

Skegness Neighbourhood Development Plan

A report to East Lindsey District Council of the Independent Examination of the Skegness Neighbourhood Development Plan

Copy to Skegness Town Council

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Contents

Summary of Main Findings	3
Neighbourhood Planning	4
Independent Examination.....	4
Basic Conditions and other Statutory Requirements	6
Documents	8
Consultation.....	10
The Neighbourhood Plan taken as a whole	14
The Neighbourhood Plan Policies	21
Policy E1 Starter Business Floorspace.....	24
Policy E2 New Employment Floorspace.....	25
Policy E3 Redevelopment of Employment sites for Other Uses	25
Policy E4 New Education Uses	27
Policy V1 Tourism and Visitor Economy	27
Policy V2 Loss of Visitor Accommodation.....	30
Policy V3 Applications for Overnight Visitor Accommodation	32
Policy TC1 Active Frontages in the Town Centre	33
Policy TC2 Town Centre Upper Floor Developments.....	34
Policy TC3 Design of Shop Frontages, Foreshore Frontages and Signage	35
Policy INF1 Sustainable Transport	36
Policies INF2 to INF6 inclusive	36
Policies INF7 to INF9 inclusive	40
Policy INF10 Cycle Parking Standards for New Developments.....	41
Policy INF11 Ultra Low Emission Vehicles (ULEV) Parking Standards and Future Provision	41
Policy INF12 Public Car Parking Provision.....	42
Policy H1 Redevelopment of Existing Buildings for Affordable Residential Use	43
Policy H2 Infill Development.....	44
Policy H3 Older Persons Accommodation	45
Policy C1 Existing Community Facilities (Non-Health Related) and Public Spaces	46
Policy C2 New Community Facilities (Non-Health Related) and Public Spaces	46
Policy C3 Community Health Facilities.....	47
Policy D1 Design in New Developments	48

Policy D2 Design in New Car Parking	50
Policy D3 Gateway Sites and Edge of Settlement Development	51
Policy D4 Local Green Spaces.....	52
Policy NDP1 Site Allocation, ELDC Council Offices, North Parade	53
Policy NDP2 Site Allocation, Skegness Fire Station and 8 no. Firemen Houses, Churchill Avenue ..	54
Policy NDP3 Site Allocation, Skegness Household Waste Recycling Centre, Warth Lane	55
Conclusion and Referendum.....	57
Annex: Minor Corrections to the Neighbourhood Plan.....	58

Summary of Main Findings

This is the report of the Independent Examination of the Skegness Neighbourhood Development Plan that has been prepared by Skegness Town Council. The Skegness Town Council administrative area was designated by East Lindsey District Council as a Neighbourhood Area on 11 August 2016. The plan period runs until 2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates three sites for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Skegness Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Skegness Town Council (the Town Council). The Skegness Town Council administrative area was designated by East Lindsey District Council (the District Council), as a Neighbourhood Area on 11 August 2016. The draft plan has been submitted by the Town Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Skegness Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group) made up of volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Town Council for submission to the District Council. The District Council arranged a period of publication between 3 March 2022 and 14 April 2022 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 30 June 2022.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions, I have private sector experience, and I have a total of 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the TCPA 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Town Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; the written representations; and an unaccompanied visit to the neighbourhood area.
14. This report has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. A neighbourhood plan meets the Basic Conditions if:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law.

17. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

18. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

19. The Neighbourhood Plan relates to the area that was designated by the District Council on 11 August 2016. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

20. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically

requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I am able to confirm that I am satisfied that each of these requirements has been met.

21. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period is 2021-2031. The end date of the Plan is confirmed in paragraph 1.7 of the Basic Conditions Statement.
22. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
23. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
24. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
25. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

26. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Skegness Neighbourhood Development Plan 2021 to 2031 Submission Version January 2022 and Policies Map
- Skegness Neighbourhood Plan Basic Conditions Statement January 2022 [In this report referred to as the Basic Conditions Statement]
- Skegness Neighbourhood Plan Public Consultation Statement January 2022 and appendices [In this report referred to as the Consultation Statement]
- Skegness Neighbourhood Plan Sustainability Appraisal (incorporating Strategic Environmental Assessment) May 2021
- SEA Screening Opinion for Skegness Neighbourhood Development Plan (October 2020)
- Skegness Neighbourhood Development Plan Habitats Regulations Assessment Screening
- Skegness Neighbourhood Development Plan Equalities Impact Assessment (October 2020)
- Evidence Base documents:
 - Local Green Spaces Assessment
 - Further Site Evidence Report for Site Allocations
 - Parking Standards Background Report
 - Site Identification and Assessment Report
 - Site Identification and Assessment Map (North)
 - Site Identification and Assessment Map (South)
 - Economic Sector Review Report
 - Objectives Survey Report (PDF)
 - Draft Vision and Objectives Report
 - Evidence Base Review
 - Town Profile Report
 - Community Consultation Report
- Information available on the Skegness Town Council website
- Information available on the District Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District Council and the Town Council including: the initial letter of the Independent Examiner dated 30 June 2022; the comments of the Town Council on the Regulation 16 representations of other parties dated 14 July 2022; the letter of the Independent Examiner seeking clarification of various matters dated 14 July 2022; and the joint response of the Town Council and the District Council which I received on 27 July 2022
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- East Lindsey Local Plan Core Strategy Adopted July 2018
- East Lindsey Settlement Proposals Development Plan Document Adopted July 2018
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

27. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
28. An initial consultation between 13 September and 17 November 2017 saw a social media chat group gain over 500 members. A consultation event held on 2 November 2017 displayed banners that explained the neighbourhood plan process and obtained views of the public through a questionnaire. This early engagement helped in the identification of key issues. A two-day exhibition event held in the Hildred's Shopping Centre in early 2019 presented a proposed vision statement and draft objectives. This event resulted in 59 completed survey responses that informed the final vision and objectives contained within the emerging Neighbourhood Plan.
29. In accordance with Regulation 14 the Town Council consulted on the pre-submission version of the draft Neighbourhood Plan from 6 September 2021 to 18 October 2021. The consultation on the pre-submission draft Plan and supporting documents was publicised through: Town Council and community group meetings; the Town Council

newsletter; the District Council website; advertisements in the Skegness Standard and on the Lincolnshire World platform; and through several leading social media platforms. The consultation resulted in 22 responses including 13 responses from statutory consultees and 9 responses from members of the public and land owners. A table presented between pages 11 to 62 of the Consultation Statement sets out details of the representations received and a Town Council response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Town Council to the District Council.

30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 3 March 2022 and 14 April 2022. Representations were submitted by:

- Bourne Leisure Ltd
- Chappell & Co Surveyors Ltd
- Lincolnshire County Council
- Marine Management Organisation (two responses)
- Ministry of Defence
- National Grid
- National Highways
- Natural England
- NHS Lincolnshire CCG
- NHS Property Services
- Sport England
- West Lindsey District Council
- Theatres Trust

31. NHS Lincolnshire CCG welcome the Neighbourhood Plan and details within. A representation on behalf of National Grid confirms there are no high voltage electricity assets or high-pressure gas pipelines in the Neighbourhood Area. The Marine Management Organisation confirm no comments. West Lindsey District Council compliment the Neighbourhood Plan. National Highways confirm an opinion that the Neighbourhood Plan will not have any impacts on the Strategic Road Network. The Defence Infrastructure Organisation identify types of development it would wish to be consulted on within the Statutory Range Safeguarding Zone that surrounds RAF Holbeach. Natural England offer general advice and confirm agreement with the District Council that an Appropriate Assessment of the Neighbourhood Plan is not required. The Theatres Trust express support for Policies TC2 and C1 which protect theatres from unnecessary loss or from being undermined by incompatible nearby development. Sport England offer general advice and state “it is important that a neighbourhood plan reflects the recommendations and actions set out in the Playing Pitch Strategy or other strategies, including those which may

specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery. Consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.” These representations do not necessitate any modification of the Neighbourhood Plan to meet the Basic Conditions.

