

**Barton Upon Humber  
List of Appellant's Supporting Documents**

<b>1 Application and Related Documents</b>	
APP1.1	Pre-Application Enquiry Response (Informal Screening Opinion) from the Council dated 13 May 2021
APP1.2	Application covering e-mail to the Council dated 23 November 2021
APP1.3	Completed Application Form dated 22 November 2021
APP1.4	<p>Drawings submitted with the application, comprising:</p> <ul style="list-style-type: none"> <li>➤ PA01 – Site Location Plan</li> <li>➤ PA02 – Site Boundary Plan</li> <li>➤ PA03 – Other Land within Applicant's Control</li> <li>➤ PA04 – Aerial Image</li> <li>➤ PA05 – Indicative Masterplan</li> <li>➤ PA06 – Annotated Indicative Masterplan</li> <li>➤ PA07 – Indicative Section (Horkstow Road)</li> <li>➤ PA08 – Proposed Detailed Site Access Arrangement Overview</li> <li>➤ PA09 – Proposed Detailed Site Access (Brigg Road)</li> <li>➤ PA10 – Proposed Detailed Site Access (Horkstow Road)</li> <li>➤ PA11 – Pedestrian Connectivity to Local Facilities – Proposed Enhancements</li> <li>➤ PA12 – Proposed Bus Route (to the South of the town)</li> <li>➤ PA13 – Sustainability Plan</li> <li>➤ PA14 – Open Space and Landscape Framework Plan</li> <li>➤ PA15 – Movement Framework</li> </ul>
APP1.5	Planning Statement dated November 2021 and Appendices, comprising APP1.5.1 to APP1.5.16:
APP1.5.1	Appendix 1 – Design and Access Statement
APP1.5.2	Appendix 2 – Landscape and Visual Appraisal
APP1.5.3	Appendix 3 – Ecological Report
APP1.5.4	Appendix 4 – Arboricultural Assessment
APP1.5.5	Appendix 5 – Heritage Assessment
APP1.5.6	Appendix 6 – Geophysical Survey
APP1.5.7	Appendix 7 – Air Quality Assessment
APP1.5.8	Appendix 8 – Noise Assessment
APP1.5.9	Appendix 9 – Transport Assessment
APP1.5.10	Appendix 10 – Framework Travel Plan

APP1.5.11	Appendix 11 – Flood Risk and Drainage Assessment
APP1.5.12	Appendix 12 – Preliminary Risk Assessment (Ground Conditions)
APP1.5.13	Appendix 13 – Socio-economic Assessment
APP1.5.14	Appendix 14 – Assessment of the North Lincolnshire Five Year Housing Land Supply
APP1.5.15	Appendix 15 – Pre-Application Consultation Report
APP1.5.16	Appendix 16 – 3D Visuals Pack
APP1.6	E-mail from the Appellant to North Lincolnshire Council dated 7 January 2022 responding to the Tree Officer
APP1.7	E-mail from North Lincolnshire Council to the Appellant dated 7 February 2022 requesting amendments to the trenching plan
APP1.8	E-mail from the Appellant to North Lincolnshire Council dated 22 February 2022 with a proposed planning condition prohibiting development works from taking place within the area the Council sought additional trial trenches
APP1.9	E-mail from North Lincolnshire Council to the Appellant dated 1 March 2022 disagreeing with the imposition of a planning condition in relation to trial trenches
APP1.10	Screening Opinion of North Lincolnshire Council dated 20 April 2022
APP1.11	Agricultural Land Classification Report dated 7 April 2022, submitted to the Council on 29 April 2022 in response to a request from Natural England for such an assessment in its consultation response
APP1.12	Highways Technical Note dated and submitted to the Council 12 April 2022 responding to comments from National Highways
APP1.13	Highways Technical Note dated and submitted to the Council 12 April 2022 responding to comments from North Lincolnshire Council Highways
APP1.14	Technical Note: Winter and Passage Bird Surveys dated 5 April 2022, submitted to the Council on 21 April 2022, as an addendum to the Ecological Impact Assessment
APP1.15	Shadow Habitats Regulations Assessment dated April 2022, submitted to the Council on 21 April 2022
APP1.16	Letter to the Council responding to the comments of the Council's Environmental Protection Team dated 21 April 2022
APP1.17	Appellant response to consultation responses of Natural England (APP2.1.15) and North Lincolnshire Council Ecologist (APP2.1.19) dated May 2022, submitted to the Council on 30 May 2022
APP1.18	Officer Report to the Planning Committee for the Meeting of 8 June 2022
APP1.19	Minutes of the Planning Committee Meeting of 8 June 2022
APP1.20	Decision Notice dated 9 June 2022 for planning application PA/2021/2151
APP1.21	Trial Trench Evaluation and Field Walking Report dated June 2022
<b>2 Consultation Responses</b>	

APP2.1	Consultation Responses to Application Documentation, comprising APP2.1.1 to APP2.1.35:
APP2.1.1	Anglian Water (29 December 2021)
APP2.1.2	Barton Upon Humber Town Council
APP2.1.3	Barton Upon Humber Town Council
APP2.1.4	CPRE Northern Lincolnshire (19 January 2022)
APP2.1.5	Environment Agency (5 January 2022)
APP2.1.6	Historic England (10 January 2022)
APP2.1.7	Humberside Fire and Rescue Service (21 December 2021)
APP2.1.8	Humberside Police (21 January 2022)
APP2.1.9	Humberside Police (26 January 2022)
APP2.1.10	LLFA Drainage Team (21 December 2021)
APP2.1.11	National Highways (28 February 2022)
APP2.1.12	National Highways (3 May 2022)
APP2.1.13	Natural England (19 January 2022)
APP2.1.14	Natural England (11 February 2022)
APP2.1.15	Natural England (20 May 2022)
APP2.1.16	North Lincolnshire Council – Access (8 March 2022)
APP2.1.17	North Lincolnshire Council – Conservation (7 March 2022)
APP2.1.18	North Lincolnshire Council – Ecology (7 January 2022)
APP2.1.19	North Lincolnshire Council – Ecology (20 May 2022)
APP2.1.20	North Lincolnshire Council – Education (30 March 2022)
APP2.1.21	North Lincolnshire Council – Environmental Protection (2 February 2022)
APP2.1.22	North Lincolnshire Council – Environmental Protection (10 March 2022)
APP2.1.23	North Lincolnshire Council – Environmental Protection (19 May 2022)
APP2.1.24	North Lincolnshire Council – Highways (14 March 2022)
APP2.1.25	North Lincolnshire Council – Highways (20 May 2022)
APP2.1.26	North Lincolnshire Council – Historic Environment Record (24 January 2022)
APP2.1.27	North Lincolnshire Council – Historic Environment Record (19 May 2022)
APP2.1.28	North Lincolnshire Council – Place, Planning and Housing (18 March 2022)

