

Gainsborough Neighbourhood Development Plan 2020-2036

**A report to West Lindsey District Council on
the Gainsborough Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by West Lindsey District Council in November 2020 to carry out the independent examination of the Gainsborough Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 26 November 2020.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It proposes a series of policies which provide additional detail to some of the allocated sites in the town in the Central Lincolnshire Local Plan. It also proposes the designation of local green spaces. The key success of the Plan is its sharp focus on a set of bespoke policies.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Gainsborough Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
20 January 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Gainsborough Neighbourhood Development Plan 2020-2036 ('the Plan').
- 1.2 The Plan has been submitted to West Lindsey District Council (WLDC) by Gainsborough Town Council (GTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and provides further details for some of the allocated sites in the town in the Local Plan.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WLDC, with the consent of GTC, to conduct the examination of the Plan and to prepare this report. I am independent of both WLDC and GTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA screening report.
- the Green Infrastructure Study.
- the Heritage and Character Assessment.
- the Gainsborough Town Centre Heritage Masterplan.
- the Gateway Riverside Local Development Order.
- the representations made to the Plan.
- the Town Council's responses to the Clarification Note.
- the District Council's responses to the Clarification Note.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ, 1259;
- the Central Lincolnshire Local Plan 2012 to 2036.
- the Draft West Lindsey District Council Gainsborough Green Infrastructure Strategy;
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 26 November 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WLDC of this decision once I had received the responses to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from October 2019 to January 2020.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events highlighted include:
- attendance at a variety of community events throughout the preparation of the Plan;
 - the exhibitions organised at the market;
 - the use of questionnaires on specific matters;
 - children's T-shirt and poster competitions;
 - engagement with primary schools in the town;
 - the use of social media; and
 - the engagement with a People's Panel.
- 4.4 Tables 1 and 2 of the Statement also set out details of the responses received to the consultation process on the pre-submission version of the Plan and how the Plan responded to those representations. The exercise has been undertaken in a very thorough and proportionate fashion.
- 4.5 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. WLDC has carried out its own assessment of this matter as part of the submission process. It has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.6 Consultation on the submitted plan was undertaken by WLDC for an eight-week period that ended on 20 July 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:
- North Kesteven District Council

- Sport England
- Canal and River Trust
- Health and Safety Executive
- Anglian Water Services
- Historic England
- Inland Waterways Association
- Natural England
- National Grid
- Severn Trent
- Highways England
- Commercial Boat Operators Association
- Network Rail
- Lincolnshire County Council
- Theatres Trust
- Environment Agency
- Greater Lincolnshire Nature Partnership
- West Lindsey District Council

- 4.7 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation concerned in this report.
- 4.8 In most cases the various bodies raise no objections to the submitted Plan. This reflects the collaborative way in which the Plan has been produced in general, and the positive way in which it has incorporated the earlier comments from these and other bodies in particular.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Gainsborough. In 2011 it had a population of 18 508 persons living in 8894 households. It was designated as a neighbourhood area on 9 January 2017.
- 5.2 The neighbourhood area lies in the western part of West Lindsey District and to the east of the River Trent. It is an irregular shape. The majority of the neighbourhood area consists of the built-up form of the town. Gainsborough is the largest town in the District. It is well-served by retail, commercial and community facilities. It has two railway stations. The A631 provides road access both to the west and to the east. The A156 and the A159 provide access to the south and to the north respectively.
- 5.3 Gainsborough is heavily influenced by its location in this wider natural landscape. It developed to the immediate east the River Trent. The Riverside was the historic centre of its commercial activities. Several fine wharf buildings remain. The town centre is located within easy access of the River Trent. It has an attractive series of traditional buildings and has retained its historic form and layout. The Old Hall is an iconic building of considerable importance located to the immediate north of the town centre. More modern development has taken place to the north, the east and the south of the town centre. In particular development to the east of the town centre has responded sensitively to its position on rising ground. As such the town displays a wide range of housing types from terrace houses close to the River Trent to very recent developments on the eastern extent of the built-up area.

Development Plan Context

- 5.4 The Central Lincolnshire Local Plan (CLLP) was adopted in April 2017. It sets out the basis for future development in the Central Lincolnshire area up to 2036. The CLLP provides a very clear spatial context for development in the neighbourhood area. Policy LP2 provides a focus for development by way of a settlement hierarchy as follows: the Lincoln urban area, the main towns, the market towns, larger villages, medium villages, smaller villages, hamlets and the countryside. Within this hierarchical approach Gainsborough is identified as one of two ‘main towns’
- 5.5 Policy LP2 also provides a clear context for the development of policies in the submitted Plan. Policy LP3 sets out the level of growth expected for Gainsborough. Section 8 of the CLLP incorporates the following package of policies for the town:
- LP38 Protecting Gainsborough’s Setting and Character.
 - LP39 Gainsborough’s Sustainable Urban Extensions.
 - LP40 Gainsborough Riverside.
 - LP41 Regeneration of Gainsborough.
 - LP42 Gainsborough Town Centre and Primary Shopping Area.

5.6 The CLLP includes a wide range of other policies. The Basic Conditions Statement helpfully captures these against the various policies in the submitted Plan. In summary, the following CLLP policies have been particularly important in underpinning neighbourhood plan policies:

LP15 Community Facilities.

LP23 Local Green Spaces and other Important Open Space.

LP25 The Historic Environment.

LP26 Design and Amenity.

LP55 Development in the Countryside.

