 10d Risk of Flooding from Surface Water Map
- Appendix R: Horncastle Conservation Area Map
- Appendix S: List of Potential Projects in Horncastle
- Appendix T: Urban Structures Study
- Appendix U: Developing a Green Wheel around Horncastle
- Basic Conditions Statement
- Consultation Statement
- Sustainability Review
- Responses to Regulation 16 Consultation on Submission Plan (26)

- Saved Policies of East Lindsey District Council Alteration Local Plan 1999
- The National Planning Policy Framework (NPPF)
- Online Planning Practice Guidance (PPG)
- The Neighbourhood Planning (General) Regulations 2012 amended in March 2015 (NPR)
- The Environmental Assessment of Plans and Programmes Regulations (EAPPR) 2004
- A Practical Guide to the Strategic Environmental Assessment Directive 2005

13. I made an unaccompanied visit to Horncastle to familiarise myself with the town and help me to understand the implications of the Plan policies on 18 November 2015. I spent a full day walking round the town and its surroundings to view all the key locations referred to in the Plan.

The Preparation of the Plan

14. An application for the designation of the whole of the parish of Horncastle as a Neighbourhood Area was sent to ELDC on 4 October 2012. ELDC published the application on its website and carried out consultation in accordance with the requirements of regulation 6 of the NPR from 2 November to 14 December 2012. ELDC confirmed that the designation had been made on 8 January 2013.
15. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2015-2030.
16. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes “county matters” such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
17. I am also satisfied that the WNP does not relate to more than one neighbourhood area.

Public Consultation

18. The preparation of the HNDP has involved an extensive programme of public consultation and involvement. There was a delay of some 6 months between the designation of the neighbourhood area and the start of the process, but thereafter the

process of preparing the Plan was quite rapid and involved a large number of events which aimed to ensure that residents and businesses in Horncastle were aware of and able to contribute to the emerging Neighbourhood Plan. Between July 2013 and the statutory regulation 14 consultation on the draft plan which started in November 2014 there were two main phases of consultation activity, each of which involved several events aimed at engaging different groups of people.

19. The first phase aimed to identify the issues to be addressed by the Plan and took place between November 2013 and April 2014. This involved a questionnaire which was delivered to all households and businesses in the town, market stalls on the weekly market, farmers' market and Christmas market, drop in sessions at the Community Centre, Stanhope Hall, the library and various cafes and bars, sessions at schools, mobile presentations in different neighbourhoods and the use of social media. These events were publicised widely using a wide range of media and techniques. Overall this amounted to a very determined attempt to engage with all sections of the community.
20. The second phase, between April and August 2014, related to the development of the policies to be included in the Plan. Again there was a mix of presentations, mobile exhibitions, workshops and a questionnaire, together with specific events to engage businesses and to explore specific issues. During this process the policies were revised and again publicised.
21. There is no doubt that this was a very exhaustive process that made every effort to involve the community in the neighbourhood plan. It appears that there were about 750 responses to the initial questionnaire to identify issues, equivalent to approximately a quarter of the households in Horncastle but for many of the other events there little or no indication of the numbers involved.
22. The statutory regulation 14 consultation on the pre-submission plan took place between 3 November 2014 and 9 January 2015. It is evident that every effort was made to bring the Plan to the attention of local residents, businesses and those who work in Horncastle, by using the Parish Council website, circulating a summary of the draft plan to all households and making the full plan available at a range of places in the town. There was the opportunity to respond to a questionnaire that was distributed to all households and to respond online. 137 responses were received from residents and a further 24 from statutory consultees. Despite the very wide ranging efforts to engage the community it is unfortunate that participation was very skewed towards the more elderly age groups, with almost 90% of respondents aged over 45.

23. It is very evident from the response to this and the earlier stages of consultation that there is very strong support for the policies of the Plan. The Consultation Statement conforms to the requirements in setting out the comments made, the response to them and an explanation of any amendments made to the draft plan in response to the comments.
24. I am entirely satisfied that the engagement with the local community throughout the plan preparation process and the Consultation Statement has complied with the legislative requirements.

The Development Plan

25. The statutory development plan is made up of:
- The saved policies of the East Lindsey Alteration Local Plan 1999.
 - The Lincolnshire Minerals Local Plan 1991
 - The Lincolnshire Waste Local Plan 2006.
26. It is evident that these documents do not provide an up to date strategic context for the HNDCP. The saved policies of the 1999 Local Plan will in due course be replaced by the East Lindsey Local Plan to 2031 which is currently being prepared. This will be particularly important in setting out the strategy for the distribution of growth in East Lindsey and will define the scale of housing development to be accommodated in Horncastle. However, preparation of this has been delayed by a range of factors including uncertainty about the strategy for the scale and distribution of housing development in the district. The emerging strategy suggests a policy of strong restraint for new housing development near the coast, because of the risk of flooding, but this was questioned by Lincolnshire County Council in a response to consultation in 2012. Since then ELDC have also needed to update housing need forecasts. There is thus no clear guidance on the scale of new housing for Horncastle other than an indication that between 500 and 1200 houses may be required.
27. The HNDCP has been prepared with close collaboration between the NPSG and ELDC and has had regard to the emerging Core Strategy policies. However the basic conditions test does not require conformity with the policies of the emerging plan and in the absence of fully up to date development plan policies, the relationship between the HNDCP and the NPPF will be particularly important in my examination.