APP2.1.29	North Lincolnshire Council – Tree and Landscape (17 December 2021)
APP2.1.30	North Lincolnshire Council – Tree and Landscape (4 April 2022)
APP2.1.31	North Lincolnshire Council – Waste Management (13 December 2021)
APP2.1.32	Residents Against Inappropriate Development (12 January 2022)
APP2.1.33	Sport England (22 December 2021)
APP2.1.34	Sport England (18 January 2022)
APP2.1.35	Sport England (28 April 2022)
APP2.1.36	North Lincolnshire Council – Leisure Services (24 January 2022)
APP2.2	Third Party Representations (241 objections, of which 2 are a duplication, and 29 support)
APP2.3	North Lincolnshire Council – Leisure (Obtained post determination) (24 January 2022)
<b>3 The Development Plan, National Policy and Other Material Considerations</b>	
APP3.1	Saved Policies of the North Lincolnshire Local Plan adopted May 2003
APP3.2	North Lincolnshire Local Development Framework: Core Strategy adopted June 2011
APP3.3	North Lincolnshire Local Development Framework: Housing and Employment Land Allocations adopted March 2016
APP3.4	North Lincolnshire Council’s Supplementary Planning Guidance (SPG8) on Developer Contributions to Schools adopted April 2006
APP3.5	North Lincolnshire Council’s Supplementary Planning Guidance (SPG10) on Provision of Open Space in New Housing updated February 2006
APP3.6	North Lincolnshire Countryside Design Summary Supplementary Planning Guidance (1999)
APP3.7	National Planning Policy Framework (updated 20 July 2021)
APP3.8	National Planning Practice Guidance (online resource) <a href="http://planningguidance.planningportal.gov.uk/">http://planningguidance.planningportal.gov.uk/</a>
<b>4 Five Year Housing Land Supply</b>	
APP4.1	North Lincolnshire Council’s Five-Year Housing Land Supply Position Statement August 2021
<b>5 Landscape and Visual</b>	
APP5.1	Landscape Institute and Institute of Environmental Management and Assessment – Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)
APP5.2	North Lincolnshire Landscape Character Assessment and Guidelines 1999
APP5.3	E-mail exchange between the Appellant and North Lincolnshire Council dated 18 August 2021 to 12 October 2021 with the proposed viewpoints and agreement

APP5.4	Plan reference 10274-FPCR-XX-ZZ-DR-L-0002-P01 'Developable Area and Topography Plan' (submitted as a new document with this appeal)
APP5.5	E-mail from the Lincolnshire Wolds Joint Advisory Committee to the Appellant dated 26 July 2022
<b>6 Ecology</b>	
APP6.1	E-mail exchange between the Appellant and the Council's Biodiversity Officer dated between 29 June 2021 and 19 August 2021 agreeing the scope of the ecological surveys
APP6.2	E-mail exchange between Natural England and the Appellant regarding a request through the Discretionary Advice Service dated 28 July to 4 August 2021
APP6.3	E-mail from the Council to Natural England dated 9 May 2022
APP6.4	Consultation responses provided by Natural England to the North Lincolnshire Local Plan, as follows: <ul style="list-style-type: none"> <li>➤ Issues and Options (Regulation 18) Consultation Response dated 12 March 2018</li> <li>➤ Preferred Options Consultation Response dated 9 April 2020</li> <li>➤ Publication Draft (Regulation 19) Consultation Response dated 26 November 2021</li> <li>➤ Publication Draft (Regulation 19) Addendum Consultation Response dated 10 July 2022</li> </ul>
APP6.5	Reports produced by Footprint Ecology in relation to the Humber Estuary to inform the Local Plan, comprising:
APP6.5.1	Desk Based Study on Recreational Disturbance to Birds on the Humber Estuary dated 1 September 2010
APP6.5.2	Results of the recreational visitor surveys across the Humber Estuary: Final Report dated 6 July 2012
APP6.5.3	Humber Winter Bird Disturbance Study dated 24 November 2014
APP6.6	Natural England's Habitat Regulations Assessment of the Coastal Footpath dated 2021, comprising:
APP6.6.1	England Coast Path Stretch: Mablethorpe to Easington - Habitat Regulations Assessment published 12 May 2021
APP6.6.2	England Coast Path Stretch: Mablethorpe to Humber Bridge - Overview to Natural England's compendium of statutory reports to the Secretary of State for this stretch of coast
APP6.6.3	Mablethorpe to Humber Bridge - Key Map
APP6.6.4	England Coast Path Stretch: Mablethorpe to Humber Bridge - Report MHB 4, Immingham Docks to Humber Bridge
APP6.7	E-mail from Natural England dated 13 June 2022 confirming its position on the application, post determination
APP6.8	Natural England guidance for the creation of Suitable Alternative Natural Greenspace

<b>7 Planning Appeal Decisions and Court Judgments</b>	
APP7.1	Appeal decision for land at Brigg Road, Messingham dated 20 July 2022 (APP/Y2003/W/21/3278257)
<b>8 Legislation</b>	
APP8.1	Conservation of Habitat and Species Regulations 2017 (as amended)

**Appendix 3 – Appellant’s Development Plan Policy Assessment**

The following table provides the Appellant’s assessment of the Proposed Development against the local development plan policies. The table utilises the same terms as used within the main text of the Statement of Case.

