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and examinations

Report on Appleby Parish Neighbourhood Plan 2015 - 2030

An Examination undertaken for North Lincolnshire Council with the support of the Appleby Parish Council on the July submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Appleby Parish Neighbourhood Plan (the Plan/ APNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Appleby Parish Council;
- The Plan has been prepared for an area properly designated – the Appleby Neighbourhood area shown on the map on page 6 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2015 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Appleby Parish Neighbourhood Plan 2015 - 2030

- 1.1 Appleby is a small village in North Lincolnshire lying about 6 miles south of the Humber Estuary and 5 miles to the north-east of Scunthorpe. The village is located on the B1207 – the historic Roman Road of Ermine Street with the major part of the settlement on the eastern side of the road, on the dipped slope of a limestone escarpment that falls towards the River Ancholme. The village has a compact form with its core designated as a Conservation Area and has two focal points, the Church and the Village Hall – the latter converted from the village school. The village character is strongly influenced by a number of model estate cottages (the Winn cottages) built during the latter half of the 19th century. The surrounding area is rural and agricultural in character with significant woodland, particularly in the southern part. There is a small, separate cluster of houses adjacent to the railway line known as the Station Area, and the settlement of Santon, comprising a linear group of around 40 dwellings, adjacent to the Scunthorpe steel works complex. The resident population of the whole Parish is around 600.

- 1.2 The Neighbourhood Plan area was designated in December 2014 and work commenced with the Parish Council being assisted by the creation of the Appleby Neighbourhood Plan Group (ANPG), drawn from the residents of the Parish. The ANPG has undertaken extensive consultation with the local residents and others with an interest in the Parish, and their views have been taken into consideration. Extensive consultation has been at the heart of the development of the Plan with an initial consultation at Appleby Fayre in June 2015, a residents' survey was undertaken in August 2015 and an open public meeting in May 2016. The pre-submission Regulation 14 consultation was held during February and March 2018.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Appleby Parish Neighbourhood Plan by North Lincolnshire Council (NLC), with the agreement of the Appleby Parish Council (APC).
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of North Lincolnshire Council, not including documents relating to excluded minerals and waste development, is the saved policies of the North Lincolnshire Local Plan, 2003 (NLLP), the adopted North Lincolnshire Core Strategy, 2011 (NLCS), which sets a blueprint for managing growth and development up to 2026, and the Housing and Employment Land Allocations Development Plan Document, 2016 (HELADPD). A new, single Local Plan is currently in preparation but, to date, it has only completed the initial issues and options consultation.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the Local Planning Authority (LPA) under Regulation 15 of the 2012 Regulations. The APNP was submitted to NLC in July 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Appleby Parish Neighbourhood Plan 2015-2030, July 2018;
 - the Map on page 6 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, May 2018;

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

- the Basic Conditions Statement, May 2018;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Scoping Report prepared by North Lincolnshire Council; and
- responses to my questions set out in the annex to my letter of 23 November 2018².

2.4 In addition to the above documents, the Parish Council has prepared a Conservation Area Design Statement (referred to in Policy AP2 as Part 2 of the Plan), a Parish Design Statement (referred to as Part 3 of the Plan) and Appendices 1-9 to the Neighbourhood Plan. These form useful advice and supplementary information to which further reference is made in paragraphs 4.14 - 4.17, below. However, they are not part of the Neighbourhood Plan which is the subject of this examination for the reasons given in those later paragraphs.

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 28 November 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

² View at: <https://www.northlincs.gov.uk/planning-and-environment/planning-policy/neighbourhood-planning/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Appleby Parish Neighbourhood Plan has been prepared and submitted for examination by Appleby Parish Council which is a qualifying body for an area that was designated by North Lincolnshire Council on 18 December 2014.
- 3.2 It is the only neighbourhood plan for the Appleby Parish Neighbourhood Plan Area, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The front cover of the Plan does not include a statement of the Plan period and there is no unambiguous statement in the text of the period to which it is to take effect. This matter is considered in detail at paragraph 4.5 below.

Neighbourhood Plan Preparation and Consultation

- 3.4 The APNP was prepared by a Steering Group, the ANPG, which undertook the consultation exercises between June 2015 and the pre-submission Regulation 16 consultation in 2018. The community had previously produced documents to influence development of the area, including the Appleby Village Design Statement in 1998, and the community was involved throughout the preparation of the APNP as detailed in the Consultation Statement (May 2018).
- 3.5 The initial event took place at Appleby Fayre Day in 2015 with residents asked to comment on 'likes' and 'dislikes'. This informed and was followed by a Residents Survey with 147 people representing 67 households responding. Various events followed, including a meeting with landowners, a 'Community Drop in' day with stalls and displays together with a presentation from the planning consultant, and a summary of the outcomes circulated to households.
- 3.6 Four events were held over two separate days as part of the Regulation 14 consultation during February 2018, with the consultation period being 5 February to 18 March 2018. There were a total of 41 attendees. There were 6 completed response forms and 8 email contacts at the Regulation 16 consultation which was carried out between 1 October and 9 November 2018.
- 3.7 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having due regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

Development and Use of Land

3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.10 APC and NLC are satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)³, and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment by NLC, which found that it was necessary to undertake SEA. In summary, the Scoping Report concludes that the APNP "*..objectives and policies do not go 'over and above' local and national policies and, therefore, do not need any further recommendations or changes in order to ensure no significant effect on protected sites*"⁴. The statutory consultees have not raised objections and, having read the SEA Scoping Report, I support this conclusion.

4.2 Appleby Parish Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which was not triggered. The NLC considers the proposals will not have any significant impacts on internationally designated wildlife sites. Natural England agreed with this conclusion⁵. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

4.3 I have approached the assessment of compliance with the Basic Conditions of the APNP as two main matters. These are:

³ Basic Conditions Statement, paragraph 2.23.

⁴ SEA Scoping Report, May 2018, paragraph 11.1.

⁵ Letter from Natural England dated 11 April 2017.

Issue 1: - *General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted local planning policies; and*

Issue 2: - *The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that the neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence⁶.