28. The policies of the Lincolnshire Minerals and Waste Plans are also out of date and these plans will soon be replaced by the Lincolnshire Minerals and Waste Local Plan. This Plan, which will also relate to the period up to 2031, has been examined and proposed modifications have been published for comment.

The Basic Conditions Test

29. I shall consider the compatibility of the Neighbourhood Plan with basic conditions a), b) and c) in relation to each of its policies but will first consider whether it meets European Union obligations.

European Union Obligations

30. The Basic Conditions Statement submitted with the HNBP includes a Strategic Environmental Assessment (SEA) Screening Opinion which includes a determination that the Plan is unlikely to have significant environmental effects and that an SEA is therefore not necessary, dated November 2014. The assessment has been prepared in accordance with the requirements of the EAPPR and involved consultation with the statutory consultation bodies, which confirmed the findings of the assessment. The Screening Opinion constitutes a statement of reasons explain why a formal SEA is not required in accordance with the EAPPR.
31. Where a neighbourhood plan area is close to any European designated protected sites an Appropriate Assessment under the EU Habitats Regulations may be required. The Basic Conditions Statement states that “the Neighbourhood Plan is not in close enough proximity to any designated site to warrant an Appropriate Assessment and this has not been required by East Lindsey District Council.”² I have seen no reason to question this conclusion.
32. I am also satisfied that nothing in the HNBP is in conflict with the requirements of the European Convention on Human Rights.
33. I therefore conclude that the HNBP does not breach and is otherwise compatible with EU obligations.

² There is an inconsistency between the Table of Contents of the Basic Conditions Statement and the content of the document. The Section on compatibility with EU Obligations, numbered 6 in the Table of Contents is numbered 7 in the report and section 6, headed “Bringing a Neighbourhood Plan Forward ahead of a Local Plan”, is not referred to in the Table of Contents.

Community Vision and Objectives

34. The Plan sets out an overall Community Vision for Horncastle and a set of 11 Community Objectives. The overall vision is to preserve the essential character of Horncastle and sets out four key means of achieving this. While the vision is initially phrased in terms of preservation the subsequent points make it clear that the Plan does not seek to resist new development but plans positively for new development to ensure that it will maintain or enhance the character of Horncastle and the quality of life which it offers.
35. Some of the Community Objectives are phrased more like policies than objectives and to some extent repeat and summarise the policies themselves. Objectives should set out the desired outcome of the Plan rather than the policies that provide the means of achieving them. It is important that there is no ambiguity between what is policy and what is not and the wording of objectives should avoid specific criteria for new development. I have therefore recommended modifications to the objectives with this in mind.

Recommendations

In Community Objectives 2 and 3

replace “must” with “will”

Reword Community Objective 5 to read “All new development will relate positively in form and function to the existing settlement”

Reword Community Objective 8 to read “New development in and around the town will be influenced by the issues identified in the Horncastle Urban Structures Study.”

Reword Community Objective 11 to read “The economic vitality of the town is enhanced through the potential for home working, accessibility to high speed broadband and a thriving town centre.”

The Policies of the Plan

36. I shall consider each of the policies having regard to the basic conditions. The responses to the regulation 16 consultation include many suggested changes to the policies and other parts of the plan documentation. While many of these may have merit, I am only empowered to recommend modifications where they are necessary to

enable the Plan to meet the basic conditions or to correct errors. PPG³ requires that policies should be “clear and unambiguous” and “drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications”. The policies of the HNBP have clearly been drafted with great care but I have found it necessary to recommend some modifications to meet this requirement. Although I have not referred specifically to all the suggestions that have been made I have taken them all into account.

Policy 1: Sustainable Development

37. Policy 1 is an overarching policy which positively seeks to encourage new development, providing it satisfies the criteria set out in the policy. The criteria are carefully and generally positively worded and I am satisfied that the policy satisfies the basic conditions subject to two minor modifications to improve the clarity of the policy.

Recommendations

In Policy 1 part 2 a) add after “...local needs” “as identified in the most recently published Strategic Housing Market Assessment”, to clarify how local needs can be identified.