5.7 A review of the CLLP has now started. Consultation took place on Issues and Options in 2019. Given the very early stage of this Plan review it has not had any direct influence or significance on this examination. Nevertheless, I have referred to the Plan review process in my recommended modifications insofar as they have a bearing on the monitoring and review of any 'made' neighbourhood plan.

5.8 It is clear that the submitted Plan has been prepared within the context provided by the CLLP. In doing so it has relied on up-to-date information and research that has underpinned the Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit to the neighbourhood area

5.9 I visited to the neighbourhood area on 26 November 2020. I drove into the town along the A156 from Newark to the south. This helped me to understand the relationship of the town to the River Trent, and the significance of its floodplain in the wider landscape.

5.10 I looked initially at the series of allocated development sites to the immediate east of the River Trent. In their different ways I saw the mix of existing uses and the potential to reinforce the heritage of the town and its links to the River Trent. I saw the way in which several of the development sites had a close relationship with the town centre further to the east.

5.11 I then walked along the Riverside footway up to and beyond allocated site CLLP 4689. I saw that development work had started on its southern part. I then walked along North Marsh Road to Richmond Park. I saw the well-maintained Registry Office and the marble trough which was repositioned to the Park from the town centre in 1957.

5.12 I walked down Morton Terrace and then along Connaught Road and under the railway line. I looked at the proposed local green space to the left of the footpath, the Leisure Centre and then the allocated site CL4691. This part of the visit highlighted the very different character areas in the town defined both by their age and the wider topography.

- 5.13 Thereafter I looked at the town centre. I saw Marshall's Yard, the Old Hall, All Saints Church and the scale and nature of the traditional buildings in this commercial retail core of the town.
- 5.14 I then walked along Ashcroft Road and looked at the area between the River and the railway line to the south of the town centre. I saw the former St John's Church (now the X Church) and the adjacent former vicarage and school buildings (fronting onto Strafford Street). I saw the dense arrangement of terraced houses in this part of the town, and indeed to the immediate east of the railway. On Lea Road I saw the former County Infants School in a semi-derelict state.
- 5.15 Throughout the visit I took the opportunity to look in detail at the proposed local green spaces. I saw that they were very distinctive and individual in their character and appearance. I also saw their different sizes and functions.
- 5.16 I finished my visit by driving to the east along the A631. This part of the visit emphasised further the significance of the topographical setting of the town. I was also able to see the two significant industrial estates on the eastern edge of the town together with the residential development off White's Wood Lane.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Gainsborough Neighbourhood Plan:

- a plan-led system – in this case the relationship between the neighbourhood plan and Central Lincolnshire Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes policies to assist in the development of allocated sites in the CLLP, proposes the designation of local green spaces and includes policies for heritage assets and the town centre. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies which provide detail for the development of some of the housing allocations in the CLLP (Policies NPP9-17). In the social role, it includes a policy on local green spaces (Policy NPP4), and on housing mix (Policy NPP8). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on natural environment and biodiversity (Policy NPP8) and on design (Policies NPP6 and 7). GTC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in West Lindsey District in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the

incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.

- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit 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.
- 6.15 In order to comply with this requirement a screening exercise was undertaken on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, WLDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It comments that there are no protected sites within 15kms of the neighbourhood area. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and GTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a separate series of Aspirational Policies
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Aspirational Policies are considered after the land-use policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-12)

- 7.8 These introductory elements of the Plan set the scene for the policies. They relate closely to the neighbourhood area and its subsequent policies. The Plan is very well-presented. The distinction between the policies and the supporting text is very clear. It is helpfully supported by charts, tables, photographs and maps.
- 7.9 Sections 1-3 provides an introduction to the Plan. It includes information about the background to the preparation of the Plan. In combination they provide a particularly effective and concise introduction to a neighbourhood plan. Section 1 identifies the neighbourhood area (Map 1) and clearly defines the Plan period.
- 7.10 Sections 4 and 5 comments about the way in which the Plan has been produced and how the community has been engaged. They overlap with the Consultation Statement.
- 7.11 Sections 6 and 7 set out details about the impact of a neighbourhood plan on the use of community infrastructure levy payments (Section 6) and some non-land uses which were considered as part of the preparation of the Plan.
- 7.12 Sections 8 and 9 comment about the current social and economic circumstances of the neighbourhood area in general (Section 8), and the Regeneration Delivery Plan in Gainsborough Neighbourhood Plan – Examiner’s Report

particular (Section 9). This part of the Plan helps to identify the way in which it would play a part in delivering an agreed and collaborative approach for the town.

- 7.13 Section 10 and 11 set out a Vision and the Objectives for the Plan. It is clearly distinctive to the issues faced in the town. The Vision is underpinned by eleven carefully-selected and distinctive objectives.
- 7.14 Section 12 comments about the way in which GTC expects developers to engage in pre-application discussions. It reflects the importance of this matter in the NPPF.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy NPP1 Sustainable Development

- 7.16 This policy sets out an overall context for the delivery of sustainable development in the town. It does so to good effect. It both sets the scene for the remainder of the Plan and provides an overarching context for some of its more detailed policies.
- 7.17 In general terms the policy meets the basic conditions. I recommend a series of modifications to ensure that it has the clarity required by the NPPF. In general terms the modifications make more explicit linkages to other policies in the Plan and clarify the application of the policy. In some cases, they translate a negative approach into a positive approach.

