

# **The Deepings Neighbourhood Development Plan 2020-2036**

**A report to South Kesteven District Council on The  
Deepings Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Kesteven District Council in July 2020 to carry out the independent examination of The Deepings Neighbourhood Development Plan.
- 2 The examination was undertaken by a combination of written representations and a hearing. I visited the neighbourhood plan area on 22 September 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character and consolidating its existing retail and community facilities. It includes a series of heritage and design policies. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context already provided by the adopted development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that The Deepings Neighbourhood 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**  
**12 January 2021**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of The Deepings Neighbourhood Development Plan 2020-2036 (the 'Plan').
- 1.2 The Plan has been submitted to South Kesteven District Council (SKDC) by Market Deeping Town Council and Deeping Saint James Parish Council in their joint capacity as the qualifying body ('QB') 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) 2012 and its updates in 2018 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 has a clear focus on maintaining the integrity and the character of the built environment of the neighbourhood area. It proposes the designation of a series of local green spaces.
- 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 form 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 SKDC, with the consent of the QB, to conduct the examination of the Plan and to prepare this report. I am independent of both SKDC and the QB. 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;
- Appendices A-K of the Plan;
- the various Background Documents
- the Basic Conditions Statement;
- the Consultation Statement;
- the SKDC SEA and HRA screening report;
- the responses to the clarification note from the qualifying body;
- the responses to the clarification note from SKDC;
- the representations made to the Plan;
- the South Kesteven Local Plan 2036;
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 22 September 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My 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 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 concluded that the majority of the Plan could be handled in this way.

3.4 However, I concluded that a hearing was necessary to consider the proposed designation of Mill Field as a Local Green Space (Policy DNP14f). The hearing was held electronically on 8 December 2020. The findings of that hearing are incorporated within my assessment of Policy DNP14 later in this report.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 QB has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (October to December 2019). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement is particularly helpful in the way in which it reproduces elements of the consultation documents used throughout the plan-making process. Together with the photographs of some of the events held they add life and depth to the Statement.
- 4.4 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. It comments about the specific measures put in place for engaging local residents during the consultation stage of the pre-submission Plan. The measures included:
- the questionnaire to all households and businesses (June 2016);
  - attendance at the Rose and Sweet Pea Show (June 2016);
  - attendance at the Deepings Dog Show (July 2016);
  - engagement of the public on the Character assessment walks (November 2017);
  - meeting with agents and developers (April 2018);
  - the Local Economic Survey (June 2018);
  - the Heritage meeting (Summer 2019);
  - ongoing publicity in the local newspaper; and
  - ongoing use of neighbourhood plan website.
- 4.5 The Statement also provides details of the way in which the QB engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.6 The Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan (Table 2 and appendices 1-4). It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 From all the evidence provided to me as part of the examination, I have concluded that the Plan has promoted an inclusive approach towards seeking the opinions of all concerned throughout the process. Consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made

available to the community in a positive and direct way by those responsible for the Plan's preparation. This has been undertaken in a fashion that is proportionate to the scale and nature of its policies. SKDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

#### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by SKDC for a six-week period that ended on 14 September 2020. This exercise generated comments from a range of organisations as follows:

- Lincolnshire County Council (Corporate Property)
- Lincolnshire Wildlife Trust
- Anglian Water
- National Grid
- Environment Agency
- Historic England
- Highways England
- Forestry Commission
- SKDC
- The Friends of Mill Field
- Lincolnshire County Council (Strategic Planning)
- Northborough Parish Council
- Sport England
- Sir John Hayes MP

4.9 In addition 50 representations were received from local residents. In many cases they offered support to the designation of Mill Field as a local green space. This matter was the subject of the public hearing on the Plan.

4.10 Where appropriate I refer to specific representations when I address the various policies in the Plan in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parishes of Market Deeping Town and Deeping St James. Its population in 2011 was 13574 persons living in 5901 houses. It was designated as a neighbourhood area on 31 March 2016. It is an irregular area located in the south-eastern corner of South Kesteven District. It is located approximately seven miles to the east of Stamford.
- 5.2 Whilst the Deepings is increasingly a combined built-up area there are clear differences between the character and appearance of the two administrative areas. This is clearly demonstrated by the two photographs on the front cover of the Plan. Market Deeping is an attractive historic market town located to the immediate north of the River Welland. It has an attractive and vibrant town centre off High Street/Horsegate. The town is characterised by its stone buildings which date back to its Georgian and Victorian prosperity. This is clearly evident in Church Street and Market Place. The Northfield Industrial Estate in the north of the town now provides the heart of the town's commercial and business activity. The A15/A1175 bypass now relieves the town centre of through traffic on the north-south access of the A15 (Lincoln to Peterborough) road.
- 5.3 Deeping Saint James is located to the immediate east of Market Deeping. Deeping St James is based around Bridge Street and Eastgate which runs parallel to the River Welland. It includes a series of attractive and iconic riverside green areas and bridges. The separate community of Frognall is located to the north of Deeping St James and to the east of Market Deeping. The remainder of the neighbourhood area (to the east of the Market Deeping/Deeping St James built-up area) consists of the agricultural hinterland of the town.

### *Development Plan Context*

- 5.4 The Plan has been carefully developed to take account of the South Kesteven Local Plan 2011-2036 (SKLP). Market Deeping is one of four towns where Policy SP1 of that Plan anticipates will be the focus for new growth in the District. In this context paragraph 2.8 of the SKLP comments 'Grantham, Stamford, Bourne and The Deepings offer services and facilities to their local communities as well as supporting the network of larger villages and smaller settlements located around them. In order to ensure the continued success of these market towns development proposals which support and enhance their role as service centres will be supported. The Local Plan aims to protect existing retail and community facilities and to ensure that new housing and employment-generating development is sustainably located so as to complement the natural and built environments of the four towns'
- 5.5 This strategic approach is incorporated with Policy SP1 of the SKLP. Amongst other things it comments that: 'new development proposals will be supported on appropriate and deliverable brownfield sites and on sustainable greenfield sites (including urban extensions), where development will not compromise the town's nature and character'



- 5.6 The SKLP includes two specific policies for The Deepings. Policy DEP1 allocates two sites for residential development as follows:

H1 – Towngate West (SKLP254) Approximately 73 dwellings

H2 – Linchfield Road (SKLP253) Approximately 680 dwellings

Policy DEP2 offers a positive approach towards safeguarding and expanding the retail role of Market Deeping town centre.

- 5.7 Other policies in the SKLP which are particularly relevant to the submitted Deepings Plan include:

|            |   |
|------------|---|
| Policy SP3 | Infill Development                      |
| Policy SP4 | Development on the Edge of Settlements  |
| Policy SP5 | Development in the Open Countryside     |
| Policy E4  | Protection of Existing Employment Sites |
| Policy E5  | Expansion of Existing Businesses        |
| Policy EN6 | The Historic Environment                |
| Policy DE1 | Promoting Good Quality Design           |
| Policy ID1 | Infrastructure for Growth               |

- 5.8 The submitted Plan has been prepared within this wider and emerging development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 22 September 2020. I drove into the neighbourhood area along the A1175 from the west. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and the way in which it defines the northern and western parts of Market Deeping.
- 5.10 I looked initially at the proposed local green space to the west of Millfield Road. I saw its two distinct parts and the public footpath running to the west. I saw people enjoying informal recreation in the northernmost field. I then drove to Towngate West and saw the variety of buildings in this part of the town. Given the compact nature of the village I was able to carry out the majority of the remainder of the visit on foot.
- 5.11 I walked towards the town centre along Halfleet. I saw the proposed Greensland local green space to the west and the proposed local green spaces (LGS1/2/3) to the east. In particular I saw the way in which they helped to define the character and appearance of this part of the town. The Rectory Paddock was particularly impressive. I saw St

Guthlac Church and the adjacent Rectory. I then continued along Church Street into the town centre. In doing so I saw an impressive range of houses, mainly constructed in stone, set back from the street by wide grass verges. The whole effect is very attractive. It forms a significant part of the designated conservation area.