In the first line of Policy 1 part 3 delete “principles and advice” and insert “policies and supporting evidence”, as it is otherwise unclear how principles and advice are defined.

Policy 2 Design Principles for New Development

38. The policy sets out specific design principles that should be applied to all new development and seeks to ensure that the findings of the Urban Structures Study (USS), which was commissioned to inform the policies of the HNBP, are reflected in new development. The USS seeks to apply some broad principles, relating to layout, accessibility, privacy and green space. It draws from recognised research into the structure of successful places, in analysing the character, strengths and weaknesses of different sectors within the urban area of Horncastle. It then seeks to set out key considerations for new development in each area.
39. The USS is a very important element of the HNBP. Its application in the way proposed in Policy 2 has been criticised by some respondents to the regulation 16 consultation as too prescriptive and lacking in justification. It is therefore important to give careful

³ PPG Reference ID: 41-041-20140306

consideration to the weight that can be attached to it having regard to the basic conditions.

40. The analysis contained in the USS has sustainable development at its heart and the conclusions that it draws in pointing out the deficiencies of some of the more recent developments in Horncastle point to a lack of sustainability. The absence of connectivity and legibility in some of the street layouts and their failure to respect the character and local distinctiveness of Horncastle impact adversely on the social and environmental components of sustainability in particular.
41. David Lawrence suggests that reliance cannot be placed on the USS because it has not been adopted in its own right. However, it forms part of the evidence base for the HNP, it was included as a supporting document when the pre-submission plan was the subject of public consultation and there was very strong support for the policies of the Plan at the time.
42. Gladman developments suggest that the reliance on the USS is not consistent with the requirements of paragraphs 59 and 60 of the NPPF which seek to avoid “unnecessary prescription or detail” or to impose “architectural styles or particular tastes”. However, the USS does not relate primarily to architectural styles or detailed design, but is more concerned with the matters which paragraph 59 of the NPPF does identify as appropriate such as: “scale, density, layout materials and access of new development in relation to neighbouring buildings”. It is entirely legitimate for a neighbourhood plan to address these issues and to seek to enhance the sustainability of future development and to “ensure they get the right types of development for their community”⁴.
43. I am satisfied that the USS is a valuable piece of analysis and its application through a neighbourhood plan is an imaginative and constructive way of seeking to ensure that new development avoids some errors of the past and makes a positive contribution to the quality and sustainability of new development in Horncastle. At the same time it is important that the USS is not used in a formulaic or prescriptive way. For instance, the general theme requiring less cul de sacs and straighter roads with regular intersections should not be interpreted as a requirement that all development should have a grid-iron pattern with no cul de sacs. I accept the point made by Mr Lawrence that in drawing attention to the merits of these features and the disadvantages of other layout forms the study does not acknowledge some of the sustainability benefits of cul de sacs in terms of safety. Similarly the requirement for the design of new developments

⁴ NPPF para184

to reference some of the existing streets in the town in designs should not imply that existing designs need to be copied. For the most part the policy is worded appropriately and avoids a level of prescription which would run counter to the presumption in favour of sustainable development. However there remains the potential for development which could be demonstrated to be sustainable but which would not “adhere to the principles for the sector of the plan area set out in the Urban Structures Study”. I have therefore suggested a minor amendment to part 1d) of the policy to indicate that there should be a degree of flexibility.

44. I do not regard the requirement for proposals of 10 or more dwellings to show how they relate to the Urban Structures Study as unduly onerous as these are matters that would be addressed in a Design and Access Statement, which would normally be required for application of 10 or more dwellings.
45. Policy 2:1.e) requires new proposals to demonstrate that they will promote the principles in the Town and Country Planning Association document “Planning and Healthy Weight Environments”. While this is a useful document, it is general and discursive in nature and does not relate specifically to Horncastle. I consider it unduly onerous with regard to paragraph 193 of the NPPF to require all developments to demonstrate how they have had regard to it. Many of the principles in it are already reflected in the other criteria and the findings of the Urban Structures Study that relate specifically to Horncastle.
46. The summary guides relating to the issues to be addressed in the various sectors of the town are for the most part helpful guidance phrased with appropriate flexibility. However, the requirement in the Lincoln Road to the River Bain sector for streets to be wide enough to allow on-street parking seems to be an unduly rigid requirement. There is no clear justification in the USS of why this requirement should apply here and not elsewhere and there is no indication of what constitutes wide enough, as this would presumably vary according to the type of road.
47. The policy also requires major development to demonstrate how it uses the USS principles and the Building for Life 12 principles in developing design concepts and to produce a report to demonstrate this. There is an element of repetition in parts 4 and 5 of the policy and in Part 5 the requirement to accord to Building for Life 12 does not indicate what level of accord is required in relation to the traffic light system used by Building for Life 12. It would be preferable to define a standard in terms of the number of ‘greens’ to be met, but it would be inappropriate for me to arbitrarily define this standard. There is also no need to repeat here the requirement to relate to the

principles of the USS. The following modifications are proposed to reflect these points.