In the opening element of the first part of the policy replace ‘so long as’ with ‘and, as appropriate to its scale and nature, comply with the following criteria

In a) after ‘located’ add: ‘as identified in the Character Assessment and in Policy NPP7’

In b) replace ‘not cause.... damage to’ with ‘respect’

In c) replace ‘not result...of a’ with ‘respect identified’ and ‘Reserve’ with ‘Reserves’

In d), e) and g) replace ‘possible’ with ‘practicable’

In part 4 of the policy replace:

- **‘are supported’ with ‘will be supported’**
- **the text in brackets with ‘(in accordance with the details of Policy NPP3)’**

In part 5 of the policy replace:

- **‘are supported’ with ‘will be supported’**
- **‘CIL or Section 106’ with ‘Grant’**

Policy NPP2 Natural Environment and Biodiversity

7.18 This policy takes a comprehensive and locally-distinctive approach to the natural environment and biodiversity of the town. It includes the following elements:

- the achievement of a net gain in biodiversity (part 2);
- ancient woodland (part 4);
- mature trees, hedgerows and vegetation (part 7);
- sustainable urban drainage systems (part 9); and
- development adjoining the River Trent (part 10).

7.19 As with other parts of the Plan the policy is healthily underpinned by very detailed supporting text. I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. In particular the recommended modifications make a closer relationship between the supporting text (and its maps) and the relevant elements of the policy. I also recommend modifications that would apply the different elements of the policy in a proportionate way. This acknowledges that the majority of development proposals in the Plan period will be of a minor nature. Otherwise, the policy meets the basic conditions. It will assist significantly in safeguarding the natural environment of the town and its biodiversity.

In the first part of the policy replace ‘Proposals are required to’ with ‘As appropriate to their scale and nature development proposals should’. Thereafter replace ‘possible’ with ‘practicable’

In the second part of the policy replace ‘Development is required’ with ‘Where practicable development proposals should’

In the third part of the policy replace ‘Development’ with ‘Development proposals’ and insert ‘the Plan’s approach towards’ between ‘of’ and ‘prioritising’

In the fourth part of the policy insert ‘as identified in paragraph 99 and shown on Map 6’ after ‘woodland’. Thereafter replace ‘should be refused’ with ‘will not be supported’

Delete the fifth part of the policy.

In the sixth part of the policy replace ‘Proposals’ with ‘Development proposals’

In the seventh part of the policy replace ‘around’ with ‘within’. Thereafter replace ‘Proposals’ with ‘As appropriate to their scale and nature development proposals’

In the eighth part of the policy replace ‘proposals’ with ‘development proposals’ and ‘are supported’ with ‘will be supported’

In the tenth part of the policy replace ‘are required to’ with ‘should’.

In part 10b) delete ‘should’

Replace the eleventh part of the policy with:

‘Development proposals for contaminated sites should be supported by a Preliminary Risk Assessment to demonstrate that the risks posed to controlled waters by any contamination can be safely managed and have been fully incorporated into the design and layout of the new use for the site’

Replace the twelfth part of the policy with:

‘Development proposals should ensure that the risk of flooding is not increased either to the site itself or to surrounding areas. Where practicable development proposals should be designed to reduce the incidence and the risk of flooding on the site concerned. Where necessary development proposals will be considered against the sequential, and if necessary, the exceptions test in Section 14 of the NPPF’

In paragraph 92 provide a link to the Lincolnshire Biodiversity Action Plan

Insert the deleted fifth part of the policy at the end of paragraph 99.

Policy NPP3 Local Green Network

- 7.20 This policy serves two related functions. The first sets out the concept of a Local Green Network (LGN). The second sets out a series of design matters which aim to ensure that other development in and around the vicinity of the LGN takes account of the existing and future development of the network.
- 7.21 I recommend that the policy makes a clearer distinction between these two elements. In particular I recommend that the first part is set out as a policy rather than as a statement of fact.
- 7.22 I also recommend modifications to the tone and the approach of two elements of the policy. As submitted the policy has an expectation that the development of the allocated sites will assist in the delivery of the LGN. In some cases, there will be a clear and obvious relationship between the two matters, particularly where the site concerned can be arranged to facilitate such a route. In other cases, there will be no such connection. This matter is heightened as WLDC has pointed out that the viability of some of the riverside sites is marginal and that they have been exempted from community infrastructure levy payments. In a broader sense I recommend that the policy is worded so that it would be applied in a proportionate fashion. Plainly different schemes will have different abilities to deliver the ambitions of the policy.
- 7.23 Finally I recommend the deletion of the third and the fourth parts of the policy. The third addresses detailed landscaping arrangements and which are already included in the

comprehensive supporting text. The fourth has been overtaken by the broader recommended modifications to the policy.

In the first part of the policy delete the first sentence.

Create a new opening part of the policy to read:

‘Proposals which would deliver elements of a Local Green Network around the town as identified the Beds RCC Green Infrastructure Study (Appendix G of this Plan) will be supported’

Renumber the parts of the policy accordingly.

In the first part of the submitted policy replace

- **‘are required to’ with ‘should’**
- **‘demonstrate how they’ with ‘as appropriate to their scale and nature demonstrate the way in which they would:’**
- **In a) ‘contribute...of’ with ‘deliver’**

Delete the third and fourth parts of the policy.

Policy NPP4 Local Green Spaces

- 7.24 This policy proposes the designation of a series of local green spaces (LGSs) as follows:

LGS1 Mercers Wood

LGS2 Theaker Avenue Local Nature Reserve (LNR)

LGS3 Pits Hill

LGS4 Recreation Ground

LGS5 The Gap

The policy comments about the relationship between the identified LGSs and the criteria for LGS designations in the NPPF.