Policy No.	Policy Name	Policy Text	Appellant Assessment
<i>Saved Policies of the North Lincolnshire Local Plan (May 2003) (APP3.1)</i>			
RD2	Development in the Open Countryside	<p>Development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:</p> <ul style="list-style-type: none"> <li>i) essential to the efficient operation of agriculture or forestry;</li> <li>ii) employment related development appropriate to the open countryside;</li> <li>iii) affordable housing to meet a proven local need;</li> <li>iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;</li> <li>v) for the re-use and adaptation of existing rural buildings;</li> <li>vi) for diversification of an established agricultural business;</li> <li>vii) for the replacement, alteration or extension of an existing dwelling;</li> <li>viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.</li> </ul> <p>Provided that:</p> <ul style="list-style-type: none"> <li>a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;</li> <li>b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this Local Plan;</li> <li>c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and</li> <li>d) the development would not be detrimental to residential amenity or highway safety; and</li> <li>e) account is taken of whether the site is capable of being served by public transport; and</li> <li>f) the development is sited to make the best use of existing and new landscaping.</li> </ul>	<p>Policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. The Assessment of the North Lincolnshire Five Year Housing Land Supply (<b>APP1.5.14</b>) demonstrates that the Council is unable to demonstrate a five year housing land supply. Recent appeal decisions have also confirmed the housing shortfall in the authority area (for example, Land at Brigg Road, Messingham (Planning Inspectorate Reference: APP/Y2003/W/21/3278257) (<b>APP7.1</b>)).</p> <p>Where there is no five-year housing land supply, then the National Planning Policy Framework (“NPPF”) is clear that the most important policies for the determination of a proposal must be deemed out of date, and paragraph 11d of the NPPF is engaged. Paragraph 11d applies a weighted balance exercise and is clear that development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Due to the Council being unable to demonstrate a five year housing land supply, local plan policies including Policy RD2 of the North Lincolnshire Local Plan are considered to be out of date and the application should be assessed against the presumption of sustainable development set out in the NPPF (paragraph 11d).</p>
H5	New Housing Development	<p>Proposals for new housing development and renewals of planning permission will be permitted provided that:</p> <ul style="list-style-type: none"> <li>i) the development site is located within Scunthorpe and Bottesford Urban Area, the principal growth settlements of Barton upon Humber and Brigg or the medium growth settlements. All such development will be reasonably expected to commence within the lifetime of the Local Plan;</li> <li>ii) it comprises infill development, of up to three dwellings and is located within the medium and minimum growth settlements.</li> </ul> <p>All new housing developments should meet the following criteria:</p>	<p>Policy H5 is divided into two parts. Criteria i) and ii) relate to appropriate locations for housing development, with criteria a-m) setting out design based criteria that new housing development should adhere to. The Committee Report (<b>APP1.18</b>) states that whilst this policy is relevant “the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent Reserved Matters Application”. Policy H5 is however listed in the reason for refusal regarding the principle of development. Following adoption of the Core Strategy, criteria i) and ii) were superseded by Policies CS1 (Spatial Strategy), CS2 (Delivering more Sustainable Development) and CS8 (Spatial Distribution of Housing Sites). Therefore, criteria i) and ii) are no longer development plan policies.</p> <p>Whilst appearance, layout, landscaping and scale were all reserved matters, the key design principles are set out within the Indicative Masterplan (Drawing PA05) (<b>APP1.4</b>) and Design and Access Statement (<b>APP1.5.1</b>). Each of the Policy H5 criteria have been considered when preparing the submission and the details of how Policy H5 has been complied with is set out below.</p>

		<p>a) development should be well related to existing infrastructure including education, community and health facilities, roads, footpaths and cycleways, public transport services, water supply and other utilities; and</p>	<p>The Site is bounded by two adopted highways and is within walking distance of numerous local services. The submitted Sustainability Plan (Drawing PA13) (<b>APP1.4</b>) demonstrates that: Bowmandale School and Baysgarth Leisure Centre are within approximately 750m of the Site; Lidl (supermarket), Baysgarth School, 2no. GP practices, a dentist, Barton Railway stations, 2no. further Primary Schools, TESCO, and 2no. further convenience stores are located within 2km of the Site.</p> <p>The submitted 'Pedestrian Connectivity to Local Facilities – Proposed Enhancements' plan (Drawing PA11) (<b>APP1.4</b>) demonstrates a commitment to improving accessibility to the wider area by proposing a new footpath on Horkstow Road (where there is presently no footpath) and by proposing dropped kerbs in key locations to improve accessibility in southern Barton. This would improve general connectivity for existing and new residents. The Proposed Development also comprises an extended Bus Service that would benefit existing and proposed residents. Footpaths will be provided within the Site which would support the sustainable travel hierarchy of prioritising walking.</p> <p>Whilst not appraised by the Council in its assessment of the planning application within the Committee Report (<b>APP1.18</b>), the Proposed Development is well-connected to local services and therefore complies with Policy H5 a).</p>
		<p>b) the development does not result in the loss of important open space; and</p>	<p>The Site comprises private land currently in agricultural use and does not include or affect any Public Rights of Way. Whilst not appraised by the Council in its assessment of the planning application within the Committee Report there is no loss of important open space and the proposal therefore accords with Policy H5 b).</p>
		<p>c) the development is in keeping with the scale and character of the settlement; and</p>	<p>Whilst the layout and appearance of the Site remain reserved matters, the submitted indicative masterplan demonstrates that the proposed density and scale of housing would be in keeping with the locality. The Design and Access Statement (<b>APP1.5.1</b>) confirms that the architectural style of the proposed housing would relate to the existing local vernacular and the Proposed Development so as to comply with Policy H5 c).</p>
		<p>d) development of more than three dwellings can reasonably be expected to commence within the lifetime of the Local Plan; and</p>	<p>Housing sites in the Council's Local Plan have failed to deliver as expected. The Site presents an opportunity to deliver housing within the next five years. Several letters of interest from house builders have confirmed the deliverability of this site, and the two access points could mean that delivery of housing could be implemented at an accelerated rate. Whilst not appraised by the Council in its assessment of the planning application within the Committee Report, it is considered that the Proposed Development accords with Policy H5 d).</p>
		<p>e) the scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole; and</p>	<p>The submitted Design and Access Statement (<b>APP1.5.1</b>) confirms that the scale, layout, height and materials of the Proposed Development are in-keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole. It is acknowledged that scale and layout are reserved matters, but indicative plans demonstrate how the Site could be developed in an acceptable manner so as to comply with Policy H5 e).</p>
		<p>f) any development has an adequate and appropriately designed access which will not create any traffic or road safety hazard; and</p>	<p>An adequate and appropriately designed access was submitted as part of this submission (Drawings PA08, PA09 and PA10 (<b>APP1.4</b>)). The Council's Highways department and National Highways both confirmed that the proposed access was acceptable. Whilst not appraised by the Council in its assessment of the planning application within the Committee Report, it is considered that the Proposed Development accords with Policy H5 f).</p>
		<p>g) adequate parking within the curtilage of the site is provided in order to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway; and</p>	<p>Whilst detailed parking requirements would normally be considered in full at the Reserved Matters Stage of a proposal, the Indicative Masterplan establishes that adequate parking could be provided as part of the Proposed Development. Paragraph 5.3.1 of the Transport Assessment (<b>APP1.5.9</b>) states that both car and cycle parking for the residential units would be provided in accordance with the latest local parking standards. Such requirements would be fully addressed at the Reserved Matters Stage following any planning approval.</p>