Recommendations

In Policy 2: 1d) delete “adhere” and insert “have regard”.

Delete Policy “:1 e).

In Policy 2: 3 under “Lincoln to the River Bain” delete “streets should be wide enough to allow for on-street parking”.

Combine parts 4 and 5 of Policy 2 to read “Where the proposal is for major development applicants will be required to produce a report to demonstrate the extent to which their scheme uses the principles of Building for Life 12 in both developing design concepts and in testing the final design for quality. The report should be produced by a suitably qualified independent assessor.”

Policy: 3 Parking on New Development

48. The policy sets out the desired approach to the provision of parking for new residential development. It is evident from the wording of part b) that it relates to housing but this needs to be clarified. The policy draws from good practice as set out in The Manual for Streets (including Historic Manual for streets and Manual for Streets 2) Parking: What Works Where and the Lincolnshire Design Guide. However the requirement that development proposals should show how they meet these standards is impractical. These publications focus more on approaches to the provision of parking rather than specific standards and offer a range of alternatives. Again it would be appropriate that proposals should demonstrate that they have had regard to the good practice set out in these publications.
49. 3: 1b) requires all residential development to provide off street parking except within the Conservation Area where this would not be possible. In my view this is a slightly too rigid requirement as the Conservation Area is quite tightly drawn and there are streets outside it, where the existing character which is rightly recognised positively by the USS could make off street parking provision difficult or even undesirable.
50. Policy 3:.2 is consistent with the basic conditions.

Recommendations

Amend the start of Policy 3:1 to read:

“Proposals for residential development will be required to show how the layout

a) reflects the good practice in the

Amend the last part of Policy 3: 1. b) to read:

“ ...Conservation Area or other existing streets where it would be inappropriate or not practical to meet this parking provision”

Policy 4 Pre-Application Consultation

51. The first part of the policy requires the submission to the local planning authority of a development brief at the pre-application stage for major applications. The justification for the policy is to enable the community to have an input into proposals at an early stage in the planning process. There is no doubt that such involvement is desirable. However, paragraph 189 clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage. It is therefore evident to me that this policy does not comply with the basic conditions because of this clear conflict with the NPPF.
52. The second part of the policy requires that when major applications are submitted they should be accompanied by a Community Consultation Statement. The Localism Act made provision for a requirement for pre-application for some types of application, and this is clearly good practice but the only type of development for which this is a legal requirement is for more than two wind turbines of more than 15m in height⁵ and major infrastructure projects. The NPPF again suggests that where local authorities consider it would be beneficial they should encourage applicants to engage with the local community⁶.
53. It is quite clear that both the submission of a development brief and pre-application community consultation are desirable and good practice and I have noted the reference to similar policies in the Ascot/Sunninghill/ Sunningdale and Tettenhall Neighbourhood Plans. However, the NPPF clearly encourages rather than requires pre application and community involvement. I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for a policy imposing these requirements to relate to all major applications and none has been presented to me. The proposal for development briefs in the emerging East Lindsey Core Strategy cannot be given substantial weight at this stage and it would in any case be less onerous than that proposed here as it would only relate to development briefs for sites which have 'wide ranging impact'. With some reluctance I find that the policy does not meet the basic conditions.

⁵ PPG Ref ID 20-009-20140306

⁶ NPPF paragraph 189

54. I have considered a modification to the policy to encourage the preparation of development briefs and community consultation statements, but that would not meet the requirement of being a policy that would be “capable of being applied consistently in the determination of planning applications”. There would however be no objection to such encouragement being included in the supporting text. I appreciate that this conclusion will not be welcome as these principles are an important element of the Plan, but I have no doubt that the modifications I have suggested are necessary and that the policies if retained in their submitted form would not be enforceable.

Recommendations

Delete Policy 4 and amend the supporting text to encourage rather than require community engagement and the submission of development briefs as follows: Reword paragraph 13.4 to read “Applicants are encouraged to engage with the community at an early stage in the planning process. This will be of benefit to developers ...The submission of a Community Consultation Statement on the lines suggested in Appendix D is also encouraged.”

Reword the second sentence of paragraph 13.5 to read: “applicants are encouraged to take this approach with all major applications and guidance on the material to be included in a development brief is attached at Appendix C.

Delete paragraphs 13.6 and 13.7.