Issue 1: - *General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted local planning policies.*

- 4.5 Section 38B(1)(a) of the 2004 Act requires that a neighbourhood plan must specify the period for which it is to have effect. Paragraph 3.1 indicates that the Plan covers the period up to 2030, whilst the Vision, at paragraph 4.1 refers to the lifetime of the Plan being “*for the next 15 years*”. In joint response to questions⁷, APC and NLC have confirmed that the Plan period is 15 years from when work commenced in 2015 to 2030. For reasons of clarity, the APNP should state the Plan period on the front cover, and amendments should be made to paragraphs 3.1 and 4.1 as shown in proposed modification **PM1**. With these amendments, the Basic Conditions are met.

- 4.6 The Plan sets out a Vision for Appleby at paragraph 4.1 which is intended to guide the principles of development. It states that Appleby is a rural parish in the Ancholme Valley “*whose natural environment and distinctive buildings should be preserved and enhanced*”. The objectives set down for the Plan include (9), which seeks to protect, conserve and enhance the character of the local built environment, and (11) to safeguard and enhance the countryside. Neither objective refers to preservation as such. The desirability of preserving or enhancing the character or appearance of an area is a general duty in respect of the exercise of planning powers in conservation areas⁸ and so, for clarity and precision, the term ‘*safeguarded*’ would be more appropriate. The proposed amendment in **PM2** would ensure the Basic Conditions are met.

⁶ PPG Reference ID: 41-041-20140306.

⁷ Letter and attachments dated 6 December 2018.

⁸ Planning(Listed Buildings and Conservation Areas) Act 1990, Section 72.

- 4.7 In addition to taking account of national policies, including the NPPF, neighbourhood plans are required to be in general conformity with strategic policies in the adopted local plan: in this case the saved policies of the NLLP 2003, the NLCS 2011 and the HELADPD 2016. The emerging local plan as yet has no formulated policies. Appleby is defined as a Rural Settlement in the Settlement Hierarchy in the NLCS and Settlement Limits are provided by the HELADPD, Insets 04 and 89. These identify where development may be appropriate, including infilling. The HELADPD makes provision for housing and employment allocations in the main settlements in order to meet the development requirements. No specific allocations are made within the Rural Settlements and Policy CS1, the Spatial Strategy, indicates that development will be limited “...and should take into account levels of local service provision, infrastructure capacity and accessibility”. The APNP supports the strategic policy by not including specific allocations but encouraging infilling in keeping with the scale, form and character of their surroundings.
- 4.8 The APNP includes a specific policy, AP1, supporting a presumption in favour of sustainable development – considered in more detail in paragraph 4.13 below. In general terms, the Policy is supportive of the provisions of the NPPF and, where there are no relevant policies in the APNP, indicates that national policy, and the provisions of the North Lincolnshire Local Development Framework (NLLDF) will apply. In this context, Policy CS2 in the NLCS provides the relevant strategic policy. Other policies within the APNP guide development to sustainable locations and encourage the re-use of redundant buildings. The Plan is also supportive of improvements to communication technology and working from home. In all of these matters the Plan demonstrates that it seeks to guide sustainable development in line with national and local strategic policies.
- 4.9 The APNP does not include a policies or proposals map. There is no specific requirement for such a map in the 2012 Regulations but clearly for development management purposes and for general ease of use of the APNP it would be helpful to include a map showing those parts of the Plan area to which policies will apply, and those areas for which specific uses are proposed. The councils have provided maps⁹ including re-named inset maps 04 Appleby and 89 Santon from the HELADPD. These provide detailed settlement boundaries, the Conservation Area, Areas of Amenity Importance and playing fields. They have also provided a plan showing all Designated Sites within the Parish. However, these do not provide sufficient clarity to help users of the Plan since not all designated sites are identified by name, and Inset 04 includes designations which are not relevant to the APNP.

⁹ Letter and attachments dated 6 December 2018.

- 4.10 The Government's PPG does indicate that sites "...being allocated should be shown on the policies map with a clear site boundary drawn on an Ordnance Survey base map"¹⁰, suggesting an expectation that a policies map should be included in neighbourhood plans. Accordingly, the APC is strongly encouraged to provide a policies map on an appropriate OS base providing a clear and precise indication of the settlement and Conservation Area boundaries, the Local Green Space allocations and the Designated Sites – identified by name – to which the provisions of Policy AP14 apply.
- 4.11 In respect of Issue 1, I consider that the Plan's vision and objectives should contribute to the achievement of sustainable development, having regard to national policy and guidance. I also consider that the APNP, as a whole, is in general conformity with the strategic policies set out in the NLLDF. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.12 There are a total of 15 policies contributing towards the achievement of the Plan's vision. These will now be considered individually against the Basic Conditions.

Policy AP1 – Sustainable Development

- 4.13 The Policy indicates that a presumption in favour of sustainable development will apply "*where there are no policies in the Appleby Parish Neighbourhood Plan relevant to a planning application*". However, the unequivocal advice in the NPPF is that, in assessing and determining development proposals the presumption should form the basis for every decision (Forward to the NPPF, paragraphs 14 and 197, amongst others). Accordingly, Policy AP1 should make it clear that the presumption will be applied to all decisions regarding development proposals, not just those for which no policy exists in the APNP. It is also necessary to clarify that it would be the relevant policies contained in documents forming the NLLDF that would apply rather than the more general reference to "*..those policy documents..*". Amendments addressing these matters and therefore providing a more positive stance regarding the presumption in favour of sustainable development are contained in proposed modification

¹⁰ PPG Reference ID: 41-098-20180913.

PM3. Provided these are incorporated, the Policy meets the Basic Conditions.