- 5.12 I then spent some time in the town centre. I saw the attractive historic buildings in Market Place and High Street and the more modern Deepings Shopping Centre to the east. I saw the attractive Town Hall, the former Police Station and the Bull PH. I took the opportunity to look at the River Welland from the bridge on Lincoln Road and from the various footpaths off Stamford Road. I walked along High Street to Deeping St James. In doing so I saw Welby House, the Laurels and the attractive grouping of 37/39 High Street with their decorative gables.
- 5.13 I then looked at the Bridge Street and the High Street local shopping centres. In their different ways they provided attractive and vibrant hubs for local business activity. I sat for a while in Riverside Park before walking along Bridge Street. I saw the attractive groupings of buildings on either side of the River Welland. The wider combination of the buildings, the grass verges and the River Welland was hugely attractive in the afternoon sunshine.
- 5.14 I walked back to Northfields via the town centre. I then took the opportunity to look at the other parts of the neighbourhood area. I drove along Towngate East and saw the various industrial and commercial buildings. I then looked at the Sports Facility off Linchfield Road, the Thackers Way shops and the adjacent open space.
- 5.15 I then drove to Frognall. I saw its very distinctive character and appearance. I looked at the proposed Area of Settlement Separation. I walked along the footpath running through the proposed area and saw the different uses to the north and to the south of the footpath. I then drove to Hard's Lane employment site to the immediate east of Deeping St James.
- 5.16 I then looked at the Rycroft Avenue and the Manor Way Shops. I finished the visit by having a quiet walk along Back Lane. I left the neighbourhood area via Millfield Road along the A15 to the south. This allowed me to understand its relationship with Peterborough to the south.

## 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 (7).
- 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 Deepings Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted South Kesteven 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 within the context of its role in the local settlement hierarchy. In particular it includes a series of policies on the scale and nature of new development. It proposes local green spaces. 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 for housing development (Policies DNP1-3) and for the town centre and local centres (Policies DNP5 and 7 respectively). In the social role, it includes policies on local green spaces (Policy DNP14) and community facilities (Policy DNP6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on conservation areas (Policy DNP8), on views and on design (Policy DNP 9). The QB 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 South Kesteven in paragraphs 5.4 to 5.8 of this report.

- 6.13 I 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. Subject to the incorporation of the recommended modifications in this report 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 SKDC undertook a screening exercise (May 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is very thorough and well-constructed. It includes the responses received from the consultation bodies. As a result of this process, it 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 exercise included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is equally thorough and comprehensive. In particular it assesses the likely impact of the Plan and its policies on the following protected sites:
- Barnack Hills and Holes SAC;
  - Baston Fen SAC;
  - Grimsthorpe Park SAC; and
  - Rutland Water SPA, Ramsar

It provides 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 they 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 Plan area. The wider community and the QB 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 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Improvement Projects (in Section 12). They are appropriately distinguished from the principal land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies. The Improvement Projects are addressed after the 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.

### *General comments on the approach taken by the QB*

- 7.8 The preparation of a joint neighbourhood plan for two adjacent administrative areas through a joint QB is best practice. In addition, it acknowledges that the Deepings function as a seamless built-up area.
- 7.9 The plan also takes an exemplary approach in the way it sets out to add local detail to the approach in the Local Plan. This is important in general terms. In the case of the Deepings, it is particularly important given its role in the District's settlement hierarchy. This process of consolidation applies both in relation to the allocated sites (Policy DNP1) and more generally to design and heritage issues (Policies DNP8 and 9). The work on Character Assessments is exemplary.
- 7.10 The Plan is also underpinned by a comprehensive series of appendices and background papers. In this context the QB has responded positively to planning practice guidance (41-040-20160211) that plans should include proportionate and robust evidence to support the choices made and the approach taken.

- 7.11 Whilst this report recommends modifications to the policies they should be seen within this overall context. In the main the recommended modifications ensure that the Plan has the clarity required for development purposes. They will help to ensure that the ambitions of the Plan are capable of being fulfilled throughout the Plan period.

*The initial section of the Plan (Sections 1-6)*

- 7.12 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.13 The Introduction comments about the neighbourhood planning process. It helpfully identifies the Plan period and includes a very clear map showing the neighbourhood area. It helpfully identifies the two parish areas.
- 7.14 Section 2 comments about the history of The Deepings. It does so in a proportionate and helpful fashion.
- 7.15 Section 3 comments about The Deepings today. It identifies the way in which it offers a range of social, community and retail facilities.
- 7.16 Section 4 comments about the way in which the local community was involved in the preparation of the Plan. It helpfully overlaps with the submitted Consultation Statement.
- 7.17 Section 5 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the objectives directly stem from the Vision. The Plan identifies five overarching objectives as follows:
- A good home for everyone;
  - A prosperous and sustainable economy;
  - A distinctive local character;
  - A green, clean and safe environment; and
  - Sustainable transport options for everyone
- 7.18 Section 6 of the Plan sets out the basis for the planning policies. They are usefully grouped under the five key headings in the Objectives.
- 7.19 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 of this report.

**Policy DNP1: Creating Cohesive Neighbourhoods**

- 7.20 This is an important policy in the wider context of the future planning of the neighbourhood area. It seeks to build on the principles in Policy DEP1 of the SKLP with regard to the two allocated housing sites in the neighbourhood area. In this context



the policy has been carefully developed. It attempts to provide more detailed, refined and complementary guidance to that included in the SKLP.

- 7.21 The first part of the policy largely states the SKLP allocations. As such it is not directly a policy. In any event the context is established by the detailed supporting text (paragraphs 7.7 to 7.15). Paragraph 7.15 sets out a helpful summary of the key elements which the policy wishes to achieve for the two sites. The overall ambition is to create functional, well-integrated new neighbourhoods. In these circumstances I recommend that the first part of the policy is deleted
- 7.22 The detailed design principles proposed in the policy are commendably comprehensive. They include:
- streets as places;
  - gateways and significant built elements;
  - densities;
  - boundary treatments;
  - building alignments; and
  - parking arrangements.
- 7.23 I recommend detailed modifications to the wording used in the various criteria so that they have the clarity required by the NPPF and relate to the revised opening part of the policy itself. In particular I have repositioned the submitted design principle on phasing to a free-standing element of the policy. This acknowledges that it is a broader issue rather than a specific design criterion. In recommending modifications, I have taken account of the representations made by SKDC and the responses to the comments by the QB.

#### **Delete Part 1 of the policy**

**In the opening part of Part 2 of the policy replace ‘for sites in part 1.... their masterplan’ with ‘for the development of Towngate West (Policy DEP1-H1) and Linchfield Road (Policy DEP1-H2) should demonstrate in an appropriate master plan’**

**In the opening part of Part 2 of the policy replace ‘for the comprehensive development’ with ‘to achieve the comprehensive development of the site concerned’**

**In a) replace ‘must’ with ‘should’ and delete ‘It is essential that’**

**In b) replace ‘possible’ with ‘practicable’**

**In c) replace ‘This will allow for’ with ‘New routes should provide’ and ‘are encouraged’ with ‘will be supported’**

In d) replace 'They' with 'Street frontages' and 'replicate' with 'replicate the street frontages of the existing buildings'

In e) replace 'These' with 'Open spaces' and then delete 'and prevent.... countryside'

In f) replace 'These' with 'Streets'

In g) add at the beginning: 'These elements of the development should'

In h) replace 'These' with 'Building densities'. Thereafter delete the final sentence.

In i) replace 'housing' (in the second sentence) with 'it'. Thereafter replace the final sentence with:

**'Where proposed new housing is part of gateway or entrance features development of a greater height will be supported where it relates to the development and arrangement of the wider site'**

In j) replace 'The aim is to' with 'Building frontages should'. Thereafter delete the final sentence.

In k) replace 'These' with 'Boundary treatments'

In l) replace the first sentence with 'Where the development concerned triggers the need as identified in Policy OS1 of the Local Plan the development of land at Linchfield Road should provide an appropriately-sized town park for local residents'

In m) replace possible' with 'practicable'

In n) delete 'Tandem parking.... designed purpose'

In o) replace 'it is encouraged to' with 'should' and delete 'avoids'

Replace p) with: 'Streets should be designed and arranged to allow both for the potential bus use of key streets and safe, convenient and efficient access for refuse vehicles'

Delete q)

In r) replace 'These should' with 'Buildings should'. Replace the final sentence with:

**'Buildings which are specifically aligned to take advantage of solar gain will be supported where they relate to, and do not detract from, the wider arrangement of the overall site and its design integrity'**

**Replace s) with:**

**‘Development proposals should incorporate sustainable urban drainage techniques for surface water drainage. Where it is practicable to do so the sustainable urban drainage techniques should deliver biodiversity benefits’**

**At the end of the policy as a separate paragraph (without a criterion letter) add:  
‘In all cases development proposals should include details about the delivery of infrastructure for the allocated site of which it forms part. Where necessary landscape and highways management plans should be included with the application details’**