Amend the first sentence of Appendix C to read “Development Briefs can helpfully include:” (and then the list of bullet points)

Amend the introductory paragraph of Appendix D to read:

“This Neighbourhood Plan aims to encourage developers to engage with the local community at an early stage before planning applications are submitted. Where this occurs the submission of a Statement of Community Involvement including the following information will be helpful:” (and then the list of bullet points).

Policy 5: Protecting the Historic Environment

55. This policy supplements national policy with regard to the Conservation Area and Listed Buildings with policies to protect non-designated heritage assets. It welcomes proposals to sympathetically develop buildings within the town centre, that are not sympathetic with the character of the Conservation Area, referring specifically to the Heron Foods Store and No 6 Bridge Street. It also encourages the renovation of the Watermill site. I am satisfied that this policy meets the basic conditions.

Policy 6: Allocation of Affordable Housing

56. The policy aims to ensure that affordable housing, as defined by the NPPF, is allocated on the basis of local connection criteria. On the face of it this is a policy for the allocation of housing, not the development of land, but it does relate to the use of land and the allocation of affordable housing may be secured by the use of planning conditions or s106 agreements. There is at least one clear precedent for a policy of this sort in the Lynton and Lynmouth Neighbourhood Plan. It is evident in both that case and here that this is consistent with the allocation policies of the local housing authority. I am satisfied that the policy meets the basic conditions.

Policy 7: Provision of Affordable Housing

57. Policy 7 sets out the requirements for developers to provide affordable housing. It suggests that up to 20% of new houses provided should be affordable and this is based on the findings of a study which suggested 20% for inland towns and villages and 40% for Rural East Lindsey.⁷ It is suggested in paragraph 16.1 that the emerging Local Plan will require 30% subject to a viability assessment.
58. I was informed during the examination that a new Economic Viability Assessment has been received by East Lindsey and is likely to form the basis of policy. However, this document is not in the public domain and I have not taken it into account. There is no requirement for a neighbourhood plan to comply with the draft policy of the emerging plan and there is a long way to go before its policies are finalised. However, it is possible that this element of Policy 7 could become out of date when the policy of the emerging Local Plan is determined. I also note also that there is at least one substantial development solely for affordable housing and this provides further justification for the threshold proposed. I am satisfied that on the basis of the evidence available when the Plan was prepared the policy is consistent with the basic conditions subject to a minor modification to clarify that the requirement will be for 20% unless this would compromise viability.

Recommendation

Reword Policy 7.2 to read:

“To meet identified housing needs within the community, 20% of the new dwellings on market housing sites of 10 or more dwellings should be for affordable housing, unless it can be shown that a contribution at that level would compromise viability.

⁷ Coastal Lincolnshire Economic Viability Assessment 2013 carried out by Three Dragons.

Policy 8: A mix of housing types

59. The policy aims to ensure that the mix of housing types reflects the needs of Horncastle. It usefully refers to the Strategic Housing Market Assessment of 2012, but during the plan period this is likely to be overtaken by more up to date assessments. I have suggested a modification to allow the policy to remain up to date when this happens. The policy also seeks to encourage the provision of housing for the elderly and/or physically disadvantaged people within a 5 minute walk of the town centre. The policy is worded with sufficient flexibility not to preclude such development further from the centre and I am therefore satisfied that it meets the basic conditions.

Recommendations

Amend Policy 8: 1 to read:

“Planning applications for housing schemes of more than 10 dwellings are expected to deliver a Horncastle specific mix that reflects the findings of the most up to date published Strategic Housing Market Assessment”

In Policy 8: 2 delete “the key findings in the SHMAA 2012 and”.

Policy 9 Green Infrastructure

60. This policy aims to protect existing Green Spaces and to ensure that, where appropriate, new green spaces are provided. Green Infrastructure is a key theme of the HNBP and the Plan has taken a positive and imaginative approach in linking the issue of Green Infrastructure to the theme of accessibility and connectivity, which derives from the USS, to develop the Green Wheel Strategy. This is considered further in relation to Policy 10, but there is a close connection with this policy. The policy is carefully worded so that it does not place unrealistic expectations on developers and allows for some flexibility with regard to what might be considered appropriate and realistic in individual circumstances. It also acknowledges that there may be circumstances where the loss of existing open spaces may be justified because of other benefits that may be associated with new development and in these cases seeks suitable replacement provision. A clear cross reference to Map 3, which shows the existing green spaces referred to in part 1 of the policy is necessary. It is necessary to qualify parts 3 and 4 to make it clear that this is subject to the legal requirements for s106 agreements being met in each case and Part 5 needs to be qualified to apply only where appropriate. In part 7 the conditional tense rather than the present and future tenses has been used for no apparent reason. Subject to modifications to reflect these issues I am satisfied that the policy meets the basic conditions.

Recommendations

In the first line of Policy 9: 1 insert after “...identified in” “Map 3 and in...”