		<p>h) the development should ensure the conservation and retention of features of particular architectural, historic, archaeological, landscape, nature conservation importance or existing features which make an important contribution to the character or other amenity of the site or the surrounding area; and</p>	<p>A Heritage Assessment (<b>APP1.5.5</b>) was submitted as part of the planning application. There are no designated heritage assets within the Site boundary. The nearest designated asset is the southwestern boundary of the Barton upon Humber Conservation Area which is located on the eastern side of Brigg Road, opposite the northeastern edge of the Site. The main core of the Conservation Area is located further north and northeast of the Site. The next nearest designated asset is located over 400m from the Site boundary, beyond Baysgarth Park with no visibility of the Proposed Development.</p> <p>A series of reports submitted as part of the planning application including the Ecological Impact Assessment (<b>APP1.5.3</b>), Landscape and Visual Appraisal (<b>APP1.5.2</b>), Heritage Assessment (<b>APP1.5.5</b>), Geophysical Survey (<b>APP1.5.6</b>), Trial Trench Evaluation and Field Walking Report (<b>APP1.21</b>) demonstrate that there will be no adverse effects on conservation, Scheduled Ancient Monuments, archaeological remains, listed buildings and Conservation Areas or trees. Further details of the assessments undertaken are provided in section 10 of the Statement of Case.</p>
		<p>i) provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space; and</p>	<p>The proposed density is similar to existing housing within the local area and makes provision for private gardens within the Indicative Masterplan (Drawing PA05) (<b>APP1.4</b>). At the Reserved Matters stage a detailed layout will demonstrate suitable private gardens are being provided for all proposed dwellings.</p>
		<p>j) development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings; and</p>	<p>The Proposed Development comprises residential use, which would complement the existing residential use adjacent to the Site without causing any disturbance for the existing or proposed residents. Minimum separation distances between existing dwellings and new dwellings will be adhered to and are likely to be exceeded in many instances to reduce any risk of overlooking or overshadowing of existing or new dwellings. The proposed dwellings would also be set back from Horkstow Road and will be around 40 metres to ensure that there are no privacy issues. The land is currently arable land with no public access. During the construction phase, conditions could be used to mitigate any harm to residential amenity. This is a matter that would be fully addressed at the Reserved Matters stage.</p>
		<p>k) proposals do not result in unacceptable ribbon development; and</p>	<p>The Site is located adjacent to the southern boundary of Barton upon Humber and existing residential properties currently look over the northern and eastern Site boundaries. The Site would be well related to the main settlement and would not result in ribbon development. Whilst not appraised by the Council in its assessment of the planning application within the Committee Report (<b>APP1.18</b>), it is considered that the Proposed Development accords with Policy H5 k).</p>
		<p>l) adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwellings could expect to enjoy; and</p>	<p>The Proposed Development comprises solely residential use, which would dovetail into the existing residential use without causing any disturbance for the existing or proposed residents. During the construction phase, conditions could be used to mitigate any harm to residential amenity. Whilst not appraised by the Council in its assessment of the planning application within the Committee Report, it is considered that the Proposal accords with Policy H5 l).</p>
		<p>m) where appropriate and/or necessary new development should include substantial and suitable landscaping.</p>	<p>A significant amount of landscaping is proposed within areas of proposed open space and particularly on the southern boundary of the Site. In addition to existing landscaping, which is proposed to be retained wherever possible, particularly on the Horkstow Road and A15 boundaries, this will ensure that substantial and suitable landscaping is provided in accordance with Policy H5 m).</p>
H8	Housing Design and Housing Mix	<p>New residential development will be permitted provided that it:</p>	
		<p>i) respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment; and</p>	<p>Whilst appearance, layout, landscaping and scale were all reserved matters; the submitted indicative masterplan (<b>APP1.4</b>) demonstrated how the proposed layout could respect and reflect local urban form. The submitted Design and Access Statement (<b>APP1.5.1</b>) confirms how design details and materials would be carefully selected to reflect the local vernacular. Planning</p>

			conditions could be used to ensure compliance with Policy H8 i).
		ii) incorporates a high standard of layout which maintains and where possible improves and enhances the character of the area; and	Whilst layout was a reserved matter, the submitted indicative masterplan ( <b>APP1.4</b> ) has demonstrated that a high quality layout can be achieved on the Site. The Council raised no concerns regarding this indicative layout through consultee responses or the Committee Report ( <b>APP1.18</b> ). The Design and Access Statement ( <b>APP1.5.1</b> ) outlines the key characteristics of the local area and how these have been incorporated within the proposals.
		iii) protects existing natural and built features, landmarks or views that contribute to the amenity of the area; and	The Proposed Development has been carefully considered, to keep built development on the lower slopes of the Site, consistent with the existing urban form of Barton on Humber, and at a lower elevation than some existing dwellings in the town. The scheme includes extensive areas of green infrastructure, which will provide a long term successful green edge to the settlement and will mitigate any landscape and visual effects. The indicative masterplan comprises a layout to incorporate views towards the Humber Bridge and respected views towards the Site from sensitive receptors through the use of open space and planting for screening.
		iv) prioritises the needs of pedestrian movement and takes into account the safety, health and security of residents, neighbours and the community; and	The submitted 'Pedestrian Connectivity to Local Facilities – Proposed Enhancements' plan (Drawing PA11 ( <b>APP1.4</b> )) demonstrates a commitment to improving accessibility to the wider area by proposing a new footpath on Horkstow Road (where there is presently no footpath) and by proposing dropped kerbs in key locations to improve accessibility in southern Barton upon Humber. The submitted indicative masterplan incorporates the principle of permeability and prioritises pedestrian movements. The submitted 'Movement Framework Plan' (Drawing PA15 ( <b>APP1.4</b> )) shows how the Proposed Development has considered the incorporation of pedestrian routes when designing the scheme. The indicative masterplan includes a circuitous footpath route that presents the opportunity for a play trail or a 'trim trail'. The existing track through the middle of the Site would be adapted to provide a direct route that could be used by pedestrians or cyclists but would not be appropriate for vehicular use.
		v) provides for residents a sense of identity and variety; and	The proposed varied open spaces and additional planting would improve the legibility of the Site and Barton Upon Humber as a settlement. The incorporation of 20 bungalows would meet a need identified by local residents through community engagement events and add variety to the street scene through the use of differing building heights. Similarly, the Design and Access Statement highlights the potential for gateway buildings with pockets of 2.5 storey development on the primary access road and lower parts of the Site. Retaining the view of the Humber Bridge from the Site would contribute to Barton's identity. The density of houses would vary across the Site to improve legibility and create visual interest whilst maximising parts of the Site that will be on the proposed bus corridor. Provision of allotments would encourage social integration of existing and new residents, contributing to community cohesion hence developing a stronger sense of identity. Architectural styles would respond to local character but would be varied on the proposed houses, as set out in the Design and Access Statement ( <b>APP1.5.1</b> ), so as to create a better sense of place and identity.
		vi) creates an appropriate mix of dwelling size and type.	An indicative housing mix is provided in Table 2 of the submitted Planning Statement ( <b>APP1.5</b> ), informed by policy requirements and pre-application feedback. The indicative housing proposals seek to provide a well-balanced mix of 1, 2, 3, 4 and 5 bed family homes to create a sustainable community which meets the needs of all future residents. Residential dwellings will be predominantly two storeys in height but with pockets of 2.5 storey development around the primary road and lower parts of the Site. Up to 20 bungalows will also be provided on Site. The illustrative mix is subject to change through subsequent reserved matters applications with the exception of the provision of bungalows which is proposed to be included as a planning condition to provide certainty at the outline stage.  Whilst the detailed requirements of Policy H8 would be more appropriately assessed at the Reserved Matters stage, the Proposed Development sets out the key principles for housing design and mix and complies with Policy H8 of the North Lincolnshire Local Plan.