Policy DNP2: Providing Guidelines for Additional Residential Development

- 7.24 This policy sets out a series of guidelines for potential additional residential development to that allocated in the SKLP. It comments about both infill developments within the built-up area of The Deepings and development on the edge of the settlements. The policy sets out a series of criteria for each category of proposed housing. It has been designed to be complementary to the approach taken in the SKLP.
- 7.25 Within minor modifications I am satisfied that the infill part of the policy meets the basic conditions. I recommend that the first criterion is modified so that it more closely relates to the open spaces designated elsewhere in the Plan. As submitted this criterion is unclear about its application and how SKDC would apply it in a clear and consistent fashion throughout the Plan period.
- 7.26 The second part of the policy refers to residential development on the edge of settlements. It seeks to add a local dimension to Policy SP4 of the SKLP which addresses similar issues across the District.
- 7.27 I recommend two important modifications to ensure that this part of the policy is in general conformity with Policy SP4 of the SKLP. The first relates to the criterion which restricts any such scheme to 0.5 ha in size. In its response to the clarification note the QB was unable to provide a compelling reason for the imposition of such a restriction on a development site area. A restriction of this type would inhibit the approach in SKLP which relates new development to the size of the settlement concerned. In these circumstances I recommend a modification which includes a similar form of wording to that in Policy SP4 of the SKLP.
- 7.28 The second is in relation to the need for any development on the edge of a settlement to be supported by a development brief or masterplan which considers the principles identified in Policy DNP1. I recommend that this requirement is modified so that it takes on a more general nature. This reflects that Policy DNP1 has been designed to secure high quality development on the two strategic sites allocated in the SKLP. In some cases, other residential developments will not be of the scale to justify the need for such an approach. In other cases, any masterplans may need to respond only to some of the criteria identified in Policy DNP1.

- 7.29 I also recommend that the third criterion of this part of the policy more closely reflects the approach to the separation of settlements included in Policy DNP 11.

**In the first part of the policy:**

**Replace criterion a) with: ‘they do not involve the loss of open spaces or Local Green Spaces designated in Policies DNP 13 and 14 of this Plan’**

**Replace criterion b) with: ‘proposals for backland development should not cause any unacceptable impact to the amenity of adjacent residential properties and should not extend the built limit of the settlement’**

**In the second part of the policy:**

**In the opening element replace ‘must’ with ‘should’ (in both sentences).**

**Replace criterion a) with ‘it is appropriate in size, scale, layout and character to its setting and the immediate area in which it is located’**

**Replace criterion b) with: ‘it is well-designed and where appropriate, based on its scale and/or location, is supported by a masterplan to demonstrate the way in which it can be satisfactorily incorporated into the settlement concerned’**

**Replace criterion c) with: ‘it takes account of the separation between Deeping St James and Frognall in general, and the Area of Separation identified in Policy DNP 11 and Map 14 of this Plan in particular’**

Policy DNP3: Ensuring a Varied Mix of Homes to meet community needs

- 7.30 This policy sets out the Plan’s approach towards ensuring that new housing developments provide a mix of homes to meet community needs. It takes a very comprehensive approach which addresses:

- the need to accommodate younger families and older people;
- affordable housing;
- proposals for care or specialised facilities for older people; and
- self-build and custom-build housing.

- 7.31 The policy is well-considered and generally takes account of both national and local policies. I recommend a series of detailed modifications so that the policy will meet the basic conditions. In their different ways the recommended modifications:

- will ensure that it has regard to national policy on the threshold for providing a mix of homes;
- will ensure the use of appropriate terminology for a neighbourhood plan;
- remove elements of the policy which are supporting text rather than policy.

- 7.32 Otherwise the policy will be very effective in ensuring that new strategic developments properly address housing needs in the neighbourhood area.

**In part 1 of the policy:**

- **replace ‘10’ with ‘11’**
- **replace ‘will’ with ‘should’**

**In part 2 of the policy:**

- **replace ‘The subdivision’ with ‘Proposals for the subdivision’**
- **replace ‘it’ with ‘they’**
- **replace ‘it does not cause a detriment’ with ‘they do not have an unacceptable impact’**

**In part 3 of the policy:**

- **replace ‘will be required to supply’ with ‘should provide’**
- **in the second sentence delete ‘as there is.....in the Parish’**

**In part 4 of the policy insert ‘resulting’ between ‘The’ and ‘affordable’**

Policy DNP4: Protecting Local Employment Opportunities

- 7.33 This policy comments on a series of matters relating both to existing and potential new areas of employment use. In general terms it seeks to consolidate the approach in the SKLP towards the protection of identified employment areas and to set out a series of criteria with which proposals for new employment development should comply.
- 7.34 The first and second parts of the policy largely re-state the SKLP allocations and the existing employment areas to be protected. As such they are not directly set out as a policy. In any event the context on this matter is already outlined in the detailed supporting text (paragraphs 8.23 to 8.26). In these circumstances I recommend that they are deleted. I recommend that the supporting text is consolidated accordingly.
- 7.35 The Plan makes a case for the Hard’s Lane employment area to be protected along with the existing Northfields Industrial Estate. I looked at the Hard’s Lane site carefully when I visited the neighbourhood area. Based on my observations and the contents of the background paper on this matter, I am satisfied that the approach is appropriate. I recommend detailed modifications to the fourth part of the policy so that it has the clarity required by the NPPF.
- 7.36 The substance of the policy sets out a criteria-based approach towards new employment development. It takes an approach which has regard to national policy. I recommend that its opening element is modified so that it is distinct from the elements recommended to be deleted from the policy. I also recommend detailed modification to the wording used in the various criteria. Otherwise, it meets the basic conditions.

**Delete Part 1 and Part 2 of the policy.**

**Replace the opening element of the third part of the policy with:  
‘Proposals for new employment development will be supported where they  
comply with the following criteria:’**

**In d) replace ‘development.... residential amenity’ with ‘development should not  
generate an unacceptable impact on the amenity of existing residential  
properties’**

**In e) replace ‘a detrimental impact’ with ‘an unacceptable impact’**

**Replace f) with: ‘where appropriate development proposals incorporate  
sustainable urban drainage principles for surface water drainage’**

**Replace the fourth part of the policy with:  
‘Land at Hard’s Lane, as identified on Map 4, is safeguarded for employment  
uses. Proposals for the redevelopment of part or all of the employment area  
other than for employment-generating uses will not be supported’**

*After the table in paragraph 8.23 add: ‘The Neighbourhood Plan supports these  
allocations’*

*After the table in paragraph 8.24 add: ‘The Northfield Industrial Estate is safeguarded  
for employment use in Policy E2 of the South Kesteven Local Plan’*

**Policy DNP5: Protecting and Expanding Market Deeping Town Centre**

- 7.37 This policy comments about Market Deeping town centre. The vibrancy of the town centre is an important element in securing the town’s status in the local settlement hierarchy. The policy has two related parts. The first proposes an extension of the town centre boundary. The second seeks to safeguard existing ground floor commercial uses from reverting to residential uses.
- 7.38 In its response to the clarification note the QB commented on the reasoning for the town centre extension. It highlighted that ‘there has previously been approved planning applications for two medium/large sized retail premises at the eastern end of the proposed town centre boundary extension. Whilst the permissions have now lapsed, they represent the only space within or adjacent to the town centre that could accommodate medium to large retail units. In addition, surveys have suggested that Market Deeping town centre lacks sufficient critical mass of retail outlets to be considered as a “destination” for day visitors. The same issue makes it difficult to retain residents retail spend with many indicating that they go out of the Deepings to shop’. In these circumstances I am satisfied that the approach is appropriate and meets the basic conditions. In particular an extended town centre will consolidate the role of Market Deeping in the settlement hierarchy and improve its wider sustainability.

- 7.39 In general terms the second part of the policy meets the basic conditions. The attractiveness of the town centre in general and its fine buildings in particular presents a heightened risk of proposals for the residential use of commercial premises. The policy is worded in a general fashion. Nevertheless, it is affected directly and indirectly by the revisions to the Use Classes Order which were introduced in September 2020 (and after the Plan was prepared and submitted). In the context of the QB's clarification that the policy was intended to prevent the change of use of existing uses to residential uses I recommend modifications to the policy so that its extent is clearer and is cast within the context of the new use classes which are intended for town centres.
- 7.40 The town centre offers considerable potential for new commercial uses to replace existing commercial uses which may no longer be commercially viable. The current shift in customer spending as a result of the Covid pandemic have heightened such issues. On this basis the details of the second part of the policy on this matter are appropriate. Within the context of the wider modification on the Use Classes Order I also recommend modifications to this part of the policy.
- 7.41 Finally I recommend that a key is added to Map 5 to show the existing town centre boundary and the proposed extended boundary.