- 7.25 Appendix G of the Plan sets out details about the various proposed LGSs in the wider context of its commentary on the Beds Green Infrastructure Study 2018. It does so in a general sense. Further information on the identified LGSs is supplied in the supporting text
- 7.26 I looked at the proposed LGSs carefully during my visit. The proposed designations have a degree of overlap both with existing nature designations and with open space designations in the CLLP. In this context I sought clarification from GTC about the way in which it had assessed the added value of the proposed LGS designations over and above the protection already provided by these existing environmental/heritage designations as required by Planning Practice Guidance (37-011-20140306). I also sought clarity about the sizes of the respective LGSs.

7.27 In its response to the clarification note GTC commented as follows:

Added value of LGS 2 above its LNR designation in the CLLP

7.28 GTC responded on this matter as follows:

'Theaker Avenue is a Local Nature Reserve and although extensively used by dog walkers the site is not actively managed – the paths are largely made by informal networks of routes. Designating it as a LGS reflects the value of the place to the local community and provides an opportunity to focus attention on the need to improve the environmental quality of the LNR'

Added value of LGS 3 and 4 above their designation as open spaces in the CLLP

7.29 GTC responded on this matter as follows:

'The definition of Important Open Space in Policy LP23 is broad and includes land safeguarded along major routes (such as land adjacent to the A631.) Policy LP23 does include some Local Green Space designations..... Being clear on which areas are designated as LGS in the CLLP has been difficult. Neither the Interactive Map nor the printed CLLP Policies Maps seem to show where these LGS areas are. GTC state that the submitted neighbourhood plan sets out clearly the five LGSs that have been through a rigorous selection process identified by a landscape architect as part of his initial analysis, these were assessed by the Steering Group and supported (based on local knowledge about their value to the community).'

Size of LGSs

7.30 GTC responded on this matter as follows:

LGS1: 3.43 ha

LGS3: 12.8 ha

7.31 Based on all the available information, I am satisfied that proposed LGSs 1/2/4/5 meet the basic conditions. In particular I am satisfied that they add value to the existing open space/LNR designations in the CLLP and are based on both professional and local observations and commentary. In particular they are in close proximity to the town and are local in scale.

7.32 In addition, I am satisfied that their proposed designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the local green space would not endure beyond the end of the Plan period.

- 7.33 I looked at Pits Wood when I looked at the Leisure Centre. I saw its significance as a wooded area in an elevated part of the town. It is both in close proximity to the town and demonstrably special in terms of its ecological value and its recreational use. Nevertheless, I am not satisfied that it is local character. At 12.8 hectares in size, it is significantly larger than any other proposed LGS in the town. Whilst the NPPF and PPG do not define the extent of a parcel of land which would be seen as local in scale I have concluded that it is an extensive tract of land. As such I recommend that it is deleted from the policy. In any event the Wood is already protected by other policies in this Plan (Policies NPP2 and 3) This recommended modification should not detract from GTC's wider ambitions to develop a woodland management plan for the area.

The policy itself

- 7.34 The policy initially takes the matter-of-fact approach towards LGSs as set out in the NPPF. Thereafter it takes more of a balancing act in attempting to identify a limited number of circumstances where development might be supported on the proposed LGSs. Given the number and diversity of the proposed LGSs I can understand the circumstances which have caused GTC to design the policy in this way. Nevertheless, I recommend modifications so that the policy takes the matter-of-fact approach in the NPPF. In particular I recommend that the latter element of the second part of the policy and the third and fourth parts of the policy are deleted.
- 7.35 The recommended modifications also take account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ.1259).
- 7.36 The second, third and fourth parts of the policy address potential enhancements to the LGSs, flood alleviation and recreational uses respectively. In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by WLDC. In particular WLDC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I also recommend that the supporting text clarifies this matter.

Replace the policy with:

'The following green spaces (as shown on Map 9) are designated as local green spaces.

At this point list in LGSs as follows:

LGS1/2/4/5 (together with their names)

Development proposals within the designated local green spaces will only be supported in very special circumstances'

Delete LGS 3 from Map 9 and refine both the content and the format of the key to that Map.

At the end of paragraph 102 add: 'Policy NPP4 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'

Policy NPP5 Landscape Character

- 7.37 This policy relates to the wider landscape character and setting of the town. In particular it seeks to ensure that development proposals should take account of the recommendations in the Trent Valley landscape character area (LCA), as defined within the Landscape Character Assessment of West Lindsey District (1999). I saw clear evidence of the characteristic features of the neighbourhood area as part of my visit. They include the dominance of the River Trent and the way in which Gainsborough is built on higher and rising ground to the east of the River.
- 7.38 As submitted the policy is a combination of policy and supporting text. I recommend modifications to remedy this matter. I also recommend that the remaining policy element is consolidated so that its ambition is clearer.

Delete the first and the second parts of the policy.

Replace the third part of the policy with:

'As appropriate to their scale, nature and location development proposals should be designed and arranged to take account of the landscape and topographical setting of the neighbourhood area and its urban environment. In particular they should be sympathetic to the dominance of the River Trent in the town and the way in which the town is built on rising ground to the east of the River.

Where appropriate, development proposals should demonstrate the way in which they have taken account of the actions of the landscape and built features recommended for the Trent Valley Landscape Character Area within the West Lindsey Landscape Character Assessment'

Policy NPP6 High Quality Design

- 7.39 This is the first of two policies on design. In combination the two policies set out a robust and comprehensive approach to this increasingly-important national issue. Policy NPP6 takes a general approach. It provides the backcloth to Policy NPP7.
- 7.40 Policy NPP6 sets out a series of design principles. In general terms it does so to good effect. I recommend detailed modifications so that it has the clarity required by the NPPF. In particular I recommend that the second part of the policy is recast so that it addresses design principles rather than define what is 'good design'. I also recommend

the deletion of any references to national design standards as there is no need for a neighbourhood plan policy to repeat national policy.