H10	Public Open Space Provision in New Housing Development	<p>To the extent that the existing public open space provision in an area is insufficient to meet the needs of additional residents, any new housing development shall make provision, as follows;</p> <p>i) New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents, or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other proposed recreational sites and facilities. On large development sites new built facilities may be required which support the recreational open space.</p> <p>ii) The Council will seek to enter into an agreement with developers which will set out the date of provision and arrangements for the maintenance and management of such areas during the course of development and thereafter.</p> <p>iii) On sites of less than 0.5 ha, the developer will be expected to make an appropriate commuted payment to off-site recreational open space provision within the catchment area and to contribute to future maintenance in accordance with supplementary planning guidance.</p>	<p>Supporting documentation submitted as part of the planning application including the Design and Access Statement (<b>APP1.5.1</b>), Planning Statement (<b>APP1.5</b>), Indicative Masterplan (Drawing PA05) (<b>APP1.4</b>) and Open Space and Landscape Framework Plan (Drawing PA14 (<b>APP1.4</b>)) demonstrate that substantial amounts of public open space are provided on site equating to 13.7 hectares (53% of the total Site area). The amount of open space proposed is well above policy requirements and will ensure a high-quality landscape led development is delivered. High quality open spaces and green links have been integrated into the Proposed Development and will complement the adjacent existing built and natural environment. The Committee Report (<b>APP1.18</b>) states that a minimum of 10sqm of open space is required to be provided on site, two local equipped areas of play ("LEAPs") on site and a financial contribution for two other LEAPs to go towards additional facilities at Baysgarth Park.</p> <p>A range of different types of open space are proposed taking into account feedback provided during the public consultation on the proposals and the views of the Council's Leisure Department. This includes allotments, a community orchard, two LEAPs and more natural areas of open space suitable for walking and other recreational uses.</p> <p>In addition to onsite provision, the Council's Leisure team requested developer contributions for:</p> <ul style="list-style-type: none"> <li>- Improvements towards natural turf pitches</li> <li>- Improvements towards existing football infrastructure facilities at Pasture Road, Barton upon Humber</li> <li>- Improvements towards swimming pools</li> <li>- Improvements towards indoor bowls facility at Scunthorpe</li> <li>- Additional offsite LEAP facilities at Baysgarth Park</li> </ul> <p>The Council's Leisure team (<b>APPx.x</b>) and Sport England (<b>APP2.1.3 to APP2.1.35</b>) raised no objections to the application subject to securing developer contributions for offsite leisure and recreation improvements. The proposed Heads of Terms were agreed by the Appellant and the Committee Report confirms that the proposals comply with Policy H10 of the North Lincolnshire Local Plan.</p>
C1	Educational Facilities	<p>The following sites are allocated for new and extended school and college facilities:</p> <ol style="list-style-type: none"> <li>1) Land between John Leggott College and North Lindsey College, Kingsway, Scunthorpe</li> <li>2) Land to the west of Old Warp Lane, South Ferriby</li> <li>3) Land at York Road, Brigg. Proposed for development of an additional Primary School</li> <li>4) Land adjacent to Bowmandale Primary School, Barton upon Humber.</li> <li>5) Land at Ancholme Park, Brigg. Proposed for the development of a new primary school to replace the existing Brigg Primary School. This development will also include the provision of playing fields, the extension of Atherton Way access road, a footpath link to Grammar School Road, coach and car parking, and landscaping.</li> </ol> <p>Where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.</p>	<p>Whilst not listed as a relevant policy in the Committee Report, the policy is used in the assessment part of that report. The Appellant agrees that it is a relevant policy.</p> <p>Policy C1 requires developers to enter into a planning obligation under a Section 106 Agreement where major new housing proposals would result in increased demand for education facilities which cannot be met by existing schools and colleges. The Education Authority's consultation response (<b>APP2.1.20</b>) advised that having taken into account known and projected pupil numbers for the area, both primary and secondary contributions were sought for the Proposed Development. The proposed Heads of Terms were agreed by the Appellant and the Committee Report confirms that the proposals comply with Policy C1 of the North Lincolnshire Local Plan.</p>
LC1	Special Protection Areas, Special Areas of Conservation and Ramsar Sites	<p>Proposals for development which may affect an SPA, a proposed SPA, a SAC or candidate SAC will be assessed according to their implications for the site's conservation objectives. Proposals not directly connected with, or necessary for, the site, and which are likely to have a significant effect on the site (either individually or in combination with other proposals), will not be permitted unless it can be conclusively demonstrated that:</p>	<p>An Ecological Impact Assessment (<b>APP1.5.3</b>) was submitted as part of the planning application. Following the completion of wintering bird surveys, a Technical Note (Winter and Passage Bird Surveys) (<b>APP1.14</b>) and a Shadow Habitats Regulations Assessment ("sHRA") (<b>APP1.15</b>) were undertaken and submitted to the Council. Natural England (<b>APP2.1.13 to APP2.1.15</b>) advised that insufficient information had been submitted to demonstrate that the Proposed Development will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area</p>