**In the first part of the policy replace 'is for a proposed extension' with 'is safeguarded for a potential extension'**

**Replace the second part of the policy with:**

**'Proposed changes of use of ground floor premises within the identified Market Deeping Town Centre from Class E (commercial, business and service uses), Class F1 (learning and non-residential uses) and Class F2 (local community uses) Use Classes to residential uses will only be supported where:**

- **it can be demonstrated that there is no need for the existing use in the town centre; or**
- **it can be demonstrated that the existing use is no longer economically viable and that appropriate marketing for its occupation by Use Classes E, F1 and F2 has been undertaken without an alternative commercial or acceptable town centre use being identified.'**

*On Map 5 include a key to highlight the existing and the extended town centre boundary*

Policy DNP6: The Protection of Key Local Amenities

- 7.42 This policy sets out to safeguard key local amenities. It provides a local iteration of Policy SP6 of the SKLP.
- 7.43 I am satisfied that the identified local amenities are appropriate for this purpose. I saw their importance to the community during my visit. I recommend some detailed

modifications to the wording of the policy to bring clarity for development management purposes. Otherwise, it meets the basic conditions.

**In part 1 of the policy insert ‘following’ between ‘The’ and ‘existing’ and replace ‘will be safeguarded...These are’ with ‘are identified as Key Local Amenities’**

**In part 2 of the policy replace ‘A change of use...uses(s)’ with ‘A change of use of a Key Local Amenity to a non-community use’**

Policy DNP7: The Protection of Local Centres

- 7.44 This policy identifies a series of local shopping and commercial centres and sets out to retain their importance to their local communities.
- 7.45 I looked at the five identified local centres when I visited the neighbourhood area. In each case they are clearly defined. They also serve an important retail and community function.
- 7.46 The policy is worded in a general fashion. Nevertheless, as with Policy DNP5, it is affected directly and indirectly by the revisions to the Use Classes Order introduced in September 2020. In the context of the QB’s clarification that the policy was intended to prevent the change of existing uses to residential uses I recommend modifications to the policy so that its extent is clearer and is cast within the context of the new Use Classes.
- 7.47 I recommend that the format of the policy is modified so that it identifies the Local Centres concerned. I also recommend that the terminology used is changed to Business and Service Centres (as highlighted by the QB in its response to the clarification note). Finally, I recommend that greater clarity is introduced for the element of the policy which assesses the appropriateness of potential new uses which may ‘be of benefit to the nearby community’

**Replace the policy with:**

**‘The Plan defines the following Local Business and Service Centres:**

- **Bridge Street (Map 7)**
- **Rycroft Avenue (Map 8)**
- **High Street (Map 9)**
- **Manor Way (Map 10)**
- **Marville Court (Map 11)**

**Proposed changes of use of ground floor premises within the Local Business and Service Centres to uses other than for the Class E (commercial, business and service uses), Class F1 (learning and non-residential uses) and Class F2 (local community uses) Use Classes will only be supported where:**



- **the proposed use continues to provide services to the local community; or**
- **it can be demonstrated that there is no need for the existing use in the local area; or**
- **it can be demonstrated that the existing use is no longer economically viable.**

*In the title of the policy replace ‘Local Centres’ with ‘Local Business and Service Centres’*

Policy DNP8: Protecting Designated Conservation Areas

7.48 This policy sets out a comprehensive approach to heritage assets. It addresses:

- conservation areas;
- the relationship between new development and conservation area appraisal and management plans;
- listed buildings; and
- scheduled monuments.

7.49 The policy is well-considered. I recommend a series of detailed modifications so that it has the clarity required by the NPPF. In particular I recommend a recasting of the fourth part of the policy to ensure that its intention and remit is clear. In this regard it responds to the representation made by SKDC. I recommend that the details of the scheduled monuments are repositioned to the supporting text and included on a new Map.

7.50 Finally I recommend that the policy title is modified so that it takes on a more general nature. As submitted, it refers only to conservation areas.

**In the first part of the policy replace ‘All’ with ‘Proposed’**

**In the second part of the policy replace ‘will be expected’ with ‘should’**

**In the second part of the policy replace ‘conservation’ with ‘character and integrity’**

**In the third part of the policy replace ‘will be expected to’ with ‘should’**

**Replace the fourth part of the policy with:**

**‘Developments proposals should be designed to take account of any listed building or scheduled monuments within their immediate locality, and pay attention to their settings in particular. Development proposals which would have an unacceptable impact on the character, appearance or setting of a heritage asset will not be supported’**

**Delete the list of scheduled sites and monuments at the end of part 4 of the policy**

*Replace the policy title with: ‘Protecting Heritage Assets’*

*At the end of paragraph 9.4 add:*

*‘Policy DNP8 addresses the heritage assets in the neighbourhood area. It has a specific focus on conservation areas. However, it also considers other heritage assets including listed buildings and scheduled monuments. For the purpose of part 4 of the policy the scheduled sites and monuments are as follows:*

*[List at this point the six sites included at the end of Policy DNP8 (as submitted)]’*

*They are show on Map [insert number]*

*Show the scheduled monuments on a separate map.*

Policy DNP9: Promoting Best Practice in Design

- 7.51 As its title suggests this policy sets out the Plan’s approach to design. It has general effect and supplements Policy DNP1 which applies only to the two sites allocated in the SKLP. It is underpinned by the Character Assessment work.
- 7.52 The policy is comprehensive. In particular it requires that development reflects the character of its immediate locality and be informed by the Character Assessment work. It then requires that proposed developments accord with a series of design principles which include:
- character and settlement structure;
  - architectural quality and materials;
  - private amenity; and
  - accessibility.
- 7.53 The policy is a very well-considered local response to this important national matter. In general terms I am satisfied that it is in general conformity with Policy DE1 of the SKLP. I recommend a series of detailed modifications to ensure that it has the clarity required by the NPPF. In doing so I have taken account of the representations made by SKDC and the responses to the comments by the QB.
- 7.54 In most cases the recommended modifications introduce wording that is appropriate for a neighbourhood plan, remove unnecessary supporting text and ensure that the policy is applied in a proportionate fashion. On the latter point several of the criteria in the policy are unlikely to have any direct implication on minor and householder development (such as landscaping requirements).
- 7.55 Finally I recommend a technical modification on the numbering sequence to address the missing fifth criterion of the policy.

**In part 1 of the policy replace the second ‘the’ in the first sentence with ‘its’.**

**In part 1 of the policy add the following at the start of the second sentence: ‘As appropriate to their scale and nature’**

**In part 2 of the policy replace ‘consider’ with ‘incorporate’**

**In part 3 of the policy add ‘New’ at the beginning of the second sentence**

**In part 4 of the policy (first sentence) replace ‘New development.... its’ with ‘New development proposals should respect their’**

**In part 4 of the policy (second sentence) delete ‘and not simply.....merit or distinctiveness’**

**In part 6 of the policy (second sentence) replace ‘being used, they must’ with ‘incorporated into the development concerned these features should’**

**In part 6 of the policy (third sentence) replace ‘must’ with ‘should’**

**Replace part 7 of the policy with: ‘New developments should safeguard the amenities of existing residential properties in the immediate area by way of the alignment and the layout of new buildings and ensure that any associated landscaping is appropriate and reflects’**

**In part 8 of the policy replace ‘can easily...into it’ with ‘are able to move safely and conveniently within its built form and layout’**

**In part 9 of the policy replace ‘applicants will.... the Council’ with ‘each development proposal should’**

**Renumber criteria 6/7/8/9 as 5/6/7/8**

Policy DNP10: Protecting and Enhancing Important Gateways

- 7.56 This policy identifies a series of gateways into the built-up parts of the neighbourhood area. It then requires that development near the gateways create a strong and visually attractive gateway or entrance. I looked at the identified gateways when I visited the neighbourhood area.
- 7.57 In general terms I am satisfied that the gateways are identifiable and recognised gateways or entrances into the town. Nevertheless, as submitted the policy lacks the clarity required by the NPPF. This point is raised in the Lincolnshire County Council representation.
- 7.58 I recommend modifications to remedy this matter. In particular the recommend modifications make a connection with the principles of Policy DNP2 of the Plan which address infill and other new forms of residential development. Otherwise, the policy approach could have unintended consequences.