- 7.41 Finally I recommend that the seventh part of the policy is deleted. Its commentary on Building for Life Standards is very positive. It consolidates the approach taken in the supporting text. Nevertheless, such a very prescriptive approach does not take account of the ministerial statement of March 2015 which indicates that specific environmental standards should not be applied to new housing schemes. In 2015 that approach anticipated that the matter would be addressed by progressive changes in the Building Regulations. This has proved to be the case. This approach reflects the language in the supporting text that the use of BFL standards will be ‘encouraged’ rather than ‘required’.

At the end of the first part of the policy insert ‘(Appendix H)’

In the first part of the policy replace ‘must’ with ‘should’

**In the second part of the policy replace the opening element with:
‘As appropriate to their scale and nature development proposals should’**

In the second part of the policy delete i

**Replace the third part of the policy with:
‘New buildings should be appropriate to their location and context. Innovative and contemporary design solutions will be supported where they positively enhance character and local distinctiveness’**

In the fourth and fifth part of the policy replace ‘Development’ with ‘Where practicable development proposals’

In the sixth part of the policy replace ‘Proposals’ with ‘As appropriate to their scale, nature and location development proposals’

At the end of 6e) delete ‘where possible’

Delete the seventh part of the policy.

Policy NPP7 High Quality Design in each Character Area

- 7.42 This policy reflects the Character Area Assessment (CAA) work which has been undertaken on the Plan. The CCA is an excellent piece of work in its own right. It also provides evidence and a justification for the policy itself. The supporting text helpfully summarises the findings of the more extensive CAA.
- 7.43 The policy sets out design principles for each Character Area. They flow naturally from the CAA work and have been designed to be clear on the one hand and capable of being applied in a flexible basis in a case-by-case fashion on the other hand.

- 7.44 I recommend that an additional paragraph is inserted into the policy to give it a broader context – as submitted the policy moves immediately into the first character area. I also recommend that the policy includes both the character area names and their numbers.

At the beginning of the policy add a new paragraph as follows:

‘As appropriate to their scale and nature development proposals should be designed to take account of the Character Area within which they are located. The following specific principles apply in the various Character Areas:’

In each component part of the policy insert the Character Area name before the Character Area number

In part 9 of the policy replace ‘SUE’ with ‘sustainable urban extension’

Policy NPP8 A Mix of Housing Types

- 7.45 This policy sets out the Plan’s approach towards the delivery of a mix of housing types. It is supported by detailed supporting text. In combination the policy and the text build on the comprehensive approach taken in Policy LP10 of the CLLP.
- 7.46 WLDC queries whether the policy is required given its overlaps with CLLP Policy LP10. I have considered this matter very carefully. Given the specific housing issues in Gainsborough, and the additional local elements included in the submitted policy I am satisfied that it is an appropriate approach which meets the basic conditions in general terms. Nevertheless, I recommend the deletion of the second part of the policy. It is a process matter and follows on from the first part of the policy. I also recommend detailed modification to the format of the first part of the policy so that it has the clarity required by the NPPF. I also recommend a modification to the description of the technical standards in paragraph 161 of the Plan.

Replace the first part of the policy with:

‘Development proposals for residential uses should deliver a housing mix that reflects the need identified in the most up to date housing need assessment (SHMA or equivalent)’

Delete the second part of the policy.

In paragraph 161 replace ‘Housing...2015’ with ‘Technical Housing Standards 2015 or any document which supersedes those Standards’

At the end of paragraph 161 add: ‘The provisions of the policy have been designed to ensure that a range and mix of homes come forward in the Plan period. However, the Town Council recognises that a range of financial issues may influence the ability of homes to be delivered. In this context any planning applications which do not deliver the package of homes intended by the policy for viability reasons should be supported by robust and appropriate information’

Allocated sites – general comments

- 7.47 Policies NPP9 to NPP17 provide additional detail to the series of allocated development sites in the town. The policies are the central part of the Plan.
- 7.48 The supporting text comments on two important elements of the Plan’s approach. The first is their added-value to the CLLP. In this context paragraph 164 advises that the Plan has sought design-led solutions to the development of the various sites and the policies provide a policy framework based on local analysis, including design guidance in the Gainsborough HCA, the Gainsborough Town Centre Heritage Masterplan (GTCHM), the Beds RCC Green Infrastructure Study and the specific issues raised by the community based on their local knowledge of how the town functions
- 7.49 The second is the way in which the Plan has selected specific CLLP allocations for further policy analysis. Paragraph 166 advises that the Plan does not cover all the CLLP allocated sites. Nevertheless, its focus is on the brownfield sites along the River Trent or within the town. In this context the Plan takes a brownfield-first approach and its policies seek to provide a neighbourhood level policy framework for those sites whose redevelopment is a priority to the community.
- 7.50 This generates a very effective and well-presented set of policies. GTC is to be congratulated on its approach. In their different ways the policies bring the more detailed approach as anticipated by the NPPF for a neighbourhood plan where sites have already been allocated in a local plan.
- 7.51 In order to avoid repetition on a policy-by-policy basis I comment as follows on the series of policies affecting the allocated sites and the recommended modifications which I have considered necessary to ensure that, in turn, the policies meet the basic conditions:
- the policies should properly identify their locations by way of reference back to the relevant Map in the submitted Plan;
 - the policies need to retain as much flexibility as possible to ensure the eventual development of the sites. Development costs on sites adjacent to the River Trent and/or where ground clearance or remediation works are necessary may be abnormally high and commercial viability will be an important issue;
 - the policies should be worded to acknowledge that WLDC will need to address a full range of matters in the determination of planning applications rather than simply the matters listed in the various policies. In this context a neighbourhood plan does not change the basis on which the development management system operates. As such I have recommended that the opening parts of Policies NPP 10-17 are modified. Nevertheless, their effect and approach remain unaffected. Policy NPP9 is slightly different from the other policies given that the site is addressed by a Local Development Order; and
 - sustainable urban drainage system may not always be practicable on some of the riverside sites due to ground and/or soil conditions.