		<p>i) there is no alternative solution; and</p> <p>ii) there are imperative reasons of overriding public interest for the development.</p> <p>Where the site hosts a priority natural habitat type or a priority species, proposals will not be permitted unless it can be conclusively demonstrated that it is necessary for reasons of human health or public safety, or for consequences of primary importance for nature conservation.</p> <p>Where such a development does proceed, the use of conditions or planning obligations to secure all compensatory measures necessary to comply with Article 3 of the EEC Habitats and Species Directive will be considered.</p>	<p>("SPA") and Ramsar site.</p> <p>Section 10 of the Statement of Case sets out the Appellant's assessment of ecology matters in full. From the data presented within the application, the sHRA and the subsequent clarifications presented to the Council and within the Appellant's Statement of Case, it has been demonstrated that the Proposed Development will not have an adverse effect upon the Humber Estuary SPA. The Site has no functional linkage with the SPA as proven by the comprehensive bird surveys. Any recreational pressures that may be generated are fully mitigated by the provision of public open space within the Site, which exceeds guidance by a considerable margin. The proposals comply with Policy LC1 of the North Lincolnshire Local Plan.</p>
LC5	Species Protection	<p>Planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to:</p> <p>i) facilitate the survival of individual members of the species; and</p> <p>ii) reduce disturbance to a minimum; and</p> <p>iii) provide adequate alternative habitats to sustain at least the current levels of population.</p>	<p>An ecological Impact Assessment (<b>APP1.5.3</b>) was submitted as part of the planning application demonstrating that the proposals would have no impact on protected species. The Committee Report (<b>APP1.18</b>) confirms that the Council accepts the findings of the assessment and that suitable mitigation and enhancement measures have been proposed which the Council's Ecologist has found to be acceptable.</p>
LC6	Habitat Creation	<p>Provision will be made for the creation of nature reserves and new wildlife habitats both in rural and urban areas. Where appropriate, in granting planning permission, the creation of such areas will be required for the following types of development:</p> <p>i) in association with the reclamation of former mineral workings and waste disposal sites;</p> <p>ii) in association with schemes for derelict land clearance;</p> <p>iii) on land which is no longer required for long term agricultural use. Particular emphasis will be placed on the creation of habitats such as wet and dry heathland, wet woodland and reedbed in keeping with local and national biodiversity targets and provision of habitat for protected species.</p>	<p>The policy is listed in the Committee Report as a relevant policy but is not referred to in any part of that report. Whilst habitat creation is proposed as part of the planning application, due to being a proposed residential development and not one of the listed types of development, the Appellant does not believe that the policy is relevant in the consideration of the proposals.</p>
LC7	Landscape Protection	<p>Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.</p>	<p>A Landscape and Visual Appraisal (<b>APP1.5.2</b>) was submitted as part of the planning application. The appraisal noted that the Site and its immediate context are not subject to any national, local or other landscape designations. The appraisal also noted that due to the retention of existing landscape features wherever possible, there would be a negligible effect on the overall landscape character area. The appraisal concluded that the proposals could be successfully integrated into the local surroundings and would not give rise to unacceptable harm to the landscape and visual receptors in compliance with Policy LC7.</p> <p>Section 10 of the Appellant's Statement of Case sets out the Appellant's assessment of landscape considerations in full. The Proposed Development has been carefully considered, to keep built development on the lower slopes of the Site, consistent with the existing urban form of Barton on Humber, and at a lower elevation than some existing dwellings in the town. The scheme includes extensive areas of green infrastructure, which will provide a long term successful green edge to the settlement and will mitigate any landscape and visual effects. The conclusions of the LVA submitted with the application have been unchallenged and this confirms any effects would be limited and localised. This conclusion is consistent with the Screening Opinion from the Council, which correctly concluded "impacts will be localised in nature and can be mitigated via standard conditions in respect of landscaping" and there are no statutory consultee responses</p>

			which dispute this. The proposals comply with Policy LC7 of the North Lincolnshire Local Plan.
LC12	Trees	Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.	<p>Whilst not listed as a relevant policy in the Committee Report (<b>APP1.18</b>), the policy is used in the assessment part of that report. The Appellant agrees that it is a relevant policy.</p> <p>An Arboricultural Assessment (<b>APP1.5.4</b>) and Biodiversity Net Gain Assessment (included within Ecological Impact Assessment) (<b>APP1.5.3</b>) considers the impact of the proposals on trees. Most of the trees within or adjacent to the Site could be retained as part of the development. Some hedgerow loss will be required to provide the proposed two accesses. The proposals indicate that substantial hedgerow planting is proposed to mitigate the loss of hedgerow and the indicative Masterplan (<b>APP1.4</b>) demonstrates how this hedgerow gain could be achieved on site. The Council's Tree Officer (<b>APP2.1.29 to APP2.1.30</b>) raised no objections to the proposal as it is considered that the development would have little impact on hedges and trees.</p> <p>The Committee Report acknowledges that planning conditions can be used to secure net gain for hedgerows and secure tree protection measures for trees and hedgerows to be retained. The Committee Report acknowledges that the proposals align with Policy LC12 of the North Lincolnshire Local Plan.</p>
HE2	Development in Conservation Areas	<p>All development proposals in, or which affect the setting of, Conservation Areas should preserve or enhance the character and appearance of the area and its setting.</p> <p>The following criteria will be applied in determining applications for development in Conservation Areas:</p> <ul style="list-style-type: none"> <li>i) development should be of a standard of design which respects the appearance and character of the Conservation Area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape and architectural style and detailing; and</li> <li>ii) development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views; and</li> <li>iii) building materials should be appropriate to the locality and context and sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size. Walls, gates and fences should be of a type traditionally used in the locality; and</li> <li>iv) the development must have a satisfactory means of access which does not detract from the character of the area, not generate excessive traffic and where appropriate should provide for adequate car parking in a way which is sympathetic to the Conservation Area. In instances where there is conflict between the highway requirements and the retention of the character of the area, the latter shall prevail; and</li> <li>v) the development should retain important landscape and ecological features and where possible, include measures to enhance these features; and</li> <li>vi) the development should retain important architectural and historical features such as traditional street furniture and paving and should include measures to enhance them where possible; and</li> <li>vii) the development should avoid the loss of open areas, gaps in frontages, and natural and built features (such as trees, hedges, fences, walls and paving</li> </ul>	<p>A Heritage Assessment (<b>APP1.5.5</b>) was submitted as part of the planning application. There are no designated heritage assets within the Site. The nearest designated asset is the southwestern boundary of the Barton upon Humber Conservation Area which is located on the eastern side of Brigg Road, opposite the northeastern edge of the Site. The main core of the Conservation Area is located further north and northeast of the Site. The next nearest designated asset is located over 400m from the Site boundary, beyond Baysgarth Park with no visibility of the Proposed Development.</p> <p>Views to the Site are screened by planting and intervening buildings which mitigates any impacts of the development on how the Conservation Area is seen and experienced. The Council's Conservation Officer raised no objections to the Proposed Development, subject to conditions relating to the submission of external materials for the dwellings (<b>APP2.1.17</b>). The Committee Report acknowledges that the Proposed Development accords with Policy HE2 of the North Lincolnshire Local Plan.</p>