32. Lincolnshire County Council does not support the approach to car parking provision set out in Policies INF2 - INF4, and Policies INF5 and INF6 are considered inappropriate. This representation also states there would appear to be a conflict in that allocation NDP3 – Land north of Wainfleet Road proposed for Park and Ride or Employment use in the Neighbourhood Plan is understood to be separately promoted for the Skegness Gateway development, supported by the District Council, for housing. The County Council also state the Neighbourhood Plan does not mention the need to protect existing recorded rights of way should there be development proposals affecting them; nor any mention of the opportunity for new routes linking potential gateway development sites to the wider countryside or the town centre and Foreshore. The representation also states disappointment that the opportunities of the National Trail (England Coast Path) bringing visitors to the town is not mentioned. The representation also states there is no mention of the Coastal Country Park and future National Trust facility within reasonable walking distance at Sandilands (Sutton on Sea/ Chapel St Leonards), and no mention of potential for Biodiversity Net Gain as part of development proposals at Gateway sites to ensure that this is enhanced in the area.
33. Chappell & Co Surveyors Ltd state “Looking at three sites of particular interest to us, we note that our housebuilding site on the William Way extension, Suite Dreams on Old Wainfleet Road, and our yard here at Lansdowne Road are all included within the Plan. We would like to formally confirm that all three sites are and will be available for future redevelopment for open market housing as outlined in the Site Identification & Assessment Report pages 7-14.”
34. NHS Property Services object to Policy C3 of the Neighbourhood Plan and suggest alternative wording. A representation on behalf of Bourne Leisure Ltd states it is essential that local planning policy is supportive of the visitor and tourist sector, including the need to improve and expand facilities to meet demand as well as cater to new and repeat audiences, through upgraded facilities. This representation includes representations relating to Policies V1; V3; D1; D3; and INF11.
35. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic

Conditions and other requirements that I have identified. Where the representations suggest additional policy or other matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

36. I provided the Town Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Town Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Town Council has, on 14 July 2022, commented on the representations of other parties. In commenting on several of the County Council representations, the Town Council state the representations appear to relate to the Pre-Submission Draft version of the Neighbourhood Plan. The title line of the County Council submission and my examination of the Regulation 14 representations support the view of the Town Council. In response to my request for clarification the District Council has confirmed the representation of the County Council was submitted on 13 April 2022. Notwithstanding this situation the Town Council has commented on certain aspects of the County Council representation which I refer to in my report. In commenting on the representation of Chappell & Co Surveyors Ltd, the Town Council state “A workshop was held with the Neighbourhood Plan Steering Group in December 2019 at which it was decided that these three sites would not be taken forwards as allocations in the Draft Neighbourhood Plan, as recorded in the Further Sites Evidence Report (June 2020). No changes required.” In commenting on the representation of Sport England the Town Council state “Relevant published evidence related to sport and leisure requirements were assessed at the early stages of Neighbourhood Plan preparation as part of the baseline assessment (see Section 2(f) of the Skegness Neighbourhood Plan) that informed the vision, objectives and scope of policies contained within the Neighbourhood Plan. Applications for provision of new sport or leisure facilities are supported under Policy C2 of the Neighbourhood Plan. No change to the Neighbourhood Plan is therefore required.” I have taken the comments of the Town Council into consideration in preparing my report.
37. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document

which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

38. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

39. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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

40. The submission documents include a detailed Equalities Impact Assessment which states it is not felt that any policy would directly discriminate against identified equality groups however there may be an impact arising from one objective

(relocating car parking within the town centre) and two policies (INF12 and D2) of the Neighbourhood Plan. I have noted Policy INF12 seeks to ensure no net loss of disabled parking spaces in the Town Centre and Policy D2 seeks to ensure new car parking provision is inclusive. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Town Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

41. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
42. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Town Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
43. Following consultation with the Statutory Bodies the District Council prepared a Screening Opinion (included as Appendix 2 to the Basic Conditions Statement) that concluded the Neighbourhood Plan is likely to have significant environmental effects and a full SA is required, incorporating elements of SEA. The Neighbourhood Plan submission documents include the Skegness Neighbourhood Plan Sustainability Appraisal (incorporating Strategic Environmental Assessment) May 2021.

44. The Sustainability Appraisal includes in Section 5.0 appraisal of the vision and objectives of the Neighbourhood Plan. It is concluded no element of the vision or objectives scores negatively against the sustainability objectives and taken as a whole they are deemed to have a positive impact against each of the sustainability objectives. No alterations to the vision or objectives are therefore considered necessary as a result of this appraisal. The Sustainability Appraisal includes in Section 6 appraisal of the Neighbourhood Plan policies. The conclusions of the appraisal are summarised in paragraphs 6.5 and 6.6 as “Most policies contained within the Neighbourhood Plan only score positively against the Sustainability Objectives. A number of policies are identified as having minor negative impacts against a number of the objectives (INF3, INF4, INF5, INF9), however these negative impacts are considered to be outweighed by the identified positive impacts of the policy as a whole when measured against the other Sustainability Objectives. Policy NDP3 is the only policy identified as having a potential significant negative impact against SAO6 and a minor negative impact when assessed against SAO2 due to the fact that this site allocation involves the development of a large, greenfield site. This policy is, however, when assessed against SAO5, also likely to have a significant positive impact on economic growth in the town. The identified negative impacts may be mitigated through the cumulative impact of other policies within the plan (such as those relating to design and the development of gateway sites) with which an application for development of this site would also need to comply. These cumulative impacts are assessed in Section 8 of this report.” The Sustainability Appraisal includes sustainability of alternatives and appraisal of secondary, cumulative and synergistic effects. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
45. A Stage 1 Habitats Regulations Assessment (HRA) concluded Policy E2 of the Neighbourhood Plan could have significant effects on the Saltfleetby-Theddlethorpe Dunes and Gibraltar Point Special Conservation Area and as such a full appropriate assessment would be required. Subsequent to the amendment of Policy E2 the District Council confirmed that an appropriate assessment would no longer be required. In a Regulation 16 representation Natural England confirm agreement with the District Council that an Appropriate Assessment of the Neighbourhood Plan is not required. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
46. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
47. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also

conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

48. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when they take the decision on whether the neighbourhood plan should proceed to referendum; and
- when they take the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

49. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

50. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”

51. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 24 June 2021. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.

52. Table 1 of the Basic Conditions Statement sets out an explanation how the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
53. The Neighbourhood Plan includes in part 4.2 a) a positive vision for Skegness. Part 4.2 b) of the Neighbourhood Plan sets out 15 objectives that help support delivery of the vision. The objectives, which provide a framework for the policies that have been developed, include economic dimensions and social components whilst also referring to environmental considerations. The Neighbourhood Plan includes in part 15 an explanation how the Neighbourhood Plan will be monitored over the plan period. The identification of indicators to be monitored represents good practice. Paragraph 15.8 states an intention to undertake a review of the Neighbourhood Plan 5 years after it is adopted (made).
54. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”
55. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.
56. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to

assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

57. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Table 2 within Section 3 of the Basic Conditions Statement demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

58. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Support sustainable economic growth, both supporting the tourism sector and encouraging diversification;
- Ensure a vibrant town centre and an appropriate range of education, community and health facilities;
- Support new affordable homes and specialist accommodation for older people;
- Encourage active travel and strengthen transport related infrastructure;
- Promote high quality design that is inclusive and considers climate change; and
- Protect heritage and the natural environment including important Local Green Spaces.

59. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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 (or any part of that area)

60. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape

and direct development that is outside of these strategic policies”. Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

61. In this independent examination, I am required to consider whether 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 (or any part of that area). The District Council has confirmed the Development Plan applying in the Neighbourhood Area and relevant to the Neighbourhood Plan comprises the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018.
62. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has confirmed to me that all the policies of the Core Strategy and the allocations included in the Settlements Proposals DPD are strategic policies for the purposes of neighbourhood planning.
63. The District Council is undertaking a partial review of the East Lindsey Local Plan 2018 in line with policy SP29 of the Plan. The East Lindsey Local Plan will set out the policies against which planning applications are considered and identify land for development. The Issues and Options Paper sets out certain issues which are being considered in the partial review and suggests potential options in relation to these. The Council also undertook a call for land. Those with an interest in developing land within East Lindsey were asked to submit sites to the Council for consideration. Sites were being sought for both housing and employment land. Both the Issues and Options Paper consultation and the Call for Land consultations ran for an 8-week period between the 15th February 2021 and the 12th April 2021, both consultations are now closed. The emerging Local Plan review is not part of the Development Plan and the requirement for the Neighbourhood Plan to be in general conformity with the strategic policies contained in the development plan does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.
64. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’

is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

65. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

66. Consideration as to whether 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 (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Section 4 including Table 3 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

67. The Neighbourhood Plan includes 35 policies (3 of which allocate land for development) as follows:

Policy E1 Starter Business Floorspace

Policy E2 New Employment Floorspace

Policy E3 Redevelopment of Employment sites for Other Uses

Policy E4 New Education Uses
 Policy V1 Tourism and Visitor Economy
 Policy V2 Loss of Visitor Accommodation
 Policy V3 Applications for Overnight Visitor Accommodation
 Policy TC1 Active Frontages in the Town Centre
 Policy TC2 Town Centre Upper Floor Developments
 Policy TC3 Design of Shop Frontages, Foreshore Frontages and Signage
 Policy INF1 Sustainable Transport
 Policy INF2 Car Parking Standards for New Residential Development (Use Class C3)
 Policy INF3 Car Parking Standards for New Houses in Multiple Occupancy (HMOs) (Use Classes C4 and Sui Generis)
 Policy INF4 Parking Standards for New Hotels, Guest houses and B&Bs (Use Class C1)
 Policy INF5 Car Parking Standards for Non-Residential Development
 Policy INF6 Parking on Public Highways (Non-Residential and Serviced Tourist Accommodation Uses)
 Policy INF7 Parking for Service and Delivery Vehicles
 Policy INF8 Disabled Parking Standards for New Developments
 Policy INF9 Motorcycle Parking Standards for New Developments
 Policy INF10 Cycle Parking Standards for New Developments
 Policy INF11 Ultra Low Emission Vehicles (ULEV) Parking Standards and Future Provision
 Policy INF12 Public Car Parking Provision
 Policy H1 Redevelopment of Existing Buildings for Affordable Residential Use
 Policy H2 Infill Development
 Policy H3 Older Persons Accommodation
 Policy C1 Existing Community Facilities (Non-Health Related) and Public Spaces
 Policy C2 New Community Facilities (Non-Health Related) and Public Spaces
 Policy C3 Community Health Facilities
 Policy D1 Design in New Developments
 Policy D2 Design in New Car Parking
 Policy D3 Gateway Sites and Edge of Settlement Development
 Policy D4 Local Green Spaces
 Policy NDP1 Site Allocation at ELDC Council Offices, North Parade
 Policy NDP2 Site Allocation at Skegness Fire Station and 8 no. Firemen Houses, Churchill Avenue
 Policy NDP3 Site Allocation at Skegness Household Waste Recycling Centre, Warth Lane

68. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape,

direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

69. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

70. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

71. The Guidance states “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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

72. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

73. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the

statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

74. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
75. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy E1 Starter Business Floorspace

76. This policy seeks to establish support for development proposals that provide floorspace for small starter units or incubator business floorspace.
77. Paragraph 81 of the Framework states planning policies should help create the conditions in which businesses can invest, expand and adapt. The approach of Policy E1 seeks to counter weaknesses in the local economy and address the challenges of the future.
78. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
79. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy E2 New Employment Floorspace

80. This policy seeks to establish conditional support for development proposals that will generate employment in stated locations through extension, conversion or replacement of existing buildings or provision of new buildings.
81. The policy has regard for paragraph 81 of the Framework which states planning policies should help create the conditions in which businesses can invest, expand and adapt.
82. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP17 and SP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
83. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy E3 Redevelopment of Employment sites for Other Uses

84. This policy seeks to establish support to re-use business premises, redundant buildings or agricultural buildings to deliver employment generating uses in which jobs are delivered on the application site. The policy also seeks to establish criteria for support of such proposals that do not provide employment opportunities.
85. The policy has regard for paragraphs 81 and 82 of the Framework which state planning policies should help create the conditions in which businesses can invest, expand and adapt; and be flexible enough to allow for new and flexible working practices.
86. In response to my request to be directed to the evidence that supports the adoption of the "at least six-months" advertising period in the first bullet point of the policy the Town Council stated "Skegness Town Council is keen to ensure that employment sites that are not currently in active use do not continue to remain vacant for any longer than feasibly necessary. As such the proposed marketing period of 'at least six months' for sites not currently in active employment use is considered to be justified and necessary to avoid sites remaining vacant for prolonged periods. This policy conforms with paragraph 122 of the NPPF by ensuring that where there is no reasonable prospect of an employment use being retained, applications for

alternative uses on the land will be supported. It is noted that a period of six months has been found sound and applied in similar policies by other authorities elsewhere such as Policy EP2 (footnote 7) of the Basingstoke & Deane Local Plan 2011- 2029.” The District Council state “The Council feels the broad approach taken by the Town Council on the need to ensure vacant sites are brought back into use in a timely manner is appropriate, however, feel a marketing period of 12 months is necessary given this policy in effect could result in the loss of valuable employment sites to non-employment uses. Moreover 12 months will ensure that businesses that operate seasonally are also captured in the marketing”.

87. It is not within my role to examine the circumstances and evidence supporting other neighbourhood plans. Paragraph 122 of the Framework states planning policies need to reflect changes in demand for land, and refers to deliverability and unmet need. The at least six-months period included in Policy E3 with respect to land or buildings not in active employment use is not supported by specific evidence, however elements of description of the economic circumstances of the plan area are relevant. A nine-month period would represent a balance of the considerations put forward by the Town Council and the District Council and would represent a position reflecting the term “no reasonable prospect” included in paragraph 122 of the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. It is not appropriate to use the term “permitted” as material considerations will not be known until the time of determination of a proposal. I have recommended a modification in this respect so that the policy has sufficient regard for paragraph 2 of the Framework.

88. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP17; SP20; and SP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

89. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy E3

- **replace “6” with “9”**
- **replace “permitted” with “supported”**

Policy E4 New Education Uses

90. This policy seeks to establish support for development proposals that provide new or enhanced education establishments, skills development or training facilities.
91. Paragraphs 95 and 96 of the Framework refer to the role of Local planning authorities in widening choice in education and promoting required facilities. Whilst the Framework is silent regarding the role of neighbourhood plans in these matters paragraph 93 does state planning policies should ensure an integrated approach to considering the location of community facilities and services.
92. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP28. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
93. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy V1 Tourism and Visitor Economy

94. This policy seeks to establish support for tourism-related development subject to stated criteria being met. The policy also seeks to establish conditional support for new caravan sites or extensions to existing caravan sites; and conditional support for development proposals that incorporate measures to attract visitors throughout the year and increase appeal to a wider audience.
95. A representation on behalf of Bourne Leisure Ltd endorses the supportive policy position for new caravan parks and the extension of existing caravan parks. The restriction on occupation is accepted as conforming to strategic Policy SL19. Elements of the policy regarding attraction of visitors throughout the year and recognition of the need to appeal to a wider audience are endorsed. The representation questions whether the policy regarding caravans also requires compliance with criteria a-h and states these will not all be applicable or relevant. The Town Council has confirmed the intention that criteria a-h are applicable to new caravan parks or extensions but recognises may not be applicable depending on the location a development proposal. I have recommended a modification in these respects so that the policy "is clearly written and unambiguous, so it is evident how a

decision maker should react to development proposals” as required by paragraph 16d) of the Framework

96. The representation suggests amendment to criterion f) and criterion g) to take account of any mitigation. In commenting on the representation, the Town Council has confirmed the intention to ensure existing open spaces, heritage assets, environmental designations or flood defences are not adversely affected by any new tourism-related development proposed. With respect to part f) of the policy I have recommended a modification as paragraph 99 of the Framework does provide for existing open space to be built on, under specified circumstances including replacement by equivalent or better provision in terms of quantity and quality in a suitable location (although different considerations apply in respect of designated Local Green Space). I have recommended a modification in this respect so that the policy has sufficient regard for national policy. Mitigation is rarely relevant in the implementation of the national planning policy approach to the conservation of heritage assets, and will not always be assigned significant weight in respect of all effects on environmental designations. I am content that part g) of the policy meets the Basic Conditions and that any relevant mitigation would be a material consideration at the time of determination of a development proposal in accordance with paragraph 2 of the Framework.
97. The representation states criterion h) should be amended to clarify transport assessments should only be provided in accordance with the Framework. In commenting on this representation, the Town Council consider the inclusion of the word appropriate in part h) provides clarity, particularly if the text before parts a) to h) of the policy is modified to state parts of the policy apply where applicable. Paragraph 111 of the Framework states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 of the Framework sets out circumstances where a transport assessment should be provided. Paragraph 16 of the Framework states plans should serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework, where relevant). I have recommended deletion of part h) of the policy so that the policy has sufficient regard for national policy.
98. The policy has regard for paragraph 81 of the Framework which states planning policies should help create the conditions in which businesses can invest, expand and adapt. The criteria for support of tourism-related development have regard for relevant components of the Framework relating to promoting strong and safe communities; promoting sustainable travel; achieving well-designed places; meeting the challenge of climate change, flooding and coastal change; conserving and

enhancing the natural environment; and conserving and enhancing the historic environment.

99. In response to my request for explanation of the term “support the coherent use of spaces” the Town Council state “The term 'support the coherent use of spaces' refers to supporting connectivity between public open spaces. It is acknowledged that the meaning of this phrase may be difficult to understand in the context of this policy, and we would suggest a modification may be necessary such as rewording paragraph (e) to state: “They support connectivity between public open spaces and contribute to opportunities to improve access and movement by pedestrians and cyclists”. The District Council support this proposal as an effective way to add clarification. I have adopted this wording in my recommended modification so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

100. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP11; SP17; SP19; SP20; and SP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification his policy meets the Basic Conditions.

Recommended modification 2:

In Policy V1

- **in the second sentence after “demonstrated” insert “, where applicable,”**
- **in part f) replace existing” with “the net amount and quality of”**
- **in part e) replace “the coherent use of spaces” with “connectivity between public open spaces and contribute to opportunities to improve access and movement by pedestrians and cyclists”**
- **delete part h)**

Whilst paragraph 7.5 of supporting text sets out Policy SP20 the paragraph should be updated to explain how the use classes order has subsequently been revised.

Policy V2 Loss of Visitor Accommodation

102. This policy seeks to establish criteria for support of development proposals for change of use from hotels, guest houses and B&Bs.
103. The policy has regard for paragraph 81 of the Framework which states planning policies should help create the conditions in which businesses can invest, expand and adapt.
104. In response to my request to be directed to the evidence that supports the adoption of the “minimum period of 6 months” advertising period in part b of the policy the Town Council stated “The 6 month advertising period required by part (b) of Policy V2 was included to ensure that landowners of tourist accommodation outside the designated Serviced Holiday Accommodation Areas are able to repurpose or change the use of existing premises within a reasonable period of time, whilst still requiring some demonstration that a new occupier of the current use has been sought. Whilst it is acknowledged that paragraph 10.21 of the adopted East Lindsey Core Strategy states "The Council has a presumption against the loss of hotels and bed and breakfast accommodation in the Serviced Holiday Accommodation Areas as defined in the Settlement Proposals Development Plan Document", there is no such presumption against the loss of tourist accommodation nor a required specified minimum marketing period for tourist accommodation outside these areas. Therefore, Policy V2 is considered to be in general conformity with ELDC Strategic Policy 19. This policy also conforms with paragraph 122 of the NPPF by ensuring that where there is no reasonable prospect of a hotel, guest house or B&B use being retained on sites outside the designated Serviced Holiday Accommodation Areas, applications for alternative uses on the land will be supported. The Neighbourhood Plan is required to be in conformity with the currently adopted Local Plan, which this proposed policy would be.” The District Council state “While the 6 months is in conformity with the current Local Plan, this is an error in the Local Plan which will be corrected at the review. It is suggested that the advertisement period is amended as, whilst the Council does not want to pre- judge the outcome of the Local Plan review, it is likely that once the reviewed Plan is adopted the NOP will be out of conformity and the LP will take precedence.”
105. Paragraph 122 of the Framework states planning policies need to reflect changes in demand for land, and refers to deliverability and unmet need. The minimum period of six-months advertising period included in part b of Policy V2 is not supported by specific evidence. I have earlier in my report recommended a shorter advertising period in part of Policy E3 with respect to defined employment uses on the basis that elements of description of the economic circumstances of the plan area support that approach. However, given the significance of hotel, guest house and B&B visitor accommodation to the present and anticipated future

economic health of the plan area an advertising period less than 12 months would not be appropriate in establishing with sufficient confidence that the “no reasonable prospect” requirement included in paragraph 122 of the Framework is met. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

106. The term “contribute towards” in the final paragraph of Policy V2 is imprecise and could be satisfied by, for example, one dwelling. In response to my request for clarification the Town Council stated “As stated in the policy text, this final paragraph refers to applications for 'major residential development' (i.e., 10 or more homes). As you point out, as currently worded this policy requirement could be met by provision of just one affordable unit on any major scheme. The provision of affordable housing is a key concern for the Town Council. As such, the recommended modification to include the word 'significant' in respect of the affordable housing contribution required is welcomed.” I have recommended a modification to refer to “a significant contribution” which, although also imprecise, does provide an indication to an applicant that a contribution should not be minimal. I have recommended a modification to advise a reader that the Serviced Holiday Accommodation Areas referred to in the policy are defined on the Policies Map. I have recommended these modifications so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

107. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP19. In making the recommendation for modification I have noted the fact the District Council state there is an error in the Core Strategy, however like the District Council I take no view on the outcome of the Local Plan Review. I am satisfied my recommended modification of advertising period in part b of the policy does not breach the requirement for general conformity with the strategic policies. I have earlier in my report explained the term “general conformity” requires broad consistency with flexibility which does not require precise compliance. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy V2

- **in part a. after “Areas” insert “(defined on the Policies Map)”**
- **in part b. replace “6” with “12”**
- **in the final paragraph replace “contribute” with “make a significant contribution”**

Policy V3 Applications for Overnight Visitor Accommodation

109. This policy seeks to establish conditional support for development proposals that will generate employment in stated locations through extension, conversion or replacement of existing buildings or provision of new buildings.
110. A representation on behalf of Bourne Leisure Ltd endorses the approach adopted in the policy.
111. The policy has regard for paragraph 81 of the Framework which states planning policies should help create the conditions in which businesses can invest, expand and adapt.
112. In response to my request for clarification in both the first part b and the second part b is it opportunities for views of the beach and the sea or opportunities for use the Town Council stated “the reference in parts (b) refer to exploiting opportunities for views. In order to clarify this, we suggest additional wording may be added to state “Where possible, they seek to open up views of the beach and sea beyond and look to exploit the opportunities for views from the upper floors of buildings.” I have adopted this suggestion in my recommended modification. Part e may represent a burdensome obligation on an applicant for a relatively small-scale proposal. I have recommended deletion of the words “will be necessary to demonstrate that the proposed development would”. This would have the implication that the Local Planning Authority would need to take a view on the issue, however, this would not prevent an applicant seeking to influence the Local Planning Authority decision by voluntarily providing supporting analysis and information. The Town Council has confirmed agreement to this modification and the District Council stated “Given the nature of the Town Centre and the type of application likely to come forward the Council feel the deletion of the text as proposed is appropriate. A large-scale development would usually be accompanied by such detail as a general matter of course.” I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
113. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey

Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy V3

- **in both the first part b and the second part b replace “within” with “for views from”**
- **in part e delete “will be necessary to demonstrate that the proposed development would”**

Policy TC1 Active Frontages in the Town Centre

114. This policy seeks to establish that in the defined Skegness town centre development should lead to the creation of active frontages. Proposed changes of use to non-Class E uses in defined primary frontages will not be supported and in no-primary frontages within the town centre they will be conditionally supported.

115. The policy has regard for paragraph 86 of the Framework which states planning policies should support the role that town centres play at the heart of local communities, and should define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations.

116. It is not appropriate to use the terms “resisted” and “permitted” as material considerations will not be known until the time of determination of a proposal. I have recommended a modification in this respect so that the policy has sufficient regard for paragraph 2 of the Framework.

117. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP11 and SP14. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to

the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5

In Policy TC1 replace “be resisted” with “will not be supported” and replace “permitted” with “supported”

Policy TC2 Town Centre Upper Floor Developments

119. This policy seeks to establish conditional support for development proposals that will generate employment in stated locations through extension, conversion or replacement of existing buildings or provision of new buildings.
120. The policy has regard for paragraph 86 of the Framework which states planning policies should support the role that town centres play at the heart of local communities, and should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
121. The term “should also be considered” does not provide a basis for the determination of development proposals. I have recommended this modification so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
122. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP14 and SP18. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
123. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy TC2 replace “should also be considered” with “will be supported”

Policy TC3 Design of Shop Frontages, Foreshore Frontages and Signage

124. This policy seeks to establish principles for the design of shop frontages, foreshore frontages and signage in the Town Centre and Skegness Foreshore.
125. The policy has regard for paragraph 86 of the Framework which states planning policies should support the role that town centres play at the heart of local communities, and paragraph 136 relating to control of advertisements. The policy also has regard for paragraphs 126 and 190 of the Framework in relation to well-designed places and the conservation of heritage assets.
126. I have recommended a modification to advise a reader that the Skegness Foreshore referred to in the policy is defined on the Policies Map and a modification to explain the term “trade-out space” which is a term that may not be familiar to some readers of the Neighbourhood Plan. In this latter respect in answer to my request for clarification the Town Council stated “In order to clarify definition of this term, we would suggest inserting the wording 'Trade-out space refers to space for trading goods outside the shop or retail unit'.” The District Council stated “the proposed additional wording put forward by the Town Council would add necessary clarity and clarification to the policy.” I have adopted the suggested additional wording in my recommended modification and recommended use of the term “supported” rather than “encouraged” as the latter term does not provide a basis for the determination of development proposals. A minor correction is also necessary in respect of the term “of perception”. I have recommended these modifications so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
127. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP10; SP11 and SP14. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Recommended modification 7:

In Policy TC3

- **in the first line after “Foreshore” insert “(defined on the Policies Map)”**
- **in part v) after “fear” replace “of” with “or”**

- **in part vi) replace “‘trade-out’ space will be encouraged” with “trading goods outside the shop or retail unit will be supported”**

Policy INF1 Sustainable Transport

129. This policy seeks to establish support for development proposals that include stated sustainable transport characteristics.
130. The policy has regard for paragraph 106 of the Framework which states planning policies should support a mix of uses to minimise the number and length of journeys; provide for attractive and well-designed walking and cycling networks; and widen transport choices.
131. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policies INF2 to INF6 inclusive

Policy INF2 Car Parking Standards for New Residential Development (Use Class C3)

Policy INF3 Car Parking Standards for New Houses in Multiple Occupancy (HMOs) (Use Classes C4 and Sui Generis)

Policy INF4 Parking Standards for New Hotels, Guest houses and B&Bs (Use Class C1)

Policy INF5 Car Parking Standards for Non-Residential Development

Policy INF6 Parking on Public Highways (Non-Residential and Serviced Tourist Accommodation Uses)

133. Policies INF2 to INF5 inclusive seek to establish car parking standards for motorised vehicles to apply to proposals for development schemes, and Policy INF6

seeks to establish requirements in cases where standards in Policies INF4 and INF5 are not met.

134. In a representation Lincolnshire County Council state “LCC does not support the prescriptive approach to car parking provision set out in Policies INF2–INF4. These requirements for minimum standards do not offer flexibility for developments which seek to promote sustainable transport as set out in Policy INF1. For example, a residential development could include the use of car hire scheme which means that the minimum standards set out in Policy INF 2 are not necessary and compliance with Policy INF 2 would actually be conflicting with Policy INF 1. LCC consider that parking ratios should be provided as guidance, but that each application should be considered on its own merits as to whether it meets Policy INF1 in promoting sustainable modes. Policy INF5 and Policy INF6 are also considered inappropriate. For example, Policy INF 5 would require a new pub in Skegness of 300 sqm to have 42 car parking spaces, and if these could not be provided on site, then undertake surveys and demonstrate available space on street. Pubs should not be required to cater for large numbers of visitors by car in town centre location, these Policies seem flawed in terms of transport safety and sustainable targets. The use of the Lambeth Parking Survey methodology is not considered appropriate to a Lincolnshire tourist seaside town, this methodology suggests surveys should be done outside of holidays, however in Skegness most of the high vehicle and parking demand occurs in the summer tourist holiday period.”
135. In commenting on the County Council representation, the Town Council state “Lincolnshire County Council’s (LCC’s) comments appear to refer to the Pre-Submission Draft version of the Neighbourhood Plan. Following pre-submission consultation, in response to comments received, a further paragraph was added beneath the table in Policy INF2 and INF4 to clarify that the policies apply unless it can be demonstrated through a Transport Assessment and agreed by the Highways Authority that these minimum parking standards are not required and that levels of parking will be “judged on a case-by-case basis”. No further changes are considered to be required.” The Town Council also refer to a similar paragraph added beneath the table in Policy INF5 which refers to sites in highly accessible locations such as within the town centre. The Town Council confirm reference to the Lambeth Survey Methodology was deleted in response to comments received on the Pre-Submission Draft Neighbourhood Plan and that no further changes are considered to be required. The Town Council also state it is unclear from the Regulation 16 comments how Policy INF6 is considered to be inappropriate.
136. Paragraphs 107 and 108 of the Framework state “If setting local parking standards for residential and non-residential development, policies should take into account:
- (a) the accessibility of the development;