I do not comment on these matters in any detail in the individual policies. Nevertheless, they are reflected (where appropriate) in the recommended modifications.

Policy NPP9 Gateway Riverside

- 7.52 This policy addresses site CL4686 in the CLLP. The site is approximately 4 hectares of former industrial land including former engineering works and port operations. It includes a vacant Victorian school building, a vacant warehouse and Victorian terraced housing. A Local Development Order (and an associated design guide) has been approved to facilitate its development. The Order supports between 200 and 245 dwellings together with retail and leisure uses (subject to size limits).
- 7.53 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the opening part of the policy with:

‘Proposals for the development of the Gateway Riverside site (as shown on Map 17) should be of a high design quality as defined in Policies NPP 6 and NPP 7 and assist in meeting the wider housing, leisure and economic regeneration objectives of the Riverside. In particular development proposals should incorporate the following development and design principles:’

In the second part of the policy replace:

- **‘must’ with ‘should’**
- **‘would’ with ‘will’**

In the third part of the policy replace ‘Development.....materials’ with ‘Development proposals which front onto the River Trent and incorporate alternative materials will be supported’

In the fourth part of the policy replace ‘The proposals must’ with ‘Development proposals should’

In the fifth part of the policy replace ‘during theis supported’ with ‘will be supported’

Replace the seventh part of the policy with:

‘Development proposals which de-culvert water courses within the context of the wider redevelopment of the site will be supported’

Replace the eighth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

In the ninth part of the policy replace ‘possible’ with ‘practicable’

Policy NPP10 Southern Neighbourhood Renewal Area

- 7.54 The area includes two sites identified in the CLLP as CL1247 and CL1246.
- 7.55 The sites are included in the strategy for Riverside regeneration. The area is mixed-use in its character and nature. Between Primrose St and Bridge St (on the east of the site) the sites are a mix of manufacturing businesses and offices. The premises are of a mixed quality and some are poorly-maintained. Lorry movements add to the sense of the industrial units being uncomfortably located between the Riverside Conservation Area and adjacent residential areas. The relocation of these businesses would enable the redevelopment of this part of the site for residential uses in accordance with both WLDC’s and the Neighbourhood Plan’s vision for the regeneration of the Riverside corridor.
- 7.56 The policy is commendably comprehensive. I recommend a detailed modification to the second part of the policy to take account of the September 2020 updates to the Use Classes Order. They are addressed more fully in paragraphs 7.59 and 7.60 of this report. In a more general sense and within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the first part of the policy with:

‘Development proposals for primarily residential use of sites CL1246 and CL1247 (as shown on Map 18) to a high design quality as defined in Policies NPP 6 and NPP 7 will be supported. In particular development proposals should incorporate the following development and design principles:’

In the second part of the policy replace ‘B1’ with ‘E’

Replace the initial element of the fourth part of the policy with:

‘Development proposals for residential development in the Southern Neighbourhood Renewal Area (as defined on the WLDC Delivery Plan Map) will be supported where the proposals reinforce the existing character including;’

Replace the sixth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

Policy NPP11 Elswitha Hall/Guildhall

- 7.57 This policy addresses site CL4688 in the CLLP.

7.58 The site is brownfield in nature and includes the listed Elswitha Hall. It is in a prominent location between the River Trent and the town centre and in close proximity to Whittons Gardens. As the Plan describes the visual relationship between Elswitha Hall and the River Trent is relatively recent but the current indivisibility enhances and benefits both locations. Lord Street runs along the north of the site. It is one of the oldest streets in the town and runs from the edge of Market Place to the River Trent. The Lord Street frontage has been lost and the site is presently a car park and land associated with the former Guildhall. The redevelopment of this site could seek to reinforce the historic street pattern along Lord Street. The policy seeks to address these matters in a positive fashion.

7.59 The policy was developed in good faith in the period leading up to the submission of the Plan. However, in September 2020 the Use Classes Order was substantially revised. It introduces three new use classes as follows:

Class E	Commercial, business and service uses
Class F1	Learning and non-residential uses
Class F2	Local community uses

7.60 The new Use Class E incorporates several former use classes including A1(shops), A2 (financial and professional services) and A3 (cafes or restaurants). In this context there is now considerable flexibility for different business functions to be undertaken in towns and village centres without the need for planning permission. I recommend modifications to the policy so that it has regard to national policy

7.61 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the opening element of the first part of the policy with:

‘Development proposals for the use of the Elswitha Hall/Guildhall site (as shown on Map 20) for residential uses, Class E uses (commercial, business and service uses), Class F1 uses (learning and non-residential uses) and any uses which would otherwise consolidate the role of the town centre will be supported where they demonstrate they have:

In part 1b) of the policy replace ‘recognised’ with ‘taken account’

Replace the fourth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

Policy NPP12 Western part of Baltic Mill (Area A)