**Replace the policy with:**

**‘The Plan identifies six important gateways (Map 13) to the built-up part of the neighbourhood area.**

**Development proposals which otherwise comply with Policy DNP2 of this Plan and which are adjacent to the various gateways should incorporate a built form, massing, scale and density to create a strong and visually-attractive entrance into the Deepings and avoid an unacceptable or insensitive relationship with the surrounding countryside’**

*At the end of the text in paragraph 9.15 (and before the list of gateways) add: ‘Policy DNP10 has been designed to have a complementary relationship with Policy DNP2 of this Plan’*

Policy DNP11: Securing an appropriate Area of Separation

- 7.59 This policy sets out to secure an Area of Separation between Deeping St James and Frognall. As paragraphs 9.16 to 9.20 of the Plan describe there is an existing gap between the two settlements. This is considered to be important both in its own right, and given that elsewhere Market Deeping and Deeping St James are now largely co-joined.
- 7.60 I looked at the proposed Area of Separation carefully during my visit. I saw that it is self-evident in the local landscape. I am satisfied that the intention of the policy to prevent the coalescence of the two settlements is appropriate to the neighbourhood area and meets the basic conditions in general terms. In particular it does not otherwise prevent sustainable development taking place. However as submitted the policy simply describes the area and the intentions of the policy rather than setting out a policy approach. I recommend a modification to remedy this matter. The resulting modified policy follows the suggested approach of SKDC.

**Replace the policy with:**

**‘The Plan identifies an Area of Separation (as shown on Map 14) to safeguard the existing physical distinction between Deeping St James and Frognall.**

**Development proposals within the identified Area of Separation will only be supported where it can be demonstrated that they do not have a detrimental effect on the preservation of the separate identity of the two settlements and their local character’**

Policy DNP12: Developing and Enhancing the Local Green Infrastructure

- 7.61 This policy is an important element of the submitted Plan. It has the following related components:
- a general requirement to preserve the existing local green infrastructure network;

- a specific requirement for new development to take account of the future implementation of the Deepings Green Walk;
- the details of the provision of public green space on new developments; and
- the identification of Green Lanes and their protection from unsympathetic development.

7.62 In turn the first and the third parts of the policy have a general effect. In the main they meet the basic conditions. I recommend modifications so that they have the clarity required by the NPPF and take account of recommended modifications to the other elements of the policy. In part 3 I recommend that the policy has a closer functional relationship with Policy OS1 of the SKLP. As submitted this part of the policy offers no advice on the amount of open space that would be needed for any development.

7.63 I sought clarification from the QB about the elements of the policy which relate to the identification of a Green Walk. I was advised that it 'has been devised at a local level to meet the needs of the community. (It) is our interpretation of the SKDC green infrastructure policy outcomes and is in accordance with several current planning policies that promote development of the Green Structure network, aim to secure cycleway connections, and other routes. The Deepings Green Walk is our local branding and promotion of the Deepings green infrastructure masterplan and has been developed through considerable consultation during the Neighbourhood Planning process. The DGW provides helpful guidance for developers and has been devised for the benefit of all residents and visitors'. I was also advised of the key elements of progress which have already been made on the initiative.

7.64 The Green Walk (GW) is clearly an exciting and innovative project. It has the real potential to build on existing access routes and incorporate green walks within new developments. It will assist considerably in delivering the social dimension of sustainable development in The Deepings. The delivery of the GW also features in the Improvement Projects part of the Plan. Project IA9 comments about the QB's intention to make progress with the GW implementation. This approach reinforces the point that the proposal for a GW is one which is evolving rather than one which is well-established. In this context it would be both unreasonable and impractical at this stage to expect new development proposals to conform with or to safeguard a proposal which is not fully developed. As such I recommend that this part of the policy is deleted. Plainly the GW has the ability to become more fully developed within the Plan period. Once it has been agreed, prepared in detail, and funded a policy of the type in the submitted Plan would become much more appropriate. In this context it may be a matter which any review of the neighbourhood plan could address.

7.65 I also recommend consequential modifications to the supporting text insofar as it relates to the GW.

7.66 The policy also includes a section which proposes the designation of two Green Lanes at Millfield Road, Market Deeping and Back Lane, Deeping St James. As Appendix C comments the Plan describes a Green Lane as a 'minor rural road that has historic, aesthetic, and community importance. In this context, a Green Lane is a maintained

tarmacked road that is quiet, not required as a through route by other traffic, and used predominantly by local vehicles to access homes, as well as by recreational walkers, joggers, equestrians and cyclists.’

- 7.67 I looked at both of the two proposed Green Lanes when I visited the neighbourhood area. I saw that they displayed the characteristics included in the description in Appendix C.
- 7.68 This part of the policy has attracted a range of representations. In particular Lincolnshire County Council contends that the purpose of the policy is unclear and that it should be deleted. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the two Green Lanes are sufficiently different from other highways in the built-up part of the Deepings to justify such a designation. In their distinctive ways they are traditional rural routes which have become incorporated on the edge of the built-up part of the Deepings as it has expanded over time.
- 7.69 As submitted the policy is unclear in its intentions. In particular it blurs the distinction between potentially unsympathetic development on adjoining parcels of land and the ambition to retain the inherent character and appearance of the Green Lanes. I recommend that this part of the policy is modified so that it adopts a simpler format which requires any development on adjoining land to respect the character and scale of the two Green Lanes.

**In the first part of the policy replace ‘possible’ with ‘practicable’**

**In the first part of the policy delete ‘the Green Walk’**

**Delete the second part of the policy (Green Walk)**

**At the beginning of the third part of the policy add: ‘Public Green Spaces on new development should be provided in accordance with the provisions of Policy OS1 of the South Kesteven Local Plan’**

**Delete ‘as a green space’ at the end of the third part of the policy**

**Replace the fourth part of the policy with:**

**‘The Plan identifies Millfield Road and Back Lane (as shown on Map 17) as Green Lanes.**

**‘Development proposals on land adjoining Green Lanes should be designed and arranged to take account of their rural character and appearance’**

*At the end of paragraph 10.9 add:*

*‘The Green Walk is addressed in the Plan as an Improvement Project (IA9) in Section 12 of the Plan. Good progress has already been made on its implementation. Once the complete Walk has been agreed, prepared in detail, and costed and funded a land use policy to ensure its protection and the need for additional development to connect to its route/alignment would be appropriate. In this context it may be a matter which any review of the neighbourhood plan will address in due course’.*

### Policy DNP13: Protecting Important Open Spaces

- 7.70 This policy addresses open spaces. It identifies 36 important open spaces (IOS) to which Policy OS1 of the SKLP will apply.
- 7.71 I have looked in detail at the representation from SKDC on the relationship of the definition of some of the proposed open spaces with residential curtilages. Based on detailed technical information (including maintenance schedules and Land Registry details) submitted by both SKDC and the QB I am satisfied that the intentions of the submitted plan are both correct and appropriate with regard to IOS 18A and to IOSs 19A/B/C.
- 7.72 I recommend a detailed modification to the wording used. Otherwise, the policy meets the basic conditions.

**In part 2 of the policy replace ‘Development’ with ‘Development proposals’ and insert ‘where they are’ between ‘supported’ and ‘in accordance’**

### Policy DNP14: Protecting and Enhancing Local Green Spaces

- 7.73 This policy proposes the designation of a series of local green spaces (LGSs). They are shown on Map 18 (in general) and in Appendix B (in detail). The proposed LGSs reflect the character and the nature of the neighbourhood area. In most cases they are traditional open recreation areas and/or areas of open space.
- 7.74 The supporting text comments about the tests in the NPPF for the designation of LGSs. It also indicates that the proposed LGSs came forward as a result of community feedback about the local importance of open spaces. The Local Green Spaces Justification provides detailed commentary on both the assessment criteria used and the way in which the QB considers that the various proposed LGSs meet the criteria for such designation in the NPPF. I looked carefully at the proposed LGSs when I visited the neighbourhood area.
- 7.75 On the basis of all the information available to me, including my own observations, I am satisfied that the proposed LGSs 1-5 and 7-8 comfortably comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. Rectory Paddock (LGS3) and Riverside Park (LGS4) are particularly good examples of formal and informal LGSs respectively.
- 7.76 In reaching this conclusion I have taken account of SKDC’s response to the clarification note that it considers that there would be no direct conflict between the proposed LGSs and their current open space designation.
- 7.77 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do 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, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

7.78 The proposed designation of LGS6 (Mill Field) has attracted objections from Lincolnshire County Council (as the landowner) and SKDC. At the same time, it attracted significant levels of support from local residents in general, and from The Friends of Mill Field in particular. Given the sensitivity of the matter I concluded that it should be the subject of a public hearing. The findings from the public hearing are incorporated in this report.