		<p>materials) if they are important to the character of the Conservation Area; and</p> <p>viii) the development should not spoil or destroy attractive views and vistas into, within and out of the Conservation Area if they are important to the character of the area.</p> <p>Where appropriate, Article 4 Directions will be made to remove permitted development rights where works otherwise classed as permitted development will potentially have an adverse impact on the special architectural or historical character or appearance of the area.</p>	
HE5	Development affecting Listed Buildings	<p>The Council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. The Council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.</p>	<p>A Heritage Assessment (<b>APP1.5.5</b>) was submitted as part of the planning application. There are no designated heritage assets within the Site. There are listed buildings to the north over 400 metres away from the Site. Due to not being visible, the proposal would not adversely affect the setting of the nearest listed buildings. The Council's Conservation Officer raised no objections to the Proposed Development (<b>APP2.1.17</b>). The Committee Report (<b>APP1.18</b>) acknowledges that the Proposed Development accords with Policy HE2 of the North Lincolnshire Local Plan.</p>
HE9	Archaeological Excavation	<p>Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.</p> <p>Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.</p>	<p>The Appellant undertook a geophysical survey (<b>APP1.5.6</b>) which demonstrated the presence of a probable Iron Age/Roman settlement or enclosure system at the northern end of the Site. This area would remain undisturbed in accordance with the masterplan (<b>APP1.4</b>). Following comments by the Council's Historic Environment Team, the Appellant commissioned a programme of archaeological trial trenching and field walking which the Council confirmed in the Committee Report to be satisfactory and the Proposed Development aligns with policy with regard to archaeology. No objections were raised by the Historic Environment Team.</p> <p>Following archaeological evaluation, a Trial Trench Evaluation and Field Walking Report was submitted to the Council's Historic Environment Team (<b>APP1.21</b>). The Council was content with the evaluation report subject to the proposed recommendations of the report in terms of sampling being carried out now to inform mitigation proposals rather than waiting until after and at a time when further fieldwork takes place.</p>
T1	Location of Development	<p>Development proposals, which generate a significant volume of traffic movement, will be permitted provided that they are located:</p> <ul style="list-style-type: none"> <li>i) in the urban area of Scunthorpe and Bottesford, Barton upon Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport; and</li> <li>ii) where there is good access to rail, water and air transport, or to the North Lincolnshire Strategic Road Network; and</li> <li>iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.</li> </ul>	<p>The Site is adjacent to the settlement boundary of Barton Upon Humber. The Transport Assessment (<b>APP1.5.9</b>) demonstrates that the Site is well served by existing transport provision and is accessible to a range of key services and facilities. The Assessment also demonstrates that the traffic generated by the proposals will not result in a detrimental impact on the surrounding road network.</p> <p>The proposal would present an opportunity for the enhancement of a bus service (via extension of a route). This would, for around 600 existing homes, provide a bus stop within 400m which is a walkable distance. The proposed route extension would also serve the Site, providing public transport option through the centre of the site.</p> <p>The Highways Authority and National Highways raised no objections on highways grounds and the Committee Report states that the proposals align with Policy T1 of the North Lincolnshire Local Plan.</p>
T2	Access to Development	<p>All development must be provided with a satisfactory access. In larger developments it should be served adequately by:</p> <ul style="list-style-type: none"> <li>i) being readily accessible by a choice of transport modes; and</li> <li>ii) existing public transport services and infrastructure; or</li> <li>iii) additions or extensions to such services linked directly to the development; and</li> </ul>	<p>The Site is adjacent to the settlement boundary of Barton Upon Humber. The Transport Assessment (<b>APP1.5.9</b>) demonstrates that the Site is well served by existing transport provision and is accessible to a range of key services and facilities. The Assessment also demonstrates that the traffic generated by the proposals will not result in a detrimental impact on the surrounding road network.</p> <p>Detailed permission is sought for two proposed site accesses, shown on plans PA09 and PA10 (<b>APP1.4</b>). Vehicular, walking and cycling access is proposed via a new ghost island priority T-junction with Brigg Road to the east of the Site. There will also be an access to the northern</p>