- 7.62 The site is the western part of site CL4687 in the CLLP.
- 7.63 The site is the location of the former Baltic Mill together with unoccupied buildings to the south. It makes up the westerly part of CL4687 adjacent to the River Trent. The site is prominently located on the Riverside with direct access along Silver Street to the Market Place. The site is located within the Riverside Conservation Area and terminates the important view from the Market Place and Silver Street to the Riverside. The policy expects new development proposals to respond to this view whilst exploiting the potential of a prime riverfront site. It also requires that development proposals take account of the riverside walk.
- 7.64 I recommend that the second part of the policy is deleted and replaced in the supporting text. It consolidates the approach already taken in the first part of the policy.
- 7.65 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

‘Development proposals for the residential use or for a mixed use of the Baltic Mill site (as shown on Map 21 Area A) to a high design quality as defined in Policies NPP 6 and NPP 7 will be supported. In particular development proposals should incorporate the following development and design principles:’

Delete the second part of the policy

In the third part of the policy replace ‘Development.....materials’ with ‘Development proposals which front onto the River Trent and incorporate alternative materials will be supported’ and also replace ‘compliments’ with ‘complements’

Replace the fifth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

At the end of paragraph 218 add: ‘Appropriate uses would include Class E uses (Commercial, business and service uses), F1 uses (Learning and non-residential uses) and/or residential uses’

Policy NPP13 Bridge Street Car park (Area B)

- 7.66 The site is the eastern part of site CL4687 in the CLLP.

- 7.67 The site includes Bridge Street Car Park and a wider area including shops, medical and community services and a public transport hub. These facilities and amenities are valued by local people and are in an accessible location
- 7.68 I recommend that the second part of the policy is deleted and replaced in the supporting text. It consolidates the approach already taken in the first part of the policy.
- 7.69 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the opening element of the policy with:

‘Development proposals for the residential use or for a mixed use of the Bridge Street Car Park (as shown on Map 21 Area B) to a high design quality as defined in Policies NPP 6 and NPP 7 will be supported. In particular development proposals should incorporate the following development and design principles:’

In 1d) replace ‘detrimentally’ with ‘unacceptably’

Delete the second part of the policy

Replace the fourth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

At the end of paragraph 218 add: ‘Appropriate uses would include Class E uses (Commercial, business and service uses), F1 uses (Learning and non-residential uses) and/or residential uses’

Policy NPP14 Albion Works

- 7.70 This policy addresses the former Albion Works site. It is identified as site CL1253 in the CLLP.
- 7.71 As the Plan describes the site occupies a prime riverfront location to the west of the Town Centre Conservation Area. The scale and central location of the site provides the opportunity to develop an active frontage to the river and a mixed-use or residential scheme which could exploit the riverside location and establish an activity that creates a destination for residents and visitors
- 7.72 I recommend that the second part of the policy is deleted and replaced in the supporting text. It consolidates the approach already taken in the first part of the policy.
- 7.73 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the opening part of the policy with:

‘Development proposals for the residential use or for a mixed use of the Albion Works site (as shown on Map 22) to a high design quality as defined in Policies NPP6 and NPP7 will be supported. In particular development proposals should incorporate the following development and design principles:’

Delete the second part of the policy.

In the third part of the policy replace ‘Development.....materials’ with ‘Development proposals which front onto the River Trent and incorporate alternative materials will be supported’ and ‘compliments’ with ‘complements’

Replace the fifth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

At the end of paragraph 230 add: ‘Policy NPP14 offers an element of flexibility for the end uses on the site. Appropriate uses would include Class E uses (Commercial, business and service uses), F1 uses (Learning and non-residential uses) and/or residential uses’

Policy NPP15 Riverside North

- 7.74 This policy addresses the Riverside North site. It is identified as site CL4689 in the CLLP. The southern part of the site was being developed for residential purposes at the time of my visit.
- 7.75 The site includes a wooded area in its central part. It is proposed to be identified as a LGS in Policy NPP4 of the Plan. Based on the responses from WLDC and GTC to the clarification note I am satisfied that it is appropriate for an allocated site to include a LGS within its boundary.
- 7.76 The policy sensitively takes account of the residential uses to the east of the site, Mercers Wood and the River Trent to its west and the attractive riverside walk.
- 7.77 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the first part of the policy with:

‘Development proposals for the residential use of the Riverside North site (as shown on Map 23) to a high design quality as defined in Policies NPP6 and NPP 7 will be supported. In particular development proposals should incorporate the following development and design principles:’

Replace the second part of the policy with:

‘The design, layout and landscaping of development proposals should demonstrate how they have taken into account the location and the biodiversity of Mercer Wood in the middle of the site’

Replace the fourth part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

Policy NPP16 Former Castle Hills Community College Site

- 7.78 This policy addresses the former Castle Hills Community College site. It is identified as site CL4691 in the CLLP.
- 7.79 The site is allocated for approximately 173 dwellings in the CLLP. It is on the top of the ridge and to the north-west and south the area is open. The eastern part of this site is the highest point in the Parish. These matters are addressed in the contents of the policy.
- 7.80 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the opening part of the policy with:

‘Development proposals for the primary residential use of the site (as shown on Map 24) to a high design quality as defined in Policies NPP6 and NPP7 will be supported. In particular development proposals should incorporate the following development and design principles:’

Replace the second part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

Policy NPP17 Middlefield School of Technology

- 7.81 This policy addresses the Middlefield School of Technology. It is site CL1248 in the CLLP. It is allocated for approximately 112 dwellings in the Local Plan. The land around the site is also undeveloped. A right of way runs along the northern boundary which is also identified as part of a green route on the Local Green Network map. The policy takes account of these important matters.