- (b) the type, mix and use of development;
- (c) the availability of and opportunities for public transport;
- (d) local car ownership levels; and
- (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”

137. The evidence base supporting the Neighbourhood Plan includes a Parking Standards - Background Report (April 2020). This document presents an analysis of appropriate considerations and proposes a series of parking standards relating to different types of development proposals. Paragraphs 4.3 and 4.4 of the Parking Standards document provide for variation from parking standards under stated circumstances. Policies INF2, INF4, INF5 each have a final paragraph that includes provision for an applicant to submit evidence to demonstrate that a level of parking provision below the minimum standards is adequate. The requirements of Policy INF6 appear to also apply in respect of proposals within the scope of Policies INF4 and INF5 that do not meet the stated standards. In the case of a relatively minor proposal, for example, for a new two-bedroom house with one parking space, or for a new small-scale non-food shop with no parking space, the evidence to be produced by an applicant including any required parking survey will be burdensome. In response to my request for clarification the Town Council stated “Section 5 of the Background Report sets out ways in which the applicant can seek to demonstrate that a reduced level of parking should be acceptable. This may include a review of available on-street parking in the vicinity of the site, or an assessment of the likely demand for parking. Should a lower level of parking be proposed, the decision maker will assess the site on a case-by-case basis taking into account the circumstances of the site. The pre-application consultation process with the Local Highway Authority can be utilised to determine the precise methodology for any scope of survey works and the suitability of the proposals.”

138. Paragraph 9.5 of the Neighbourhood Plan states the standards, policies and approach taken in accommodating parking for new developments has sought to reflect evidence-led local circumstances. The Parking Standards - Background Report (April 2020) includes both relevant general information in parts 1-3, and proposed parking standards that are very precise in part 4, for example 1 space per 20 sqm retail (non-food). The transition from general information to precise

standards is not explained. In response to my request to direct me to the existing evidence that concludes each of the precise parking standards proposed in Policies INF2 to INF9 are necessary in terms of evidence-led local circumstances the Town Council stated “Section 3 of the Parking Standards - Background Report provides a review of local car ownership levels, accessibility to modes of sustainable travel, and the mode of travel to work within Skegness. Given the low levels of public transport options to Skegness, and that Skegness is a key tourist destination, the main constraint at present is lack of car parking and congestion during the summer months. Parking provision can influence travel patterns, behaviour and congestion. The proposed parking standards seek to ensure that adequate levels of parking are provided as part of new development, to ensure that the above issues are not exacerbated. Paragraph 2 sets out that a "benchmarking" exercise was also undertaken against other local authorities and similar key tourist destinations. However, this was also reviewed against the local evidence (as set out above) such as car ownership levels and modal split data, to ensure that overprovision or under provision does not occur.”

139. I am not satisfied the Parking Standards - Background Report (April 2020) sets out sufficient justification, in terms of proportionate and robust evidence, referred to in the Guidance, for the approach adopted in Policies INF2-INF6. Policies INF2 and INF4 require the agreement of a third party in their implementation which they may not. Paragraph 111 of the Framework states “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” In response to my request for an explanation how the requirements for Transport Assessments in the Neighbourhood Plan have sufficient regard for national policy the Town Council refer to paragraph 113 of the Framework. That paragraph refers to Transport Assessments in the context of all developments that will generate significant amounts of movement. This not made clear in Policies INF2 and INF4. In response to my request for clarification the Town Council confirm Policies INF2, INF3 and INF5 relate to new build developments. Policy INF5 is unclear in this respect. I have recommended a modification relating to Policies INF2 to INF6 inclusive in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

140. As recommended to be modified Policy INF2 is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

141. As recommended to be modified Policy INF2 seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification Policy INF2 meets the Basic Conditions.

Recommended modification 8:

Replace Policy INF2 with "To be supported all new build development proposals must demonstrate how car parking requirements likely to be generated by the development will be met. The adequacy of how those requirements will be met will be assessed in terms of any detrimental impact on highway safety, and any severe cumulative impacts on the road network."

Delete Policies INF3; INF4; INF5; and INF6. Renumber subsequent policies INF7 to INF12 to become INF3 to INF8

Policies INF7 to INF9 inclusive

Policy INF7 Parking for Service and Delivery Vehicles

Policy INF8 Disabled Parking Standards for New Developments

Policy INF9 Motorcycle Parking Standards for New Developments

142. Policies INF7-INF9 seek to establish that development proposals should make appropriate provision for parking of service and delivery vehicles; parking of vehicles suitable for drivers with a disability; and for motorcycles.

143. I am satisfied these policies have sufficient regard for national policy and in particular the requirement of paragraph 110 b) of the Framework that development proposals ensure safe and suitable access to sites can be achieved for all users.

144. Policies INF7 to INF9 inclusive are in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policies serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

145. Policies INF7 to INF9 inclusive seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policies are appropriate to be included in a 'made' neighbourhood plan. These policies meet the Basic Conditions.

Policy INF10 Cycle Parking Standards for New Developments

146. This policy seeks to establish cycle parking standards for new developments.
147. Paragraph 92 of the Framework refers to the encouragement of cycling in the context of achieving healthy, inclusive and safe places. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking.
148. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
149. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy INF11 Ultra Low Emission Vehicles (ULEV) Parking Standards and Future Provision

150. This policy seeks to establish minimum standards of charging point provision in development proposals.
151. A representation on behalf of Bourne Leisure Ltd requests that the recommended one charge point for every 20 parking spaces in existing non-residential developments should relate to new parking spaces only on the basis retrofitting charging points on existing spaces on large caravan parks would be costly and may hinder their ability to invest in facilities and upgrade accommodation in order to attract visitors. In commenting on this representation, the Town Council agree clarity would be provided by insertion of the word "new" into the policy wording. I have recommended a modification in this respect and in the third grey-background title box so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
152. Paragraph 112 of the Framework states applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This should however be read in the context of paragraph 111 of the Framework which limits the circumstances where

developments may be refused or prevented on highway grounds. Subject to my recommended modification of the first sentence of Policy INF11, I am satisfied the policy is not seeking to introduce additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings which would be contrary to the Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 but is instead seeking to establish support for positive environmental measures including achievement of recommended stated levels of provision.

153. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

154. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:
In Policy INF11**

- **continue the first sentence with “unless it is demonstrated not to be practical or viable”**
- **in the third grey background coloured text box replace “Existing Non-Residential Developments” with “New Additional Car Parking Spaces in Existing Non-Residential Developments, and in the adjoining part of the policy after “every” insert “new”**

Policy INF12 Public Car Parking Provision

155. This policy seeks establish that existing public car parking facilities should be retained unless stated circumstances are demonstrated. The policy seeks to establish there should be no net loss of disabled parking spaces in the Town Centre and that proposals for new public car parks in the Town Centre will only be supported under stated circumstances. Improvement or enhancement of existing public car parking facilities is conditionally supported.