Policy AP2 – Design Principles

- 4.14 The NPPF makes it clear that neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected (paragraph 58). Policy AP2 is intended to be such a policy, providing criteria which proposals for new development will be expected to meet. In this respect, the Policy does take account of national policy and advice. It is also based on the APNP stated objectives 1-3 and 9-11, as indicated by the NPPF.
- 4.15 Local strategic policy regarding design quality is provided by NLCS, Policy CS5: Delivering Quality Design in North Lincolnshire and the criteria contained in Policy AP2 provide a local interpretation of design principles in the context of the strategic framework. The Policy, criterion (b), also takes account of the requirements set down in NLCS Policy CS6 regarding safeguarding historical assets. It can be said, therefore, to be in general conformity with the strategic policies of the development plan.
- 4.16 There is an amendment necessary to meet the requirements of clarity and precision. Criterion (b) requires that design reinforces the character of the village or rural area “..by being individual..”. This is not an aspect of design that can be identified in such a way as to evaluate its impact on the character of the area. It is imprecise and does nothing to help good decision-making. It should be deleted.
- 4.17 The Policy also indicates that proposals should meet the requirements of two design statements – the Appleby Conservation Area Design Statement and the Parish Design Guide. These two documents are referred to as parts 2 and 3 of the Neighbourhood Plan. However, it is necessary to understand that documents such as the Design Guide and Design Statement do not have statutory status unless taken through the Supplementary Planning Document process with the LPA. Therefore, the purpose of the documents is restricted to providing guidance for developers and NLC will consider the Appleby Conservation Area Design Statement and the Parish Design Guide when considering planning applications. As such, whilst there is no reason that the documents should not be referenced, and developers’ and others’ attention drawn to them in relation to this Policy, it is more appropriate for them to be included as appendices to the Plan and referenced to as such, rather than referred to as Part 2 and Part 3 of the Plan.
- 4.18 The justification for the Policy, paragraph 5.12, draws attention to Design and Access Statements (DAS), indicating that these “..should be submitted with a planning application...”. If this were to be a requirement for submission of an application, it should be included as part of the

statement of Policy, rather than its justification. However, as a blanket requirement for all development proposals it would be too onerous. It would also be contrary to the advice in the NPPF, paragraph 193, that the information requirements for planning applications “..should be proportionate to the nature and scale of development proposals..”. There may well be instances where a DAS may be a necessary requirement for example, in respect of major development proposals, or those within Conservation Areas. Accordingly, I have indicated that developers could be encouraged to use DAS where appropriate by suggesting amendments to the text at paragraph 5.12 to address the issue.

- 4.19 Proposed amendments, necessary to meet the Basic Conditions, are provided by **PM4**.

Policy AP3 – Housing Provision

Policy AP4 – Infill Development

- 4.20 For reasons which will become apparent, I have considered these Policies together.

- 4.21 As indicated in paragraph 4.7 above, there are no specific allocations in HELADPD for Appleby so that any new developments will be in the form of ‘windfall’ sites within the existing settlement. The context for these Policies is provided at national level by the presumption in favour of sustainable development, and at the local level by Policies CS1 – CS3 in the NLCS. Considering these in turn, Appleby is designated as a rural settlement and Settlement Policy CS1 indicates that, in rural settlements, development will be limited, taking account of levels of service and infrastructure provision and accessibility. Policy CS2 focuses small scale development within the defined development limits of rural settlements, to meet identified local needs. Policy CS3 provides considerations to be taken into account in applying development limits, including existing development patterns, capacity, existing planning permissions and character.

- 4.22 Both of the APNP policies – AP3 and AP4 - include reference to infilling developments. Policy AP3 makes provision for such developments, providing criteria which must be met in order for the proposal to be supported. Policy AP4 provides criteria to be met by proposals for infill developments. To this extent there is overlap between the two policies resulting in confusion. It is my judgement that the interests of clarity and precision would be best served by replacing the two policies with a single policy supporting proposals for housing development within the defined development limits subject to specific criteria being met. The proposed modification **PM5** provides a replacement policy for AP3 and AP4, incorporating the essence of both policies. However, there are some

aspects of the policies which require amendment or deletion, as itemised below.

- 4.23 The title of the replacement Policy which best describes its intention is "Housing Development within the Development Limits" and this is included within the proposed modification. The reference to the development limits should also form part of the introductory sentence.
- 4.24 It is the case that the term "infill" or "infilling" does not occur in national advice (except in the case of villages within the Green Belt¹¹) nor in the local strategic policies. The term "infill" has, in the past, been commonly used to describe the infilling of small gaps in developed frontages with one or two dwellings and is too restrictive in the context of defined settlement boundaries and having regard to the approach to sustainable development embraced by the NPPF. Accordingly, the word "infill" should not be included in the new Policy.
- 4.25 The reference to smaller developments requires clarity of intent. It is clear from my site visit that there are, as a matter of fact, very limited opportunities for developments within the development limits to both of the settlements in the Parish. Therefore, I propose a definition - used elsewhere for smaller settlements - which would be up to 5 dwellings or a site not exceeding 0.2 hectares. An appropriate wording is included in the proposed modification.
- 4.26 Criterion (b) of Policy AP3 places requirements on development proposals similar to those listed in criterion (a) of Policy AP4. In order to avoid confusion, the latter should not be included in the new Policy. Criterion (b) of Policy AP4 could be merged with criterion (a) of Policy AP3 to provide a clear indication of the impact of a proposal on the character and quality of the area.
- 4.27 Criterion (c) of Policy AP3 refers to a requirement to meet the standards set down in the Building Regulations. The Regulations are administered through separate legislative arrangements and do not form part of the planning system. The criterion should, therefore, not form part of the replacement Policy.
- 4.28 The intention -stated in Policy AP4 - that current residents could downsize and remain living within the Parish is too restrictive and would place an unreasonable burden on potential developers contrary to the advice in the NPPF, paragraphs 173-174, that there should not be an excessive burden placed on development proposals such that their implementation may be compromised.

¹¹ NPPF: paragraph 89.

- 4.29 The proposed modification **PM5** provides an appropriate form for the replacement Policy which would take forward the broad intent of the APNP whilst having regard to national policy and advice, and generally conforming to the local strategic policies in the NLLDF documents. It would meet the Basic Conditions.
- 4.30 Paragraph 5.23 provides advice contrary to that in the NPPF by encouraging building new houses in the gardens of existing properties. The national advice is that windfall sites should “..not include residential gardens” (paragraph 48), and that local planning authorities should consider policies to resist the inappropriate development of residential gardens (paragraph 53). In order to ensure the APNP has had regard to national advice the paragraph should be deleted as shown in proposed modification **PM5**.