At the end of In Policy 9.3 add “... by the addition of conditions to a planning application or, where the legal requirements are met, by a section 106 planning obligation.

In Policy 9.5 insert “Where appropriate” at the beginning of the last sentence.

In the first and second line of Policy 9: 7 delete “would” and insert “will”, and in the third line delete “was” and insert “is”.

Policy 10: Developing a Green Wheel around Horncastle

61. The proposed Green Wheel for Horncastle is a comprehensive and carefully developed strategy to build on the substantial existing network of green spaces, footpaths and cycle routes. It aims to secure the improvement of the existing spaces and routes and the provision of new ones to maintain and improve both the existing open space provision and the ability to move around Horncastle on foot or cycle. Policy 10 does not explicitly make proposals for new green spaces and routes, but by setting out mechanisms for their delivery it does implicitly define the proposals in the Green Wheel.
62. Part 1 of the policy sets out criteria for all development. It is worded on the assumption that all of the criteria will be applicable to all major developments. While this may well be true in many cases, it is certainly possible that for some relatively small developments that would still be classified as ‘major’ there may be no potential or need to meet some of the criteria, notably a) and c). The wording of the policy needs to be amended to show that.
63. I have no reservations about the concept of the Green Wheel, which as I have said is an imaginative and constructive approach to improving the quality of life in Horncastle through a plan which does not itself make formal allocations of land for residential development. However, the relationship between Policy 10 and Maps 3 and 4 which illustrate the proposals needs to be clarified.
64. I also have some concerns about the apparent precision of the proposals for new green spaces and, to a lesser extent, new routes. While the supporting text in paragraph 18.17 states that the suggested green spaces are indicative, Map 3 refers to “suggested new Green Spaces” and defines the extent of these quite clearly. I am not satisfied that this is appropriate in the absence of any firm proposals about the scale and location of new residential development. It is evident from representations received that there are likely to be proposals for residential development on many sites

around Horncastle, and permission has recently been granted on appeal for 300 homes at Langton Hill. There are many variables to be considered in determining the extent and layout of new development and there is not sufficient justification for the suggested new open spaces to be an inflexible factor in determining the relationship of new development to the existing settlement. Put more simply, while the principle of the suggested open spaces is justified, the precise extent of many of them is not.

65. The concern I have expressed is compounded by the impression that the purpose of some of the proposed open spaces, notably B, G and to an extent N is to provide a buffer between existing and new development. This may be appropriate in some cases, but there is a tension between this approach and the intention of the USS to ensure strong integration and connectivity between existing and new development. For these reasons, it would seem more appropriate for the suggested new green spaces to be identified by means of a symbol indicating a general location rather than a precise shape or extent.
66. Maps 3 and 4 also show proposals for open spaces and routes outside the Neighbourhood Plan Area. While the notation for these is in a slightly different colour and the text is in italics, the HNPD cannot make proposals outside the plan area and in my view the maps as drawn convey a misleading authenticity. I accept that it makes sense to show existing routes outside the parish boundary that have the potential to form part of the Green Wheel, but there should be a much clearer distinction between those elements that lie within the neighbourhood area and those that lie outside. The text and the key should make it clear that the Plan is not making proposals in this respect.
67. Finally, on Map 3 there are apparent inconsistencies or errors between the Map and the text in Appendices E and U. The suggested open spaces marked as F and H do not seem to be defined on the map – there is no shading in association with F and the green line adjacent to H does not seem to fit with the description as a pocket park.

Recommendations

In the second line of Policy 10 1 insert after “...criteria” “where they are applicable”.

In Policy 10:2 add after “...for Horncastle” “and shown on Maps 3 and 4.

On Map 3 change the way in which the suggested new Green Spaces are shown by representing them with a shape which suggests less precision on their extent such as an oval or a rectangle with rounded corners. In the key amend the notation to “proposed location of new Green Spaces to reflect this change”

On Map 3 clarify in a way that is consistent with the first recommendation above

the location of the suggested new Green Spaces F and H.

On Map 3 amend the notation of the existing and suggested green spaces which lie outside the parish boundary to more clearly distinguish them from the proposals inside the boundary while reflecting the purpose of my first recommendation on this policy. A dotted outline with an imprecise shape may be an appropriate way of doing this. In the key to Map 3 separate the suggestions outside the Parish boundary by creating a separate box with the notation “suggested location of new Green Spaces outside of the Parish boundaries”. Beneath this box in bold lettering insert “The suggestions outside the Parish boundary have no status and are purely indicative of possibilities”. On Map 4 amend the way in which designations outside the Parish boundary are shown to reflect the principles I have outlined for Map 3.