156. Paragraph 86 of the Framework states planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 130 of the

Framework states planning policies should ensure that developments will function well and add to the overall quality of the area. When read alongside paragraph 9.25 of the Neighbourhood Plan, the Parking Standards Background Report (April 2020) provides sufficient justification for the approach adopted in Policy INF12.

157. I have recommended a modification to advise a reader that the Town Centre referred to in the policy is defined on the Policies Map. I have recommended this modification so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
158. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy INF12 in the first paragraph after “Town Centre” insert “(defined on the Policies Map)”

Policy H1 Redevelopment of Existing Buildings for Affordable Residential Use

160. This policy seeks to establish conditional support for proposals to redevelop existing buildings or parts of buildings to create affordable dwelling houses.
161. The policy is not requiring redevelopment schemes to provide affordable housing, which in the case of schemes that are not major developments would be contrary to paragraph 64 of the Framework, but instead is seeking to establish criteria for support of schemes that are providing affordable housing. The Guidance was updated on 24 May 2021 with respect to First Homes. The policy has regard for that revised ‘guidance. The policy reflects the strategic planning policy constraints on residential development in the Coastal area established in Policy SP18. Allocation of affordable housing is an administrative process that normally falls outside land use planning. I have recommended a modification so that Policy H1 includes the phrase “In legal and other agreements connected to planning consents” which will be the

mechanism to control allocation. On this basis the policy will be providing a practical framework within which decisions on planning applications (which can include a Section 106 Agreement) can be made where it is evident how a decision maker should react to development proposals as required by paragraph 16 of the Framework. I have recommended a modification in this respect so that the policy has regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

162. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP7 and SP18. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy H1 commence part f. with “In legal and other agreements connected to planning consents”

Policy H2 Infill Development

164. This policy seeks to establish support for residential development proposals on brownfield infill and redevelopment sites where stated criteria are met.

165. The policy reflects the strategic planning policy constraints on residential development in the Coastal area established in Policy SP18.

166. Paragraph 130 of the Framework states planning policies should ensure developments are sympathetic to local character and history, including the surrounding built environment. The policy does not prevent or discourage appropriate innovation or change. The term “encouraged” does not provide a basis for the determination of development proposals. I have recommended a modification in this respect so that the policy has regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

167. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP3; SP10; SP11; and SP18. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

168. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy H2 in the first paragraph replace “encouraged” with “supported”

Policy H3 Older Persons Accommodation

169. This policy seeks to establish conditional support for development proposals for specialist older persons housing, including stated types. Communal facilities within proposals are also supported.

170. Paragraph 62 of the Framework states that within the context of paragraph 61 the size, type and tenure of housing needed for different groups in the community including older people, should be assessed and reflected in planning policies. I am satisfied the final bullet point of the policy has sufficient regard for national policy.

171. In response to my request for clarification regarding the meaning of the term “comfortable walking distance” the Town Council stated “This policy refers to the development of older persons accommodation. As older people tend to have mobility issues the definition of 'comfortable walking distance' may vary from that required by other forms of development. As such, we consider the definition of 'comfortable walking distance' would be a matter of planning judgment depending upon the type of accommodation being proposed.” I am content to accept this approach.

172. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy C1 Existing Community Facilities (Non-Health Related) and Public Spaces

174. This policy seeks to establish that development proposals that would result in loss of community facilities or public open space unless specified criteria are met.

175. Paragraph 93 of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In response to my request for clarification whether part b of the policy is referring to road safety or personal safety or both, the Town Council state "this reference is in relation to personal safety, with respect to public open spaces." I have recommended a modification in this respect so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

176. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP10; SP14 and SP26. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

177. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 13:
In Policy C1 part b replace "safety" with "personal safety in public open spaces,"**

Policy C2 New Community Facilities (Non-Health Related) and Public Spaces

178. This policy seeks to establish conditional support for development proposals for essential community infrastructure and facilities.

179. Paragraph 93 of the Framework states planning policies should plan positively for the provision of community facilities, including open space.
180. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP10; SP11; SP14 and SP26. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
181. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy C3 Community Health Facilities

182. This policy seeks to establish that development proposals that would result in loss of community health facilities unless specified criteria are met. The policy also seeks to establish support for development proposals for new community health facilities or improvement of existing community health facilities where specified criteria are met.
183. NHS Property Services object to the policy and request the insertion of additional text as follows "Development (including change of use) that involves the loss or replacement of existing community facilities/services will be permitted where the loss or partial loss of a facility or site arises from a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities." Commenting on this representation, the Town Council state "These comments were previously submitted to the Town Council by NHS Property Services at the Regulation 14 consultation stage. As the Town Council previously responded in the Regulation 14 Consultation Statement (January 2022), the existing policy wording states that "Applications involving the loss of community health facilities for which there continues to be an established need will be resisted unless adequate alternative provision is or will be made available in a location supported by the local community within an appropriate and agreed timescale". In this context, 'adequate alternative provision' may include that provided through a wider public service transformation plan. It is therefore not necessary to specify this explicitly in the policy wording and no change to the Neighbourhood Plan is therefore required." I am satisfied no modification of Policy C3 is necessary in respect of the suggestion of NHS Property Services to meet the Basic Conditions.

184. Paragraph 93 of the Framework states planning policies should plan positively for the provision of community facilities and guard against the unnecessary loss of valued facilities and services. The term “supported by the local community” is ambiguous and the policy should not be dependent on third parties for realisation. The term “in accordance with relevant policies outlined in Chapter 9 of this Neighbourhood Plan” is unnecessary and confusing as the relevant factors are stated in part c. of the policy. The term “encouraged” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
185. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
186. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy C3

- **replace “supported by the local community” with “convenient to the local community served”**
- **delete “in accordance with relevant policies outlined in Chapter 9 of this Neighbourhood Plan”**
- **in the final sentence replace “will be encouraged to” with “that” and continue the sentence with “will be supported”**

Policy D1 Design in New Developments

187. This policy seeks to establish design principles for new development.
188. A representation on behalf of Bourne Leisure Ltd state a commitment to providing high quality designs which may from time-to-time result in the need to upgrade and expand its holiday parks. Depending on the nature of a proposal it may not always be possible to meet all of the criteria of the policy. The representation suggests amendments to recognise this. Paragraph 82 of the Framework states

planning policies should be flexible enough to accommodate needs not anticipated in the plan. I agree that the requirement to meet all of the principles may not be appropriate in every case and I have recommended a modification in this respect so that the policy has regard for national policy.

189. Paragraph 127 of the Framework states “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Policy D1 has regard for paragraph 130 of the Framework which sets out design principles of development that planning policies should ensure. In particular the policy has regard for paragraph 130 of the Framework which states planning policies should ensure developments are sympathetic to local character and history. The policy is not overly prescriptive and will not prevent or discourage appropriate innovation or change.

190. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021. The design criteria set out in Policy D1 reflect the approach and principles recommended in national policy.

191. Subject to my recommended modification of part f. of Policy D1 I am satisfied the policy is not seeking to introduce additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings which would be contrary to the Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 but is instead seeking to establish support for positive environmental measures including compliance with standards where they exist.