Policy AP5 – Rural Exception Sites for Local Needs

- 4.31 A policy providing for rural exception sites to allow for affordable housing where appropriate, including its facilitation through allowing an element of market housing, is encouraged through national advice in the NPPF, paragraph 54. The intention is that such sites would be permitted, in certain defined circumstances, in locations where planning permission for market housing would not normally be permitted. Locally, the NLCS includes Policy CS9 Affordable Housing, which indicates that planning permission would be granted for the release of small rural exception sites within or adjacent to development limits for rural settlements. The Policy requires that a local need has been clearly identified and evidence provided to show that the scale of the development would meet the identified need. The justification, paragraph 8.53, advises that the housing would be secured by a legal agreement to ensure the provision remains affordable indefinitely.
- 4.32 Policy AP5 takes account of the national advice and policy, and is in general conformity with the NLCS. Criterion (a) indicates that sites should be within or directly adjoin an existing settlement. This is imprecise, particularly as NLCS Policy CS3 advises that development limits would exclude large gardens beyond the built form of the village. Accordingly, the criterion should make clear reference to the development limits rather than just the existing settlement.
- 4.33 Criterion (e) should also include a reference to the use of legal agreements to ensure it is clear that occupancy will be restricted by these means. Appropriate amendments for both criteria are provided by proposed modification **PM6** to ensure the Basic Conditions are met.

Policy AP6 – Housing in the Countryside

- 4.34 Policy AP6 details three exceptional circumstances where new housing in the open countryside outside the development limits would be supported. These are: the essential residential need for a rural worker; the re-use of an existing rural building, and housing of an exceptional quality. All of these circumstances essentially re-state three of the four bullet points to paragraph 55 of the NPPF. NLCS, policies CS2 and CS3 also provide guidance for development outside the defined development limits, for example indicating that it “..will be restricted to that which is essential to the functioning of the countryside”.
- 4.35 It is not the purpose of the detailed policies in a neighbourhood plan to generally repeat or summarise national policy or guidance, nor policies included within the NLCS, although there may be some circumstances where it is helpful to restate national policy for clarity. In this instance, the Policy does not add significantly to the national policy – indeed, criterion (c) departs from the circumstance stated in the final bullet point of NPPF paragraph 55 since it could be interpreted to apply to a development of housing of exceptional quality or innovative design rather than to a single house as intended by Government policy. For these reasons, the Basic Conditions are not met and the Policy and its supporting text should be deleted as provided in proposed modification **PM7**.

Policy AP7 – Development of the Rural Economy

- 4.36 The justification for this Policy indicates an intention to support small-scale enterprises that can be accommodated primarily through the conversion of existing buildings within communities or on farmsteads (paragraph 5.40). This aligns with Spatial Objective 4 of the NLCS which seeks to support the rural economy through sustainable diversification and with the NPPF, paragraph 28 supporting economic growth in rural areas through diversification. The Policy could benefit from a more robust statement of support in the first sentence to provide a closer alignment with the NLCS, as shown by proposed modification **PM8**.
- 4.37 Criterion (b) introduces provision for the *replacement* of buildings in addition to their re-use. This goes beyond the advice in the NPPF, paragraph 55, that special circumstances include the re-use of buildings. It also includes the re-use of land which could have unintended consequences in so far as no indication is given of what form those new uses might take. It would also be beneficial to cross-reference the criterion to the provisions of Policy AP9 relating to the requirements for the re-use of buildings in the open countryside. The proposed modification includes appropriate changes.

- 4.38 Criterion (g) could usefully refer to specialist retail businesses as including those which are leisure related to align with the NLCS Policy CS15, the justification for which identifies new developments for tourism/leisure related shopping as possibly appropriate “..in other locations...”. To be precise, it would be preferable for the criterion to refer to “development limits” rather than the more nebulous “Parish settlements”. The final sentence, referring to support for improvements in technology and communications infrastructure, duplicates the support provided by Policy AP10 and should be deleted.
- 4.39 The final sentence of the Policy directs users to other “*necessary policies*” in the Plan. A clearer and precise statement would refer to “*relevant policies*” and for completeness should also make reference to relevant policies in the NLLDF. All of the suggested amendments are included in proposed modification **PMS** to ensure the Basic Conditions are met.

Policy AP8 – Working from Home

- 4.40 The justification for Policy AP8 suggests it is founded on the trend for more businesses and workers being home-based as a result of development of the internet and, recently, the superfast broadband connection in the Appleby area since 2016. At that time, some 17% of residents already worked wholly or partly from home (APNP, paragraph 5.44). The provision of dedicated accommodation in the form of live-work units is suggested as one way in which working from home can be encouraged and may be seen to follow advice in the NPPF, paragraph 28, that planning policies should support economic growth in rural areas.
- 4.41 The NLCS encourages sustainable development but indicates at Policy CS2 that in rural settlements development will be limited and should be focussed on small scale developments within the defined development limits to meet identified local needs. Whilst a policy to allow home working from an existing residential property would be in conformity with this approach, it would be more difficult to reconcile a policy allowing for new developments of small-scale office developments, or developments of multiple live-work units. However, this is not what Policy AP8 proposes. Rather, the Policy concentrates on criteria to be met in order for a business to operate from a residential property to enable home working. It would not be possible under this Policy to evaluate proposals for a new small-scale office development or the construction of live-work units.
- 4.42 The Policy is unclear about the type of applications which would be considered – for example applications for the change-of-use of all or part of a residential property, or for extensions and conversions to enable home working. This creates a dilemma for the Policy since the use of part of a dwelling to work from home or to run a business does not normally require express planning permission – for example PPG states that

“Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second...”¹². The PPG also indicates that the permitted development right is subject to the business not resulting in a material change of use. Whilst the term ‘material change of use’ does not have a legal definition, the advice is that “..it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case”¹³.

- 4.43 As it stands, the Policy is misleading and unnecessary because for most home working situations, there will be no need for planning permission if the house is still mainly a home, and extensions are not required. Where these are required specifically for business use rather than incidental to the enjoyment of the dwelling, then planning permission is likely to be required. If permission were to be granted, then a separate commercial or business use would be created on a permanent basis within a residential planning unit. There is no basis either in Government guidance or within the local strategic planning framework for the Policy and so the Basic Conditions are not met. The Policy and its supporting text should be deleted as provided in proposed modification **PM9**.