Policy 11: Designating Local Green Spaces

68. This policy seeks to designate three locations as Local Green Spaces. The largest of the three areas (La on Map 3), referred to as Horncastle Canal Grassland, is an area of grassland that lies between the Horncastle Canal and the Old River Bain just to the west of the town centre. It connects with the large existing open space to the west of The Wong, which accommodates the town’s sports fields to the east and is important to the setting of Horncastle. I am satisfied that it meets the criteria for Local Green Spaces in the NPPF.
69. Area M appears to relate to a small area of grass and trees to the south of the swimming pool separated from La by a fence. Together they effectively form one area and, if area M is retained as a Local Green Space, I see no purpose in identifying La and M separately, particularly as from the map as it is currently drawn it is not possible to clearly delineate area M. However, the Consultation Statement P21 states: “Take out the area behind the swimming pool as a Local Green Space” in response to a comment from the Asset Manager of East Lindsey District Council. I have sought clarification on what is intended here but it has not been forthcoming. I therefore suggest that area M should either be deleted or combined with area La.
70. Map 3 identifies a larger area of land immediately to the south of La, which is shown as Lb, and is outside the parish boundary, as a possible Local Green Space. As discussed in relation to Policy 10, this suggestion clearly carries no weight and this should therefore be made quite clear. It is however quite acceptable for the reference

in the supporting text to the potential designation of this site in the Local Plan to be retained.

71. The other suggested green space (site P) is an area at The Wong adjacent to Stanhope Hall. However, this area is not clearly defined on Map 3 and the supporting text makes it clear that it was not possible to do this at the time the Map was prepared. It is evident that this area is of historic significance as the site of the former cattle market, but its character is mixed and with areas of grass and car parking which at present are not of special interest. Paragraph 19.6 states that there is uncertainty about the future use of the site but that East Lindsey Council intend to ensure part of it is set aside as public open space. It is therefore evident that, as the space has not been defined and the future use of the site is uncertain, the reference to site P in Policy 11 and on Map 3 should be removed.
72. The policy to be applied to designated Local Green Spaces is set out in parts 2-4 of Policy 11 and these are consistent with the guidance in the NPPF.⁸

Recommendations

Amend the title of the heading to the Policy to “Designating Local Green Space”.

Amend 11.1 to read: “The site identified on the Horncastle Green Wheel Spaces Map as L is designated as Local Green Space.

On Map 3 either delete the area to which M relates or include it within La, and delete the designation M. Amend the notation of Lb on Map 3 to reflect principles I have outlined for sites outside the parish boundary in my recommendations on Policy 10.

Policy 12: Visual Connections with the Countryside

73. Policy 12 aims to protect significant views of the countryside from vantage points on the edge of the town and Map 6 identifies seven “view corridors” that are of particular significance. It appears clear that Policy 12 is related to these view corridors, but it does not specifically state this. It also appears to me that other views of equal significance have not been identified, such as the view east from Thimbleby Hill. It is apparent that many of the views identified relate to areas where it is evident from representations received that development proposals are envisaged or have been made. However, the policy is carefully worded so as not to preclude development that would have any effect on these views and makes provision for development where any

⁸ NPPF paragraph 78

harm to landscape character is offset by improvements to green infrastructure and connectivity.

74. I am concerned that Policy 12: 1.c) is too negatively phrased to be consistent with the presumption in favour of sustainable development. It begs the question “from where?”, and in this respect the relationship between Map 6 and the policy must be clarified. I am also concerned that its wording is too restrictive as the existing wording could preclude development that has any impact on the skyline. I have therefore suggested a modification.

Recommendation

amend Policy 12: 1.c) to read “does not seriously or wholly obscure the skyline from the key viewpoints identified in Map 6.”

Policy 13: Strengthening the Retail Core

75. This policy seeks to maintain the strength of the town centre of Horncastle as a shopping centre. Part 1. Defines the primary shopping frontages, supports proposals for new retail development and seeks to resist changes of use from Class A1 unless a clear justification has been given. This policy is generally consistent with the basic conditions except that some changes of use from Class A1 are now permitted development, notably changes of use from Class A1 to A3 (restaurants and cafes) and from Class A1 to mixed use A1 and up to two flats or A2 and up to two flats.⁹ A modification is necessary to reflect this. Part 2 of the policy defines the extent of the town centre and Part 3 supports the principle of the pedestrianisation of St Lawrence Street from Dog Kennel Lane to the Market Place.

Recommendation

In Policy 13: 1.b) after “...any other use” insert “other than those which are permitted development”.