7.79 I looked at the proposed LGS carefully during my visit to the neighbourhood area. I saw that it consisted of two roughly rectangular fields is currently in agricultural (grassland) use. It is let to an agricultural tenant. The topography of the site is predominately flat. It is located to the immediate west of Millfield Road and is enclosed by the A15 which extends along the entire western boundary. It is bordered by extensive mature trees and hedging along its eastern, southern and western boundaries. The northern boundary of the site has limited containment, with two agricultural fields beyond. An earth bund runs the length of the western boundary separating the site from the A15. The two fields are separated from one another by a brook that connects to a ditch which runs the length of the eastern boundary between the site and Millfield Road. A public right of way runs east to west across the centre of the site separating the two fields.

7.80 Paragraphs 7.81 to 7.118 of this report assess the proposed LGS against the five matters set out below. They relate to the key elements of paragraphs 99 and 100 of the NPPF. With the exception of the first matter, they were debated at the hearing held on 8 December 2020.

- the extent to which the proposed LGS is in reasonably close proximity to the community it serves;
- whether the proposed LGS is demonstrably special to the local community and holds a particular significance;
- whether the proposed LGS is local in character;
- whether its designation is consistent with sustainable development in the local area; and
- whether the proposed LGS is capable of enduring beyond the end of the Plan period.

For the purposes of this report, I will come to a judgement on each of the five matters. Thereafter I will come to an overall judgement on the extent to which the proposed designation of the Mill Field LGS meets the basic conditions.



*Reasonably close proximity to the community it serves*

- 7.81 The proposed LGS is located to the immediate west of Millfield Road. Millfield Road itself forms the western edge of the existing built-up form of the town.
- 7.82 In this context I am satisfied that the proposed LGS is in reasonably close proximity to the community that it serves. It is readily accessible to people living in the western part of the town in general, and to the adjacent residential developments to the immediate east of Millfield Road in particular.
- 7.83 In reaching this judgement I have taken account of the representation from Lincolnshire County Council which comments that it does not serve the local community who have been using the land without permission. I address this issue more fully in the next section of this report. Nevertheless, any debate about the lawfulness of the use does not affect the position of the site in relation to the town. As the County Council acknowledges ‘the site is close to the residents of Millfield Road and those living (to) the west of Market Deeping’. In any event the LGS is in reasonably close proximity to persons living in Market Deeping who wish to use the existing public footpath which runs through the proposed LGS.

*Demonstrably special to a local community and holds a particular significance*

- 7.84 This matter features significantly both in the Plan itself and in the various representations. Two conflicting issues arise. The first issue is that the proposed LGS is highly valued by local residents. This is highlighted in the creation of the Friends of Mill Field and the significant number of representations received to the Plan which support its designation as LGS. It is also highlighted by the high levels of regular use of the parcel of land for informal recreation.
- 7.85 The second issue is the extent to which the proposed LGS scores on the traditional matters identified in the NPPF (albeit as examples) to assess the extent to which proposed any LGS is demonstrably special to a local community. In their different ways these matters are raised either in the Plan itself, by way of representations or at the hearing.
- 7.86 The Friends of Mill Field comment on this matter that:
- Mill Field is the only natural open space in Market Deeping;
  - it is the countryside on the town’s doorstep;
  - it is very different in character to the ploughed fields to the immediate north;
  - the grassland within the site has a very special and distinctive character; and
  - it is different in character to the more formal open spaces elsewhere in the town.
- 7.87 Lincolnshire County Council comment on this matter that:
- the proposed LGS is not recognised as having any specific importance on the criteria which the QB has used to assess the site;
  - the proposed LGS is agricultural land not recreational land;

- the proposed LGS only exists in its current format as a result of the construction of the A15 bypass; and
- the level of public support for the designation should not be a determining factor given the circumstances and the lawful use of the site. The County Council also contends that the proposed designation represents a concerted effort to ensure that the two fields are not developed.

7.88 In the Plan itself the QB has provided significant levels of information about its views on the extent to which Mill Field is demonstrably special. It is assessed along with the other proposed LGS in the Background Paper. It is also addressed in greater detail in Appendix J. Section 4 of that Appendix comments about the extent to which the site scores against a series of criteria on this matter

7.89 At the hearing the QB made the following additional points of detail and/or clarification:

- the assessment of the site in Appendix B reflects the different ways in which it considered Mill Field to be demonstrably special;
- this approach reflected robust consultation on the matter;
- it attempts to capture the delightful location of the proposed LGS and the health and well-being benefits in provides to local people;
- the opening of the A15 bypass coincided with new development taking place at that time. Mill Field became enclosed by the bypass and the resulting sense of enclosure resulted in the land being seen locally as very special;
- the beauty of the site is a matter of relative judgement. The QB consider that it is in a prominent location in the town with strong and clear boundaries;
- its tranquillity is a product of its size. It has a degree of detachment from the wider town. The sense of tranquillity is not affected by its proximity to the A15 due to the scale and nature of the earth bund.
- Mill Field has ecological and biodiversity interest given the scale and nature of the existing trees and hedgerows within and on the perimeter of the proposed area.

7.90 At the hearing SKDC acknowledged the scale and significance of community support for the designation of Mill Field as LGS. However, it confirmed its earlier comments that the site was not affected by any national or local landscape or ecological designations. In its response to the clarification note SKDC advised that the proposed LGS was within a minerals safeguarding area for sand and gravel.

7.91 I have considered the different submissions on this matter very carefully. I am satisfied that the QB has acted responsibly in this matter. It has assessed the proposed LGS against the examples identified in the NPPF. In doing so it has brought a degree of judgement to the issue. It has sought to acknowledge the importance of the site to the local community. It has also sought to reflect the informal nature of the proposed LGS and the way in which it differs from the other more formal open spaces which have either been proposed for LGS designation (in Policy DNP14) or identified as Important Open Spaces (in Policy DNP13) elsewhere in the neighbourhood area.

7.92 Nevertheless on the balance of the evidence I cannot conclude that the proposed LGS is demonstrably special to a local community and holds a particular significance. I have come to this conclusion for the following reasons:

- whilst the proposed LGS is an attractive parcel of land it has no local or national designations which apply to the criteria used as examples in the NPPF;
- the extensive and informal recreation use of the land is unauthorised; and
- access to the site can be prevented at any time should the owner or agricultural tenant wish to do so.

*Local in character*

7.93 This matter was a key element of the debate at the hearing. In the context of the advice in Planning Practice Guidance (37-015-20140306) that ‘there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed’ it has generated very different opinions.

7.94 The Plan includes various comments about the size of the site (10.8 ha and 11.3 ha). The site owner comments that the size of the site is 11.6 ha. For the purposes of the examination, I have taken it to be 11.6 ha. Within the context of national policy, the difference between the three figures is immaterial.

7.95 The Plan and the County Council’s representation make different comparisons about the relative sizes of the proposed LGS, the other LGSs proposed in the Plan (either individually or cumulatively) or in relation to the wider neighbourhood area. I am not persuaded that any of these arguments are particularly helpful. The NPPF does not require that proposed LGSs should be comparable with each other. In addition, the size of a neighbourhood area will have little, if any, direct bearing on the ability of any proposed LGS to be considered as being local in character.

7.96 The QB commented on this matter at the hearing. In particular it raised the following points:

- the way in which it had pursued the matter in the earlier stages of the Plan;
- the way in which this LGS (and the other proposed LGSs) had been assessed against the NPPF criteria;
- the weight which it had attached to public comment and feedback;
- the way in which the containment of the site (variously by trees and roadside earth bunds) made it definable and local in character;
- the whole of the proposed LGS can be seen from within the site boundaries;
- The proposed LGS is proportionate to the size of Market Deeping.

7.97 The Friends of Mill Field commented on this matter at the hearing as follows:

- it had researched other LGSs in neighbourhood plans elsewhere and had established some equally-large LGSs;
- size alone cannot be the determining factor in LGS designation; and
- the site is local in scale as it is now divorced from the wider countryside to the west of the A15.