- 7.82 The policy is commendably comprehensive. Within the context of paragraph 7.51 I recommend a series of modifications as follows:

Replace the first part of the policy with:

‘Development proposals for the primary residential use of the site (as shown on Map 25) to a high design quality as defined in Policies NPP 6 and NPP 7 will be supported. In particular development proposals should incorporate a layout and boundary treatment that provides visual connections to the Scouts Hill open space to the west and the public right of way to the north and respond positively to the proximity of these green spaces and pedestrian access routes’

Replace the second part of the policy with:

‘Where it is both appropriate and practicable development proposals should incorporate sustainable urban drainage systems which relate to the existing urban character of the site, are designed to improve water quality, and will contribute towards water recharge and the consolidation and/or enhancement of biodiversity’

Policy NPP18 Protecting and Enhancing Heritage Assets

- 7.83 This policy takes a comprehensive approach to heritage assets in the town. It is underpinned by extensive supporting text. The policy recognises the different aspects of the heritage assets in the town which include its conservation areas, its listed buildings and the range of non-designated heritage assets.
- 7.84 Appendix D identifies a series of non-designated heritage assets which GTC considers add to the character, appearance and heritage of the town. The second part of the policy addresses this particular aspect of heritage assets.
- 7.85 The policy also includes a specific section on the Heritage at Risk register as administered by Historic England.
- 7.86 The policy is well developed and has regard to national policy in general terms. I recommend detailed modifications to ensure that the overall policy has the clarity required by the NPPF. In particular they recognise that some restoration projects for Heritage at Risk buildings may not need planning permission and bring a degree of consistency to the terminology used. Otherwise, the policy meets the basic conditions.

Replace the opening element of the part of the policy with:

‘Insofar as planning permission or listed building consent are required the restoration of listed buildings on Historic England’s Heritage at Risk register, or non-designated heritage assets which are in a poor state or repair, will be supported where the proposal is compatible with the character and the integrity of the building concerned. In particular restoration projects will be supported where the proposal better reveals the significance of heritage assets including their settings’

In the second, third and fourth parts of the policy replace ‘locally valued and important heritage assets’ with ‘non-designated heritage assets’

In the fourth part of the policy replace ‘locally listed building’ with ‘non-designated heritage asset’

Replace 5f) with ‘the proposal preserves or enhances the character and appearance of the conservation area within which it is located’

In the sixth part of the policy replace ‘will be considered favourably’ with ‘will be supported’

Replace the eighth part of the policy with:

‘Development proposals for the renovation of buildings and shopfronts in the town centre that reinforce its historic character and in comply with West Lindsey District Council’s shop front improvement scheme will be supported.’

Insert a link in paragraph 279 to the WLDC shop front scheme.

Policy NPP19 Improving the vitality of the town centre

- 7.87 This policy sets out a series of guidelines for improving the vitality of the town centre.
- 7.88 In general terms the policy takes a positive approach. In particular it seeks to encourage the vitality of Market Place which has lost its historic role and significance as a traditional thoroughfare. I recommend that the supporting text defines the extent of the town centre so that the application of the policy is clear.
- 7.89 To bring the clarity required by the NPPF I recommend that the policy approach on the Market Place and in Lord Street/Silver Street is refined so that it becomes more general, rather than one which requires compliance with the three criteria in the submitted policy. I also recommend modifications to the fourth part of the policy to ensure any additional residential uses are ancillary to the commercial role of the Market Place.

Replace the opening element of the first part of the policy with:

‘Development proposals which would assist in Market Place operating as an attractive focal point in the town centre will be supported. In particular development proposals will be supported which include any or all of the following matters insofar as they are relevant to their scale and nature:’

Replace the opening element of the second part of the policy with:

‘Development proposals for vibrant town centre uses in Lord Street and Silver Street will be supported. In particular development proposals should incorporate the following matters insofar as they are relevant to their scale and nature:’

In the third part of the policy replace ‘is supported’ with ‘will be supported’

Replace the fourth part of the policy with:

‘Development proposals for the use of upper floors of commercial premises within the town centre for residential use will be supported where it can be demonstrated that the residential use will not create unacceptable harm the wider retail offer of the town centre’

At the end of paragraph 290 add: ‘For the purpose of Policy NPP19 the town centre is that as defined in the Central Lincolnshire Local Plan’

Other Matters - General

- 7.90 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WLDC and GTC to have the flexibility to make any necessary consequential changes to the general text. As part of this process the text in the key on Map 9 should be refined. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Monitoring and Review of the Plan

- 7.91 Section 24 of the Plan correctly comments about how the Plan will be monitored and reviewed. This is best practice.
- 7.92 I recommend that two additional paragraphs are incorporated into this part of the Plan. The first draws attention to the ongoing review of the CLLP. Its eventual adoption will be a key element in any potential review of a ‘made’ neighbourhood plan. The second draws attention to the need to monitor the delivery of the ambitious residential/mixed use allocations in the Plan and the quality of their outcomes.

In Section 24 add the following text to the end of paragraph 329:

‘The Town Council will give particular attention to the ongoing review of the Central Lincolnshire Local Plan. Its eventual adoption will be a key element in any potential review of a ‘made’ neighbourhood plan. The Town Council will monitor the delivery of the allocated sites in general, and the delivery of housing in particular. Where necessary it will review the policies concerned. The Town Council will also monitor the effectiveness of the design of new development and, where necessary, review the general approach towards design in the Plan’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Gainsborough Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to West Lindsey District Council that subject to the incorporation of the modifications set out in this report that the Gainsborough Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 9 January 2017.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
20 January 2021