Policy 14: Supporting Local Business Growth

76. The policy aims to prevent changes of use from B1, B2 or B8 to other uses unless criteria relating to the District Council's policy, viability or other benefits can be met. It also aims to ensure that any new business development reflects the principles of the Urban Structures Study and that any expansion of the Boston Road Industrial Estate contributes to the creation of the Green Wheel, and to encourage the provision of superfast broadband. I have taken account of concerns that the expansion of the

⁹ Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Boston Road Industrial Estate onto land fronting Mareham Road would not be viable without some residential development. This is an existing rather than a new allocation and I am unable to assess the viability issues on the basis of the evidence that I have seen. However part 1b) of the policy allows for viability issues of this sort to be considered in the context of proposals for a non-business use. I am satisfied that the policy meets the basic conditions.

Policy 15: Reducing the Risk of Flooding

77. The final policy aims to ensure that development, particularly in flood sensitive areas reduces the overall risk of flooding and sets out several criteria for development within flood sensitive areas and for development more widely. The approach to development in areas of flood risk is addressed in some detail in the NPPF (paras 99-104) and the technical guidance to it. These matters are also covered in Planning Practice Guidance. This guidance covers the application of the sequential and exception tests for development in areas of flood risk and the requirement for appropriate flood risk assessments. It would be appropriate to clarify how Policy 15 relates to these requirements. The requirement of part 1 of the policy, while desirable is more onerous than that in the NPPF¹⁰ and is therefore not consistent with the presumption in favour of sustainable development. While development should not exacerbate the risk of flooding, it is not realistic to expect all development in flood sensitive areas to reduce it. Parts 2 and 4 should be related to the requirement for a flood risk assessment. In relation to Part 7 of the policy, in many cases replacement or new driveways relating to existing dwellings are permitted development if they provide drainage to permeable areas. I am also not satisfied that this provision could be applied to non-residential development as there may well be circumstances relating to industrial or other development where hard surfaces such as asphalt or concrete with appropriate positive drainage would be necessary and appropriate.

Recommendations

In Policy 15 reword part 1 as follows: “Development in flood sensitive areas will only be permitted subject to the application of the sequential and exception tests and an appropriate flood risk assessment as required by the NPPF and Planning Practice Guidance.”

Replace parts 2 and 4 with a new part 2 “The flood risk assessment for development proposals within the flood sensitive areas will be required to demonstrated that (insert the existing 2a), 2b) and 2c) and add d) development

¹⁰ NPPF Paragraph 102

on the flood attenuation areas shown of the fold risk maps will not reduce the ability of these areas to alleviate flooding.

In Policy 15: 5 there appears to be a “to” missing between “used” and “positively”.

Delete part 7.

Contribution to Sustainable Development

78. The policies of the HNBP address the three main components of sustainability: social, economic and environmental in a balanced and integrated way. The Sustainability Review considers each of the policies against a range of sustainability criteria and identifies the potential of the policies in the plan to contribute to sustainable development in several ways. I am satisfied that the Plan taken as a whole will contribute to the achievement of sustainable development.

Summary and Referendum

79. It is very evident that a great deal of effort and careful thought has been devoted to the preparation of the HNBP. As with many neighbourhood plans, the strategic context has been difficult in the absence of an up to date local plan and there is no clear indication of the amount of new housing development that Horncastle will be required to accommodate.
80. Although this presents difficulties it also provides an opportunity for a neighbourhood plan to develop policies that will influence the form of new development to ensure that it meets the needs of the community and makes a positive contribution to local distinctiveness and the quality of life of residents. Many neighbourhood plans have found this very difficult, but the HNBP has grasped this opportunity positively and contains a set of constructive and carefully worded policies which will have to be taken into account in the determination of planning applications if the plan is successful at referendum. The Plan meets the requirement to plan positively for growth and the Urban Structures Study and the proposals for the development of the Green Wheel make an important contribution to defining the needs of Horncastle in terms of sustainability in a way that has the potential to influence new development without being too prescriptive. The Town Council and the Neighbourhood Plan Steering Group in particular are to be congratulated on their efforts.
81. I have found it necessary to suggest some modifications to enable the Plan to meet the basic conditions and other legal requirements. I appreciate that in some cases the

modifications I have proposed may give rise to disappointment but I believe that they do not undermine the essential aims of the Plan.

82. I have concluded that, if the modifications that I have recommended are made, the Horncastle Neighbourhood Development Plan:

- has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach and is compatible with European Union obligations and the European Convention on Human Rights.

83. **I am therefore pleased to recommend that the Horncastle Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**

84. I am also required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Horncastle is included in the Plan area. In some directions the parish boundary is drawn quite tightly; some of the Plan's proposals extend up to the boundary and there are also suggestions as to what could happen on the other side of the boundary. However, I have seen nothing to suggest that the policies of the Plan will have "a substantial, direct and demonstrable impact beyond the neighbourhood area".¹¹ **I therefore conclude that there is no need to extend the referendum area.**

Richard High December 2015

¹¹ Reference ID: 41-059-20140306