- 7.98 SKDC commented that the site was an extensive tract of land. It also advised that the proposed LGS was considerably bigger than any of the other LGSs which had featured in the other 'made' neighbourhood plans in the District.
- 7.99 At the hearing the County Council commented that the size of this or any other proposed LGS should not in itself be the determinative factor and that an assessment should be undertaken of the nature and purpose of any such proposed area. It also commented that in its view it is not a coincidence that the proposed LGS is the same as that proposed in the recent Village Green application for Mill Field.
- 7.100 The County Council consider that the proposed LGS consists of an extensive tract of land. In doing so at the hearing it asserted that its proposed designation appears to be a blanket designation of open countryside adjacent to Market Deeping as a means of preventing development.
- 7.101 I have considered the different submissions on this matter very carefully. I am satisfied that the QB has acted in a responsible way. It has assessed the site against national guidance which, by definition, requires a degree of judgement. It has sought to acknowledge the importance of the site to the local community. It has also sought to take account of the landholding as it exists recognising that LGS come forward in different shapes and sizes in different neighbourhood areas. In particular I am satisfied that the proposed designation of Mill Field as a LGS is not a blanket designation of open countryside adjacent to Market Deeping. It occupies a part of the western boundary of the town and is a recognised parcel of land.
- 7.102 However on the balance of the evidence I cannot conclude that the proposed LGS is local in character. On the contrary it is an extensive tract of land. I have come to this conclusion for the following reasons:
- at 11.6 hectares it is acknowledged as being significantly larger than other LGSs proposed in the neighbourhood area;
  - it does not otherwise meet the criteria for LGS designation on the demonstrably special criterion and where its size might otherwise be of a lesser issue; and
  - whilst the parcel of the land has a different character to that of the open countryside to the west of the A15 and has a degree of physical containment those factors do not affect the scale of the site itself.

#### *Sustainable development*

- 7.103 In addressing this matter I have given particular attention to Section 3 of the Basic Conditions Statement in general, and the sustainability framework assessment on pages 13 and 14 in particular. In combination they are a very effective approach to this important matter. In summary the assessment identifies the following effects:

A major positive effect of the designation of LGSs on the following SKDC objectives:

- improving the quality and quantity of publicly accessible open and natural spaces; and
- promoting communities which encourage and support physical activity and healthy lifestyles.

A neutral effect arising from the designation of LGSs on the sustainability objective to ensure that the housing needs of all groups in society are met through the provision of decent, appropriate and affordable housing.

7.104 At the hearing the QB commented that:

- the wider package of LGSs does not prevent development coming forward;
- the Plan actively supports the two SKDC allocated housing sites;
- the Plan includes a balanced range of development opportunities;
- the Plan acknowledges that the centre of gravity of the town is shifting with the eventual development of the larger of the two allocated sites in the SKLP; and
- the Plan makes provision for appropriate windfall and infill residential development.

7.105 At the hearing the County Council confirmed its view that the Deepings was a sustainable place for future growth. It also supported the safeguarding of existing green spaces. However, it advised that the proposed Mill Field LGS does not legitimately make a contribution to public open spaces in the neighbourhood area.

7.106 The Friends of Mill Fields commented about the importance of the social dimension of sustainable development at the hearing. In particular The Friends commented about the importance of local people being able to enjoy their lives both now and as the town grows with the development of the two strategic housing sites. In this context The Friends contended that green spaces will be even more vital for the physical and emotional well-being of the town. It also argued that Mill Field needs to be safeguarded as an open area to the immediate west of the town to preserve its overall quality of life.

7.107 SKDC advised that the submitted Plan was generally in conformity with the adopted SKLP, although it had raised particular matters in its representation to the Plan. It also advised about the way in which the Plan had been adopted on the basis of the 2012 NPPF rather than the 2019 NPPF. I address this matter in greater detail in the following section of this report (paragraphs 7.109 to 7.118).

7.108 I have considered the different submissions on this matter very carefully. On the balance of the evidence, I have concluded that the proposed LGS is consistent with the local planning of sustainable development and complements investment in sufficient homes, jobs and other essential services. I have come to this conclusion for the following reasons:

- it actively promotes the development of the housing allocations in Market Deeping in the SKLP;
- it promotes windfall and infill development;
- it includes appropriate policies to address the economic, the social and the environmental dimensions of sustainable development; and
- the proposed LGS is not identified for housing development in the adopted SKLP.

*Capable of enduring beyond the end of the Plan period*

- 7.109 At the hearing both the QB and the Friends of Mill Field commented that the proposed LGS was capable of enduring beyond the end of the Plan period. The QB commented that it had considered the need for additional residential development beyond that already proposed in the SKLP and had concluded that the evidence did not support such an approach. It also advised that the two allocated sites would take time to develop within the Plan period. It also asserted that there was no reason why the LGS should not be protected given that green and/or open spaces will become even more important as the population of the town increases with the delivery of the two strategic sites.
- 7.110 The Friends of Mill Field took a similar approach to this matter. It expressed the view that the proposed LGS was capable of enduring and should be safeguarded to allow it to do so. In particular it commented that the potential development sites in the town are not exhausted. It also contended that Mill Field should not be developed when other sites are available and that the site should be enhanced for the future of the community. It also commented about the greater need for health and well-being through the use of green spaces in a post-Covid environment.
- 7.111 The County Council took a different approach at the hearing and in its wider representation. It commented about the unsuccessful nature of the recent Village Green application. In a broader sense it also commented about the status of the Deepings and its suitability for further growth. It also commented about the potential for the delivery of the allocated sites in the SKLP to be delayed. It also advised about the recent planning application for residential develop on the site and that it had submitted the site to SKDC as part of the Call for Sites process linked to the emerging Review of the SKLP.
- 7.112 SKDC provided a very helpful planning policy context to this matter at the hearing. In particular it explained the basis on which the SKLP had been examined and the way in which it had progressed seamlessly into a review of that Plan. Based on the current timetable the Review of the Plan is anticipated to be submitted for examination in December 2023.
- 7.113 Good progress has already been made on the review of the SKLP. An Issues and Options paper was the subject of consultation between October 2020 and November 2020 and a Call for Sites process began in October 2020.
- 7.114 SKDC advised the hearing about two related matters on the wider delivery of new housing. The first was that the review of the SKLP would need to address the standard methodology for the delivery of housing in the District rather than the previous approach used in the adopted Plan. Indicative work suggests that delivery will need to shift from 650 to 760 dwellings per annum on this basis.
- 7.115 The second matter was an update on the delivery trajectory of the two allocated sites in the SKLP in the Deepings. There were initially intended to be started in the first five years of the Plan period. The annual position statement now shows them falling in the 5-10-year category.



7.116 SKDC then advised about the somewhat complicated history of Millfield in relation to the development plan. The SKLP comments about the way in which the site was removed from earlier versions of what was then the emerging Local Plan based on the Village Green application. In this context paragraph 3.48 of the SKLP is particularly appropriate in commenting about the way in which Mill Field will be considered in the future as follows:

*‘... If the application is not successful then the status of the site could be reviewed through the preparation of the Deepings Neighbourhood Plan or by the first review of this Local Plan, subject to its availability and suitability as well as consideration of any additional housing requirements’.*

7.117 Plainly two matters have progressed since that time. Firstly, the Village Green application for Mill Field was unsuccessful. Secondly the QB has decided not to include any additional housing allocation in the neighbourhood plan beyond those included in the SKLP. Plainly SKDC will come to its own view on the merits or otherwise of including Mill Field as a proposed housing allocation in the emerging review of the Local Plan.

7.118 I have considered the different submissions on this matter very carefully. On the balance of the evidence, I cannot conclude that the proposed LGS is capable of enduring beyond the end of the Plan period. I have come to this conclusion for the following reasons:

- paragraph 3.48 of the SKLP is clear that the site will be assessed for its potential for residential development in either the neighbourhood plan or in the review of the Local Plan;
- the housing requirement in the review of the Local Plan will increase from that already in the adopted Plan based on the government’s standard methodology;
- The Deepings remains as an identified market town and a sustainable location for new growth in the SKDC hierarchy; and
- the recent Village Green application was unsuccessful.

#### *Overall Conclusion*

7.119 The hearing proved to be very helpful in assisting me to come to a judgement on this matter. Plainly it is of great significance both to the QB and the wider community.

7.120 Two conflicting issues sit at the heart of the debate. The first issue is that the proposed LGS is used extensively by local residents. It consists mainly of walking (in groups or on an individual basis), by people walking their dogs and by joggers. Much of the use is casual walking in either or both of the two fields. In some cases, it is by persons using the public footpath which runs through the centre of the LGS towards the west. The use of the parcel of land is consolidated by those persons walking along Millfield Road itself.

7.121 This extensive use of the parcels of land has resulted in a high degree of local association and attachment to the site. It is seen as an informal and relaxed green space on the western side of the town. A public right of way runs in an east-west

direction between the two fields. It is also seen as being very different to the other more formal green spaces elsewhere in the town. In this context its proposed designation as LGS in the Plan has received a significant level of support from local people and the Friends of Mill Field.