Policy AP9 – Redevelopment of Redundant Buildings in the Open Countryside

- 4.44 National policy (NPPF, paragraph 55) is to encourage the re-use of redundant or disused buildings in the countryside subject to the development leading to an enhancement to the immediate setting. Policy AP9 follows this approach in general terms but to have regard to national policy it should be clear that the building or buildings in question should be redundant or disused and be located in the countryside. Amendments to the text of the first sentence, and the introduction of a new criterion (g) would ensure the national policy has been taken into account. The first sentence should also be amended to deleted reference to permitted development rights since any policy would, in any event, only apply to proposals which do not benefit from permitted development rights. A final point regarding the first sentence is that providing examples of developments that would meet the policy requirements does not produce a “clear and unambiguous” policy¹⁴. Proposed modification **PM10** suggests replacing the examples with a definitive list of developments which would be supported.

- 4.45 The title of the Policy includes a reference to the open countryside which may be open to misinterpretation and does not relate to the NLCS which

¹² PPG Reference ID:13-014-20140306.

¹³ PPG Reference ID:13-011-20140306.

¹⁴ PPG Reference ID 41-041-20140306.

consistently refers only to "the countryside" and to the NPPF advice, which does not use the word "open" when describing the countryside.

- 4.46 Criterion (h) is effectively a duplication of criterion (j) which provides a better, more concise statement of the first part of the requirement. The second part of the criterion, requiring that a development would not generate significant traffic through the Parish does not have sufficient clarity to ensure its application in a consistent manner and should be deleted.
- 4.47 Paragraph 5.49 identifies "*the most suitable sites*" for such developments. There is no evidence to support these judgements, a criticism which is emphasised by the paragraph indicating only that they "*appear*" to be the most suitable. This is not appropriate information to include within the Plan since it may raise hopes, only for a detailed investigation to result in a contrary view. The paragraph should be deleted. It is also necessary to delete the reference to Policy AP8 which should be deleted as shown in proposed modification **PM9**.
- 4.48 Proposed modification **PM10** provides appropriate amendments to the Policy and justification to ensure the Basic Conditions are met.

Policy AP10 – Improvements to Communication Technology

- 4.49 The Government has stressed the importance of advanced, high quality communications infrastructure to sustainable economic growth (NPPF, paragraph 42). Whilst reference is made in the Government advice to sympathetic design, there is no indication that telecommunications technology should be "*..suitable and appropriately scaled*". However, NLCS Policy CS26 does provide support for the introduction of the latest electronic and communications technology "*..subject to consideration of any impact on the environment..*". It follows that amendments to the second sentence of Policy AP10 will be necessary to ensure general conformity with the NLCS and to take account of national policy.
- 4.50 The use of the imperative "*will be connected*" could be seen as too onerous depending on the development proposed and its location. An amendment to the sentence would ensure flexibility in application of the Policy. With the amendments shown in proposed modification **PM11** the Policy meets the Basic Conditions.

Policy AP11 – Safeguarding and Improvement of Community Facilities

- 4.51 The Policy provides a safeguard against the loss of community facilities in line with national policy regarding the promotion of healthy communities. In particular it follows advice contained in the NPPF, paragraphs 70 and 74, the former guarding against the unnecessary loss of valued facilities

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whilst the latter provides criteria to prevent the loss to development of existing open space and sports and recreational facilities. The Policy is also in general conformity with the NLCS, particularly the provisions of Policy CS23 relating to sport, recreation and open space.

- 4.52 The first sentence of the Policy should not include reference to the protection of the Paddock and Playing Field since these are identified as Local Green Spaces (LGS) by Policy AP14 (further consideration of this matter is contained in paragraphs 4.65 - 4.66 below). This is a Government designation which provides that management of development “*should be consistent with policy for Green Belts*”¹⁵. Additionally, in order to take full account of the national advice in the NPPF, paragraph 74, alternative provision should not necessarily be “*of better quality and size*” since the advice is that an equivalent provision is acceptable.
- 4.53 The second part of the Policy is of some concern because it provides a list of priority schemes for which there does not appear to be any indication of implementation within the Plan period, other than through new housing developments. From my visit, it would appear that there are few, if any, opportunities for the scale of development which would fund the proposed schemes within the development limits of either Appleby or Santon. Accordingly, the schemes should be relocated in section 6 of the Plan as community aspirations and the final sentence should be deleted.
- 4.54 Paragraph 5.55 is justification for the designation of the Paddock and Playing Field as LGS and should be relocated to the justification of the new Policy 14A as indicated in proposed modification **PM15**.
- 4.55 All of the above amendments are included in the proposed modification **PM12** in order to ensure that the Basic Conditions are met.

Policy AP12 – Improvements to the Highway Network

- 4.56 The justification to the Policy identifies a number of issues with the existing highway network and the impact of traffic, particularly in Appleby and Santon. Part of the solution is seen as the introduction of appropriate measures in relation to any new developments in Appleby village. Although it is not clear from the Policy, such measures would have to be secured through a legal agreement to address issues directly resulting from any development proposals rather than to address existing conditions on the highway network. However, the Policy could be beneficial in identifying priorities for improvement works. There are, nevertheless, some parts of the Policy which, in the interests of clarity, should be subject to amendments.

¹⁵ NPPF: Paragraph 78.

- 4.57 The first sub-paragraph (a) deals with maintenance issues affecting a particular stretch of highway – Risby Road. Improving the condition of the road through maintenance measures is not a matter for planning policy, and the item should be deleted. In any event, during my visit, I saw that recent re-surfacing had taken place along Risby Road so it is possible the matter has been resolved, although there are concerns at the speed of traffic since resurfacing and widening. As a consequence, additional text, suggested by APC should be included in the introduction to, and justification for, the Policy.
- 4.58 Amendments to the text of sub-paragraph (b) are necessary, firstly to relate the necessary measures to any development proposals so that planning conditions, where appropriate, may be attached to the permission, or legal agreements sought where necessary to make the development acceptable in planning terms. In this context NLCS Policy CS27 makes provision, *inter alia*, for developer contributions to the reasonable cost of new highway infrastructure and for transport initiatives. In terms of Government policy, mention should be made of the creation of safe and secure layouts to minimise conflicts between traffic, cyclists and pedestrians.
- 4.59 Sub-paragraph (d) should also be revised to ensure that the measures sought are deliverable through the application of planning policy: for example, through the introduction of physical measures such as traffic calming rather than, say, driver education.
- 4.60 Appropriate amendments are included in proposed modification **PM13** in order that the Policy has regard to national policy and advice and meets the Basic Conditions.