192. In response to my request for clarification regarding the meaning of the term “positively contribute towards enhancing legibility and wayfinding” the Town Council stated “this term relates to ensuring pedestrian movements are not constrained and people can find their way easily around the town centre. This requirement is likely to be mostly applicable to larger scale developments (or redevelopments) within the town centre which incorporate pedestrian footways”. In response to my request for clarification regarding the meaning of the term “intended views” the Town Council stated “This term refers to view of significant features such as heritage assets or the sea.” I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

193. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP10; SP11 and SP23. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

194. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy D1

- **commence the second sentence with “Where appropriate,” and delete the final sentence**
- **replace part c. with “Be of a distinctive design that contributes to helping people find their way easily around the town centre (as defined on the Policies Map) and do not constrain pedestrian movements.**
- **in part d. replace “intended views, especially towards the sea” with “views of significant features such as heritage assets or the sea”**
- **in part f. delete “allow for adequate daylight and sunlight, and “**

Policy D2 Design in New Car Parking

195. This policy seeks to establish design principles for new car parking proposals.

196. Paragraph 130 of the Framework states planning policies should ensure developments function well and add to the overall quality of the area.” The term “introduce concerns” is ambiguous and does not provide a basis for the determination of development proposals. Paragraph 111 of the Framework states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement for CCTV has not been sufficiently justified.

197. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

198. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 15:
In Policy D2**

- replace “introduce concerns relating to the safety and operation of the surrounding highways” with “adversely affect highway safety”
- replace part b. with “Include features and measures designed to ensure a safe and secure environment; and”

Policy D3 Gateway Sites and Edge of Settlement Development

199. This policy seeks to establish design principles for development proposals at identified gateway sites and at sites on the edge of the Skegness settlement.

200. A representation on behalf of Bourne Leisure Ltd endorses Roman Bank being identified as a key gateway location.

201. The term “including” is ambiguous and introduces uncertainty. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

202. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

203. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 16:
In Policy D3 delete “including”**

Policy D4 Local Green Spaces

204. This policy seeks to designate 9 Local Green Spaces and establish planning policy to apply in those areas.
205. The policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not. (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number C1/2020/0812).
206. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policies Map and also on individual larger scale maps between pages 52 and 60 inclusive of the Neighbourhood Plan. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified. I consider the description of item 6 in the list of designated Local Green Spaces in the text of Policy D4 is confusing and have recommended each walk is listed separately. I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
207. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” In respect of each of the areas proposed for designation as Local Green Space I find these requirements are met.
208. Paragraph 102 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the proposed Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

209. Paragraphs 12.14 to 12.20 inclusive and the Local Green Space Assessment paper included in the evidence base supporting the Neighbourhood Plan seek to justify each of the nine proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each of the proposed Local Green Spaces including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. Whilst the justifications are brief in nature and could have helpfully included greater detail, I am satisfied there is sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance. In reaching this conclusion I have taken into account the fact that the proposed designations have been identified as part of the Neighbourhood Plan preparation process that has included substantial community consultation.
210. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.
211. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policies SP25 and SP26. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
212. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy D4 replace items 6 and 7 with “6. Vine Walk 7. Coronation Walk 8. Croft Walk 9. King George V Walk”

Policy NDP1 Site Allocation, ELDC Council Offices, North Parade

213. This policy seeks to allocate land at the ELDC Council Offices North Parade for either leisure, tourism and/or community use or affordable housing use provided stated criteria are met.

214. Paragraph 28 of the Framework states non-strategic policies can include allocating sites. Whilst it is not normally necessary for a neighbourhood plan policy to refer to other policies of the neighbourhood plan as the plan should be read as a whole, in the case of a site allocation there is some advantage in bringing the various requirements together where they are of particular relevance to the site allocated. The Guidance was updated on 24 May 2021 with respect to First Homes. I have earlier in my report found Policy H1 referred to in Policy NDP1 has regard for that revised guidance. I am satisfied the requirements included in Policy NDP1 have sufficient regard for national and strategic policy. I have recommended a necessary correction to delete the final three subpoints which are repeated, or partially repeated, in the policy.
215. The Site Identification and Assessment Report (December 2019) and the Further Site Evidence Report for Proposed Allocations (June 2020) confirm a process appropriate to the preparation of the Neighbourhood Plan has been followed with respect to the identification of site options, and relevant assessment of those sites.
216. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
217. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 18:
In Policy NDP1 delete the final three subpoints**

**Policy NDP2 Site Allocation, Skegness Fire Station and 8 no. Firemen Houses,
Churchill Avenue**

218. This policy seeks to allocate land at Skegness Fire Station and 8 no. Firemen Houses for employment use (Class E(g)) or affordable residential use provided stated criteria are met.

219. Paragraph 28 of the Framework states non-strategic policies can include allocating sites. Whilst it is not normally necessary for a neighbourhood plan policy to refer to other policies of the neighbourhood plan as the plan should be read as a whole, in the case of a site allocation there is some advantage in bringing the various requirements together where they are of particular relevance to the site allocated. The Guidance was updated on 24 May 2021 with respect to First Homes. I have earlier in my report found Policy H1 referred to in Policy NDP2 has regard for that revised guidance. I am satisfied the requirements included in Policy NDP2 have sufficient regard for national and strategic policy. I have recommended a necessary correction to delete the final three subpoints which are repeated, or partially repeated, in the policy.
220. The Site Identification and Assessment Report (December 2019) and the Further Site Evidence Report for Proposed Allocations (June 2020) confirm a process appropriate to the preparation of the Neighbourhood Plan has been followed with respect to the identification of site options, and relevant assessment of those sites.
221. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
222. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 19:
In Policy NDP2 delete the final three subpoints**

Policy NDP3 Site Allocation, Skegness Household Waste Recycling Centre, Warth Lane

223. This policy seeks to allocate land at Skegness Household Waste Recycling Centre, Warth Lane for employment use or affordable residential use providing stated criteria are met.

224. The allocation states employment use. This includes general industrial uses and open-air storage uses that may well be inappropriate on the site which has residential properties in close proximity. I have recommended a modification to limit employment uses to Use Class E(g) which by definition can be carried out in a residential area without detriment to its amenity. Both the Town Council and District Council have stated agreement with this recommended modification.
225. I am satisfied the requirements included in Policy NDP3 have sufficient regard for national and strategic policy. I have recommended a necessary correction to delete the final three subpoints which are repeated, or partially repeated, in the policy.
226. The Site Identification and Assessment Report (December 2019) and the Further Site Evidence Report for Proposed Allocations (June 2020) confirm a process appropriate to the preparation of the Neighbourhood Plan has been followed with respect to the identification of site options, and relevant assessment of those sites.
227. The policy is in general conformity with the strategic policies included in the East Lindsey Local Plan Core Strategy Adopted July 2018 and the East Lindsey Settlement Proposals Development Plan Document Adopted July 2018 relevant to the Neighbourhood Plan, in particular strategic Policy SP5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
228. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy NDP3

- **after “Employment use” insert “that can be carried out in a residential area without detriment to its amenity (Use Class E(g))”**
- **delete the final three subpoints**

Conclusion and Referendum

229. I have recommended 20 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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.

I recommend to the District Council that the Skegness Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

230. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a *substantial, direct and demonstrable impact beyond the neighbourhood area*”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 11 August 2016.

Annex: Minor Corrections to the Neighbourhood Plan

231. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies. Policies NDP1, NDP2, and NDP3 should be added to the List of Neighbourhood Plan policies in Appendix 1 of the Neighbourhood Plan. I recommend these modifications are made.

**Recommended modification 21:
Modify policy explanation sections, general text, figures, images, appendix 1 to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

Chris Collison
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9 August 2022
REPORT END