- 7.122 The second issue is that the two parcels of land are in agricultural use. Access into the two fields is unauthorised. However, it is not discouraged by the current agricultural tenant. In addition, the current agricultural use of the two fields is not incompatible with the well-established use of the two fields. The circumstances would be very different if the agricultural use changed to a more intensive use in general, and was ploughed or cultivated in particular.
- 7.123 In addition to these two issues I have concluded that the proposed LGS is an extensive tract of land rather than one which is local in character (7.102). I have also concluded that on the balance of the evidence that it is unlikely to be capable of enduring beyond the end of the Plan Period (7.118)
- 7.124 Taking account of all the information available to me both in the Plan itself, in the LGS assessment, the representations and the discussion at the hearing I am not satisfied that the proposed designation would meet the basic conditions. As such I recommend that it is deleted from the Plan.
- 7.125 I acknowledge that this will be a disappointment to the QB, the Friends of Mill Field and local residents. However, for clarity this recommended modification to the Plan is based simply and solely on my assessment of the extent to which its proposed designation as a LGS meets the relevant tests in national policy. It offers no commentary whatsoever about the suitability of Mill Field as a potential housing development. This is a matter which SKDC has already considered in its recent determination of a planning application for such use. It is also a matter which SKDC will address in the context of the emerging Review of the SKLP.

*The Policy itself*

- 7.126 The policy simply lists the proposed LGS. It includes no policy statement about the implications of the designation of the proposed LGSs. I recommend an additional paragraph is included within the policy to remedy this issue. It reflects the approach in paragraph 101 of the NPPF. The recommended modification also takes 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). Paragraph 10.13 of the Plan already comments about the way in which SKDC will be able to assess development proposals within designated LGSs for any very special circumstances on a case-by-case basis.

**Delete f) LGS6: Mill Field from the schedule of LGSs**

**As a free-standing paragraph at the end of the policy add:**

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



*Delete LGS6 from Map 18*

*Renumber LGS 7 and LGS 8 accordingly*

Policy DNP15: Conserving Natural Habitats, Biodiversity and the River Welland Green Corridor

- 7.127 This policy comments about development proposals which would be located adjacent to the River Welland. It identifies a series of criteria which they should meet. The policy takes an appropriate approach. In particular it takes account of the role and the significance of the River Welland in the neighbourhood area in general and in Market Deeping town centre in particular.
- 7.128 I recommend a series of modifications so that the policy has the clarity required by the NPPF. In particular I recommend a modification to the second criterion so that it clearly relates to the town centre. I also recommend that the revised policy takes account of the different abilities of development proposals to achieve the objectives of the wider policy.
- 7.129 Finally I recommend that the policy title refers specifically to the River Welland Green Corridor. Whilst the submitted policy title suggests that the policy has a more general biodiversity effect this is not the case.

**Replace the opening part of the policy with: ‘As appropriate to their scale and nature development proposals adjacent to the River Welland should:’**

**In criteria a) and c) delete ‘where appropriate’**

**In criterion d) delete ‘they must’ and replace ‘will not’ with ‘will not have an unacceptable’**

**Renumber the criteria accordingly.**

**Reposition criterion b) as a separate paragraph at the end of the policy to read: ‘Development proposals adjacent to the River Welland in Market Deeping town centre should include design features that will help to animate public spaces (such as cafes, pubs and other social activities) and which will enhance the enjoyment of the riverside both for users of the development concerned and the wider public’**

*Replace the policy title with: ‘Conserving the River Welland Green Corridor’*

Policy DNP16: Developing sustainable travel and enhancing local transport infrastructure

- 7.130 This policy sets out an approach towards sustainable transport. It includes elements about:

- giving priority to non-motorised forms of transport;
- providing connections to the Deepings Green Walk;
- accessible routes; and
- the promotion of active travel,

7.131 The context is helpfully set out in Section 11 of the Plan. In particular paragraph 11.5 comments about five existing barriers to travel in the neighbourhood area.

7.132 The approach is generally appropriate to the neighbourhood area. In particular it responds to the distinctive set of issues identified in the Plan. I recommend a series of modifications so that the various elements have the necessary clarity required by the NPPF. In particular I recommend that the policy is modified so that it will apply in a proportionate way to the scale and nature of development proposals.

7.133 The second criterion of the policy refers to the Deepings Green Walk. I recommend that this element of the policy is deleted to achieve consistency with the recommended modifications to Policy DNP12. Nevertheless, I recommend that the Improvement Project on this matter is referenced in the supporting text.

7.134 The fifth criterion of the policy comments about the need for developments to contribute towards highway improvements. In some cases this may be required and will be addressed through existing arrangements in place between SKDC and the County Council. However, these arrangements can only be applied where they meet the requirements of the Community Infrastructure Levy regulations. To ensure that the wider policy has regard to national guidance I recommend that the fifth criterion is deleted and replaced with a more general policy element at the end of the modified policy.

7.135 The eighth part of the policy requires developments to comply with parking standards set out at Appendix E of the Plan. This element of the Plan reflects local concerns about parking issues in the Deepings. This element of the policy has attracted objections from both SKDC and the County Council (in its capacity as the highways authority). I have considered the matter very carefully. Given that there are no parking standards in the SKLP such an approach is not in general conformity with the development plan. In addition, it is not directly supported by local research or evidence. In these circumstances I recommend that this element of the policy is modified so that it expects new development to take account of Appendix E as local guidance rather than as an approved set of standards. I recommend consequential modifications to the supporting text.

**At the beginning of the policy add: ‘As appropriate to their scale and nature’**

**In the second criterion replace ‘possible’ with ‘practicable’**

**Delete the second criterion**

**Delete the fifth criterion**

**In the sixth criterion delete the schedule of examples**

**Replace the eighth criterion with: ‘take account of the suggested parking and cycle provision as included in Appendix E of the Plan’**

**At the end of the policy as a separate paragraph add:**

**‘Development proposals should contribute to any off-site highways alterations and improvements which are necessary to ensure that it can be satisfactorily incorporated into the existing highway network where such an approach meets the requirements of the Community Infrastructure Levy regulations’**

**Renumber the criteria accordingly**

*At the end of paragraph 11.7 add:*

*‘Proposals for the ongoing development of the Green Walk is addressed in the Plan as an Improvement Project (IA9) in Section 12 of the Plan. Good progress has already been made on its implementation’*

*Replace paragraphs 11.13/14 with: ‘Residential development proposals should take account of the local parking guidance and, as appropriate, provide the suggested levels of cycle and parking facilities included in Appendix E of this Plan’*

Improvement Projects

7.136 The Plan includes a series of Improvement Projects. They are matters which have arisen during the Plan preparation process but which are not of a land use nature. They are incorporated in a separate section of the Plan (Section 12). This is best practice and relates fully to national guidance.

7.137 Section 12 also comments about the way the Projects will be monitored and delivered through collaborative work with other agencies.

7.138 The Projects fall into three groups as follows:

- Infrastructure and Amenity Projects (IA 1-13)
- Business Initiatives (BI 1-5)
- Community Initiatives (CI 1-6)

7.139 The Projects are generally well-considered. In their different ways they have a real ability to improve the well-being of local residents. They are both appropriate and distinctive to the Deepings. The following Projects are particularly exciting:

- IA2 A Town park in DSJ.
- IA6 Youth facilities.
- IA9 The Deepings Green Walk.
- IA13 Potential for a new leisure centre.

- BI2 A Love Local Campaign.
- CI5 Review the provision of markets.

7.140 I recommend two modifications to the schedule of Projects. The first refers to IA 8 (Play Area/Cherry Tree Park). The approach is entirely appropriate. Nevertheless, I recommend that the conservation area element in brackets is deleted. The improvement sought is to the effectiveness of the park not to the wider conservation area. The second is in relation to IA 11 which refers to the long-term storage of neighbourhood plan documents. Plainly this is an important matter in its own right. However, it is primarily one of local governance rather than an improvement project for the benefit of the wider community. In this context it sits uncomfortably with the other Projects in Section 12. On this basis I recommend that it is deleted. Plainly the Steering Group and the two councils can continue with its ambitions for clear record keeping.

*In IA 8 delete the text in brackets*

*Delete IA 11*

Other matters

7.141 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 SKDC and the QB to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

## 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 Deepings Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to South Kesteven District Council that subject to the incorporation of the modifications set out in this report that The Deepings Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 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 originally approved by South Kesteven District Council on 31 March 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner both in general, and at the hearing in particular.

**Andrew Ashcroft**  
**Independent Examiner**  
**12 January 2021**