Policy AP13 – Improvement and Extension of the Public and Permissive Rights of Way Network

- 4.61 The justification suggests a number of reasons for the inclusion of the Policy, including potentially developing new routes for walkers, cyclists and horse riders, improving pavements within the village and providing new street furniture such as bins and signage. Paragraph 5.70 refers to at least some of these as aspirations. Whilst it is reasonable for the Parish to have aspirations, the PPG makes it clear that these should be distinguished from planning policies¹⁶. The APNP recognises the difference by the inclusion of Section 6, Community Aspirations. The second and third sub-paragraphs of Policy AP13 should properly be located in Section 6 of the Plan as community aspirations since there is no mechanism within the planning system to facilitate their implementation, and the Policy provides no indication of how they would be deliverable in practice as

¹⁶ PPG Reference ID: 41-004-20140306.

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advised by PPG¹⁷. The text at paragraph 5.69 is not relevant to an amended Policy and should be deleted.

- 4.62 The first sub-paragraph of the Policy is potentially deliverable through development proposals and could be linked to the final sub-paragraph to provide a replacement which has the potential for implementation, given development interest. The proposed modification **PM14** would provide a Policy which could be delivered, and takes account of national policy and advice, and so would meet the Basic Conditions.

Policy AP14 – Natural Environment

- 4.63 Policy AP14 generally follows the advice in the NPPF, paragraph 113, and is in general conformity with NLCS, Policy CS17. However, amendments to the text are necessary, firstly because planning policies are not management policies for the natural environment so in the first sentence “*maintain*” better describes the impact of the planning process rather than “*manage*”.
- 4.64 In the case of nationally recognised designated sites, the second sentence provides an inappropriate positive stance, indicating that development which would negatively affect such sites would be supported, but only in certain circumstances. A more strongly phrased statement indicating that development will not be supported except in certain circumstances would provide a more robust statement of policy.
- 4.65 The paragraph referring to the LGSs refers to a different area of policy - a Government initiative concerned with a special protection for designating green spaces important to the local community. Accordingly, this should take the form of a separate policy statement, supported by the justification contained in paragraph 5.55, currently attached to Policy AP11. In the response to my questions of 6 December 2018 I have been provided with LGS Assessments in respect of the two proposed designations, The Playing Field and The Paddock. I am content that The Playing Field meets the criteria set out in paragraph 77 of the NPPF and consider it should therefore be designated as a LGS.
- 4.66 With regard to the Paddock, I have noted the submissions in response to the Regulation 16 consultation on behalf of the owners. These claim, in part, that The Paddock is in private ownership and that there is no public access. However, the PPG is clear that no public access and private ownership are not in themselves a bar to LGS designation¹⁸, albeit designation does not in itself confer any rights of public access over what exists at present. I have also noted from the submissions in response to the Regulation 16 consultation, that the owners of The Paddock, “.. *have*

¹⁷ PPG Reference ID: 41-005-20140306.

¹⁸ PPG Reference ID: 37-017-20140306 and ID: 37-019-20140306.

not been consulted on the proposal to include the site as LGS". However, similar representations were submitted on behalf of the owners at Regulation 14 stage, so I am satisfied that they did have adequate opportunities to make representations in respect of the proposals as advised by Government guidance in the PPG. The NLC Local Plan in saved policy LC11 identifies The Paddock as an Area of Amenity Importance and it lies within the Appleby Conservation Area. The PPG advises that if land is already protected by designations such as a conservation area, then consideration should be given to whether any additional local benefit would be gained by designation as LGS¹⁹. However, given the demonstrable support for the retention of the area in its current usage, on balance, I am content that it should be designated as a LGS.

- 4.67 Finally, the last sentence of the Policy requires proposals for new development to enhance the unique nature of the local landscape. Not all developments can be expected to provide enhancement as such and a better and more commonly used phrase is an expectation that the landscape would be protected and enhanced. It is also difficult to describe the nature of the local landscape as "*unique*" for the purposes of its protection. The Policy would provide a better basis for evaluating proposals by use of the word "*special*".
- 4.68 The amendments provided by proposed modification **PM15**, including the insertion of new Policy AP14A, will ensure that regard has been had to national advice and the Basic Conditions have been met.

Policy AP15 – Protection and Enhancement of the Appleby Conservation Area

- 4.69 The Policy title advises that its purpose is the protection and enhancement of the Appleby Conservation Area. This differs from the advice provided by the NPPF, section 12, which is aimed at conserving and enhancing the historic environment. It also differs from NLCS Policy CS6 which seeks to protect, conserve and enhance the historic environment, including conservation areas. The title would provide a more precise description of its intent, if the word "conservation" were to be included as shown in proposed modification **PM16**.
- 4.70 The Policy provides a list of criteria to which particular regard will be had in the consideration of development proposals within, or affecting the setting of the Conservation Area. These indicate the detailed matters which will guide the decision maker. The NPPF advice indicates that, amongst other matters, authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 126). Whilst criterion (a) takes account of the scale and nature of the proposed development, it stops short of considering the local character and distinctiveness. The proposed

¹⁹ PPG Reference ID: 37-011-20140306.

modification provides a suggestion for amended text to address this matter.

- 4.71 A further omission from the criteria is the potential for a proposed development to affect a designated heritage asset – such as a Listed Building or Structure – or its setting. The Conservation Area includes around 22 such assets so the likelihood of an asset or its setting being affected by a development is high. Accordingly, the criteria should include a requirement to have regard to this matter as shown in the proposed modification.
- 4.72 In addition to the Appleby Conservation Area Appraisal (ACAA) referred to in criterion (g), NLC adopted the Appleby Conservation Area Supplementary Planning Guidance (ACASPG) in November 2005. The documents are referred to as sister documents available on the Council’s website and the ACASPG contains relevant design guidance for new development. Both documents, rather than just the ACAA, should be referenced in criterion (g) and a note included in the justification text to identify these documents as adopted and published by NLC.
- 4.73 The amendments provided by the proposed modification **PM16** will ensure the Policy is in general conformity with the Local Development Plan and has regard to national advice and policy to meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Appleby Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Appleby Parish Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to

areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the local community and the Parish Council have, over time, developed a keen interest in the future of the settlements within the Parish. They have been pro-active in developing a framework of documents to guide development in the best interests of the local community including the development of a Parish Design Statement and a Conservation Area Design Statement. The community has shown itself to be organised and have developed a good working relationship with North Lincolnshire Council. The resulting Neighbourhood Plan is highly readable and articulates the concerns and aspirations of the local population and will help to guide development decisions to the benefit of the community.

Patrick T Whitehead Dint (Nott) MRTPI

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover & Pages 8-9	<p>Add the following text to the front cover: "2015-2030";</p> <p>Amend the first sentence of paragraph 3.1 to read: "The Plan has been prepared by the qualifying body – Appleby Parish Council – and covers the period up to <u>2015-2030.</u>";</p> <p>Amend the final sentence of paragraph 4.1 to read: "The Vision is intended to guide the principles of development within the Parish of Appleby over the lifetime of the Plan, for the next 15 years <u>period, 2015-2030.</u>"</p>
PM2	Page 9	<p>The Vision</p> <p>Amend the wording of the final part of the Vision statement to read: "...should be preserved <u>safeguarded</u> and enhanced".</p>
PM3	Page 12	<p>Policy AP1</p> <p>Amend the Policy wording as follows: <i>"Where there are no policies in the Appleby Parish Neighbourhood Plan relevant to a planning application, a <u>A presumption in favour of sustainable development as set out in the provisions of the National Planning Policy Framework and those relevant policyies documents contained within documents forming the North Lincolnshire Local Development Framework will apply form the basis for decisions on all development proposals</u>."</i></p>

PM4	Page 13	<p>Policy AP2</p> <p>Replace the final part of the first sentence of the Policy as follows:</p> <p><u>"(as shown in Part 3 of attached as Appendix 9 to the Plan)"</u>.</p> <p>Reword the part of criterion (a) as follows:</p> <p><u>"(the latter shown in Part 2 of attached as Appendix 10 to the Plan)"</u>.</p> <p>Amend the first part of criterion (b) as follows:</p> <p><u>"the design reinforces the character of the village or rural area by being individual, respecting the local vernacular...."</u></p> <p>Amend the second sentence of paragraph 5.12 as follows:</p> <p><u>"Where appropriate, developers are encouraged to submit Design and Access Statements should be submitted with a planning application to demonstrate how these matters have been taken into account in the design and layout of any new development."</u></p>
PM5	Pages 17 and 18	<p>Policies AP3 and AP4</p> <p>Replace policies AP3 and AP4 with a single Policy titled as follows:</p> <p><u>"HOUSING DEVELOPMENT WITHIN THE DEVELOPMENT LIMITS"</u></p> <p>The text of the replacement Policy should be as follows:</p> <p><u>"Applications for small residential developments (including self-build) will be supported within the defined settlement limits provided the following criteria are met:</u></p> <p><u>a they comprise up to 5 dwellings or a site not exceeding 0.2 hectares,</u></p>

		<p>unless evidence can be provided to support a larger scheme;</p> <p>b are in keeping with the scale, form and character of their surroundings, including the density of existing development, and meet with the provisions of Policy AP2;</p> <p>c do not result in the loss of locally important natural or built features;</p> <p>d will not adversely impact upon the residential amenities of neighbouring properties;</p> <p>e a safe and suitable access is provided to the site; and</p> <p>f other relevant policies within this Neighbourhood Plan and those contained within the documents forming the North Lincolnshire Local Development Framework are met.”</p> <p>Paragraph 5.23 of the Justification should be deleted in its entirety.</p> <p>It will be necessary to renumber policies and paragraphs within the Plan consequent upon these modifications.</p>
PM6	Page 17	<p>Policy AP5</p> <p>Amend the text of criteria (a) and (e) as follows:</p> <p>"a Sites should be within or directly adjoin <u>the development limits of an existing settlement;</u>"</p> <p>"e In all cases occupancy will be restricted, in perpetuity, <u>through the use of a legal agreement...</u>"</p>
PM7	Page 19	<p>Policy AP6</p> <p>The Policy should be deleted in its entirety, together with the supporting text at paragraphs 5.34 and 5.35.</p> <p>It will be necessary to renumber subsequent policies and supporting text</p>

		within the Plan consequent upon these modifications.
PM8	Page 20	<p>Policy AP7</p> <p>Amend the introductory sentence as follows:</p> <p><u>"Proposals The development promoting the sustainable diversification of the rural economy will be supported through:"</u></p> <p>Amend criterion (b) as follows:</p> <p><u>"The re-use or replacement of suitable land/buildings for employment generating uses in villages, and their re-use in the countryside in accordance with the provisions of Policy AP9;"</u></p> <p>Amend the first sentence of criterion (g) as follows:</p> <p><u>"New specialist and leisure related retail businesses.....and could not reasonably be expected to locate within the Parish settlements development limits."</u></p> <p>Delete the final sentence of criterion (g) commencing <u>"Improvements to technology and communications..."</u>.</p> <p>Amend the final sentence of the Policy to read:</p> <p><u>"All proposals should accord with all other necessary relevant policies contained within the this Neighbourhood Plan and those contained within the documents forming the North Lincolnshire Local Development Framework, particularly with regard to....."</u></p>
PM9	Page 21	Policy AP8

		<p>The Policy to be deleted in its entirety, together with the supporting text at paragraphs 5.44 – 5.46.</p> <p>It will be necessary to renumber subsequent policies and supporting text within the Plan consequent upon these modifications.</p>
PM10	Page 22	<p>Policy AP9</p> <p>Amend the Policy Title as follows:</p> <p><i>"Policy AP9: REDEVELOPMENT OF REDUNDANT BUILDINGS IN THE OPEN COUNTRYSIDE"</i></p> <p>Amend the first sentence to read as follows:</p> <p><i>"In addition to developments permitted by the General Permitted Development Order, p <u>Proposals for the conversion or re-use of <u>redundant or disused buildings in the countryside will be supported where for the following developments is, for example:</u></u></i>"</p> <p>Insert new criterion (g) as follows:</p> <p><i>"g lead to the enhancement of the immediate setting;"</i></p> <p>Delete criterion (h) and replace with the existing criterion (g).</p> <p>Delete paragraph 5.49 (subsequent paragraphs will require renumbering as a consequence of this deletion).</p> <p>Delete the phrase "- see Policy AP8 above" from paragraph 5.50.</p>
PM11	Page 23	<p>Policy AP10</p> <p>The first sentence should be amended as follows:</p> <p><i>"All new buildings and developments within the Parish will <u>should, where appropriate and possible, be connected to superfast broadband via</u></i></p>

		<p><i>the appropriate and most up-to-date method possible”.</i></p> <p>The second sentence should be amended as follows:</p> <p><i><u>Proposals for suitable and appropriately scaled sympathetically designed improvements to telecommunications technology will be supported where they conform to other relevant policies contained within this Neighbourhood Plan and those contained within the documents forming the North Lincolnshire Local Development Framework”.</u></i></p>
PM12	Page 23	<p>Policy AP11</p> <p>Amend the first sentence of the Policy by deleting the text in brackets: <i>“(including in particular the Paddock and Playing Field in Appleby village)”</i>.</p> <p>And by amending the final part of the sentence to read:</p> <p><i>“unless alternative provision, of equivalent or better quality and size, is to be made.”</i></p> <p>Relocate the following priority schemes to Section 6 Community Aspirations:</p> <p><i>“a A new equipped play area at Santon, and</i></p> <p><i>b Improvements to existing open spaces, equipped play areas and informal recreation area”.</i></p> <p>Delete the final sentence of the Policy in its entirety.</p> <p>Relocate paragraph 5.55 to provide justification for new Policy AP14A.</p>
PM13	Page 25	<p>Policy AP12</p> <p>Delete sub-paragraph (a) in its entirety and re-number the remaining sub-paragraphs.</p>

		<p>Amend the text of sub-paragraph (b) as follows:</p> <p><u>"in Appleby village, appropriate measures (where practicable) (including, where appropriate, the use of planning conditions or obligations) to discourage manage the impact of traffic related to generated by any new developments from using on the minor roads network, including giving priority to pedestrian and cycle movements;"</u></p> <p>Amend the text of sub-paragraph (d) as follows:</p> <p><u>"the introduction of traffic management and calming measures that promote good driver behaviour, where possible appropriate."</u></p> <p>Replace the text of paragraphs 5.59 and 5.63 as follows:</p> <p>"5.59 The speed at which vehicles travel along Risby Road, particularly since it has been resurfaced and widened slightly, raises safety concerns, it being the primary route for most Parishioners to and from Scunthorpe. It is frequently used as a commuting 'rat run' into Scunthorpe, adding greatly to the volume and speed of traffic on it at peak times."</p> <p>"5.63 There is a need to address concerns about speeding vehicles through Appleby village, unnecessary HGV movements through Santon, and the condition of roads and footpaths generally."</p>
PM14	Page 26	<p>Policy AP13</p> <p>Amend the first sub-paragraph to read as follows:</p> <p><u>"Proposals creating opportunities for the improvement and extension of the public and permissive network of bridleways, cycleways and footpaths</u></p>

		<p><i>creating circular routes and direct access to the countryside will be supported.</i></p> <p>The second and third sub-paragraphs of the Policy should be relocated within Section 6 of the Plan as Community Aspirations.</p> <p>The justification for those sub-paragraphs at paragraph 5.69 should be deleted and subsequent paragraphs renumbered.</p> <p>The final sub-paragraph should be amended as follows:</p> <p><i><u>"Contributions will be sought from new housing through planning obligations from development in the Parish towards the priority areas listed above or to improvements of existing facilities within the vicinity proposals towards the implementation of improvements and extensions to the network."</u></i></p>
PM15	Page 28	<p>Policy AP14</p> <p>In the first sentence, amend the text of the first sentence as follows:</p> <p><i><u>"The Neighbourhood Plan will seek to protect, manage maintain and enhance the Parish's natural environment...."</u></i></p> <p>Replace the emphasis in the second sentences as follows:</p> <p><i><u>"...will not be supported only where unless the reasons for development are evidenced..."</u></i></p> <p>Relocate the sentence commencing <i><u>"The Local Green Spaces identified...."</u></i> to a new Policy as shown below.</p> <p>Revise the text of the final sentence of the Policy as follows:</p> <p><i><u>"...will be expected to protect and enhance the unique special nature of</u></i></p>

		<p><i>the local landscape and its surroundings.”</i></p> <p>Insert a new Policy comprising the following text relocated from Policy 14:</p> <p><i><u>“The areas known as The Paddock and The Playing Field, Local Green Space identified on the Proposals Map (shown in Appendix 5) are designated as Local Green Space (LGS) should be protected. Development proposals will not be permitted on Local Green Space other than in very special circumstances only where these areas will not be adversely affected.”</u></i></p> <p>Justification for the new Policy should be provided by relocating paragraph 5.55 from the justification for Policy AP11.</p>
PM16	Page 30	<p>Policy AP15</p> <p>Amend the Policy title as follows:</p> <p><i><u>“Policy AP15: PROTECTION, CONSERVATION AND ENHANCEMENT OF THE APPLEBY CONSERVATION AREA”</u></i></p> <p>Amend criterion (a) as follows:</p> <p><i><u>“(a) the scale and nature of the development in relation to the local character and distinctiveness of the Conservation Area;”</u></i></p> <p>Add new criterion (b) as follows:</p> <p><i><u>“(b) the impact of the development on any designated heritage asset or its setting;”</u></i></p> <p>The remaining criteria will require renumbering.</p> <p>Add new text to criterion (g) – which becomes criterion (h) – as follows:</p> <p><i><u>“(h) guidance provided in the relevant Appleby Conservation Area</u></i></p>

		<p><u>Appraisal, the Appleby Conservation Area Supplementary Planning Guidance, the Appleby Conservation Area Design Statement, and....”.</u></p> <p>Amend the fourth sentence of paragraph 5.85 as follows:</p> <p>“These are shown on a map included as Appendix 6 <u>the Proposals Map</u>”</p> <p>Add the following sentence after the final sentence of paragraph 5.85:</p> <p>“The Appleby Conservation Area Appraisal (November 2005) and the Appleby Conservation Area Supplementary Planning Guidance (November 2005) are documents adopted by North Lincolnshire Council.”</p>
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