		iv) the existing highway network	<p>extent of the Site in the form of a priority crossroads junction with Horkstow Road and Tofts Road.</p> <p>The Site is capable of being well-served by public transport. The proposed bus route extension (Drawing PA12 (<b>APP1.4</b>)) would provide a benefit for new residents and existing residents around the Tofts Road area, who currently do not have access to a bus stop within a suitable walking distance. The delivery of this bus route would be secured via legal agreement, a draft of which has been submitted with the appeal. The proposal would therefore directly accord with Policy T2 iii).</p> <p>The Highways Authority and National Highways raised no objections on highways grounds and the Committee Report (<b>APP1.18</b>) states that the proposals align with Policy T2 of the North Lincolnshire Local Plan. It is therefore considered that the proposal accords with Policy T2 of the North Lincolnshire Local Plan.</p>
T6	Pedestrian Routes and Footpaths	The safety, convenience and attractiveness of footpaths and pedestrian areas will be improved, and areas created, to form a pedestrian-friendly network throughout North Lincolnshire. Major new developments will be required to include links to nearby existing or proposed pedestrian routes.	<p>Policy T6 is listed in as a relevant policy in the Committee Report but not referred to within the assessment of the proposals. The submitted 'Pedestrian Connectivity to Local Facilities – Proposed Enhancements' plan (Drawing PA11 (<b>APP1.4</b>)) demonstrates a commitment to improving accessibility to the wider area by proposing a new footpath on Horkstow Road (where there is presently no footpath) and by proposing dropped kerbs in key locations to improve accessibility in southern Barton upon Humber. This would improve general connectivity for existing and new residents alike. Suitable footpaths are provided within the Site which would support the sustainable travel hierarchy of prioritising walking. It is therefore considered that the proposal accords with Policy T6 of the North Lincolnshire Local Plan.</p>
T8	Cyclists and Development	<p>New developments will be required to:</p> <ul style="list-style-type: none"> <li>i) include cycle links with existing or proposed routes where such opportunity exists; and</li> <li>ii) ensure that the provision of cycle parking facilities are in accordance with the standards set out in Appendix 2</li> </ul>	<p>Policy T8 is not listed as a relevant policy in the Committee Report, nor referred to within the assessment of the proposals. The Detailed Site Access drawings (Drawings PA09 and PA10 (<b>APP1.4</b>)) demonstrate how cycle provisions have played an integral part in the site layout for this outline application. The indicative masterplan and page 62 of the submitted Design and Access statement (<b>APP1.5.1</b>) demonstrate how cycle provisions could be accommodated within the Site, and specifically adjacent to the primary street. Whilst cycle parking facilities would be a matter that would be controlled through subsequent Reserved Matters applications, ample space has been allocated within the indicative masterplan that would be capable of accommodating cycle parking facilities to ensure compliance with Policy T8ii. The proposals comply with Policy T8 of the North Lincolnshire Local Plan.</p>
T9	Promoting Buses and Trains	<p>The use of buses and trains will be encouraged as an alternative to the private car. In particular provision will be made for:</p> <ul style="list-style-type: none"> <li>i) bus priority routes between Scunthorpe town centre and its suburbs;</li> <li>ii) the provision and enhancement of bus stop facilities in the towns and rural areas;</li> <li>iii) new areas of development to be located and designed to allow convenient access by bus and train;</li> <li>iv) convenient and safe passenger interchanges;</li> <li>v) the maintenance and enhancement of an adequate public transport network;</li> <li>vi) improvements to the local rail network, including new and existing railway stations and the upgrading of existing railway lines;</li> <li>vii) improvements to bus and rail connections to Humberside International Airport</li> </ul>	<p>Policy T9 is not listed as a relevant policy in the Committee Report (<b>APP1.18</b>), nor referred to within the assessment of the proposals.</p> <p>The proposed bus route extension (Drawing PA12 (<b>APP1.4</b>)) would provide a benefit for new residents and existing residents around the Tofts Road area, who currently do not have access to a bus stop within a suitable walking distance. The delivery of this bus route would be secured via legal agreement, a draft of which has been submitted with the appeal. The proposal would therefore directly accord with Policy T9 iii) and comply with Policy T9 of the North Lincolnshire Local Plan.</p>
T19	Car Parking Provision and Standards	<p>Provision will be made for car parking where it would:</p> <ul style="list-style-type: none"> <li>i) meet the operational needs of businesses; or</li> <li>ii) be essential to the viability of a new development; or</li> <li>iii) improve the environment or safety of streets; or</li> <li>iv) meet the needs of people with disabilities; or</li> <li>v) be needed by visitors to the countryside;</li> </ul> <p>and comply with Appendix 2 - Parking Provision Guidelines.</p>	<p>Whilst detailed parking requirements would normally be considered in full at the Reserved Matters stage of a proposed development, the Indicative Masterplan (<b>APP1.4</b>) establishes that adequate parking could be provided as part of the development proposals. Paragraph 5.3.1 of the Transport Assessment (<b>APP1.5.9</b>) states that both car and cycle parking for the residential units would be provided in accordance with the latest local parking standards. Such requirements would be fully addressed at the Reserved Matters stage following any planning approval. The Committee Report (<b>APP1.18</b>) acknowledges that subject to planning conditions, the proposals align with Policy T19 of the North Lincolnshire Local Plan.</p>

DS1	General Requirements	<p>A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria set out below:</p> <p>Quality of Design</p> <ul style="list-style-type: none"> <li>i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and</li> <li>ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.</li> </ul>	<p>Policy DS1 sets out a series of requirements for new development including design and amenity considerations. The Design and Access Statement (<b>APP1.5.1</b>) details the way in which the landscape led design has evolved from conceptual drawings and maps to a more detailed illustrative framework. The final masterplan is a product of several iterations following technical input and local representations. The Indicative Masterplan (<b>APP1.4</b>) demonstrates how 390 dwellings can be accommodated on the Site in addition to significant public open space provision. The proposed density reflects the character of existing housing in the local area and the Site's edge of town location. The Proposed Development will deliver high quality architecture that reflects the local vernacular. Active frontages will be provided onto Horkstow Road and Brigg Road to conform with urban design principles and promote social integration.</p> <p>The Proposed Development has been carefully designed to keep built development on the lower slopes of the Site, consistent with the existing urban form of Barton on Humber, and at a lower elevation than some existing dwellings in the town. The inclusion of extensive areas of green infrastructure will provide a long term successful green edge to the settlement, enhancing the appearance and setting of the southern extent of the town.</p>
		<p>Amenity</p> <ul style="list-style-type: none"> <li>iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing; and</li> <li>iv) amenity open space in the area should be retained, wherever possible; and</li> <li>v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.</li> </ul> <p>Where appropriate, conditions will be imposed requiring the provision of landscaping to enhance new development</p>	<p>The Proposal comprises residential use, which would complement the existing residential use adjacent to the Site without causing any disturbance for the existing or proposed residents. Minimum separation distances between existing dwellings and new dwellings will be adhered to and are likely to be exceeded in many instances to reduce any risk of overlooking or overshadowing of existing or new dwellings. The proposed dwellings would also be set back from Horkstow Road and will be around 40 metres to ensure that there are no privacy issues. The land is currently arable land with no public access. During the construction phase, conditions could be used to mitigate any harm to residential amenity.</p>
		<p>Conservation</p> <ul style="list-style-type: none"> <li>vi) There should not be an adverse effect on features of acknowledged importance, on or surrounding, the site, including species of plants and animals of nature conservation value (particularly species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981), Scheduled Ancient Monuments, archaeological remains, listed buildings and Conservation Areas or trees and woodland covered by Tree Preservation Orders; and</li> <li>vii) the development must ensure the retention of those existing site features that make an important contribution to the character or amenity of the site or the surrounding area; and</li> <li>viii) development proposals should include the results of archaeological assessment, where appropriate, and adequate measures to ensure that there would be no unacceptable impacts on archaeological remains. Conditions will be imposed to secure suitable mitigation at the appropriate time in the development process.</li> </ul>	<p>A series of reports submitted as part of the planning application including the Ecological Impact Assessment (<b>APP1.5.3</b>), Landscape and Visual Appraisal (<b>APP1.5.2</b>), Heritage Assessment (<b>APP1.5.5</b>), Geophysical Survey (<b>APP1.5.6</b>), Trial Trench Evaluation and Field Walking Report (<b>APP1.21</b>) demonstrate that there will be no adverse effects on conservation, Scheduled Ancient Monuments, archaeological remains, listed buildings and Conservation Areas or trees. Further details of the assessments undertaken are provided in section 10 of the Statement of Case.</p>

		<p>Resources</p> <ul style="list-style-type: none"> <li>ix) There should be no conflict with an allocated or approved land-use proposal in the locality nor should the reasonable potential for development of a neighbouring site be prejudiced; and</li> <li>x) the location and design of developments on the urban fringe (sites adjoining settlement development limits) should take into account the need to minimise the impact of the development on adjoining agricultural land or other countryside interests; and</li> <li>xi) measures to conserve energy will be expected in: <ul style="list-style-type: none"> <li>a) the design, orientation and layout of buildings; and</li> <li>b) the location of development; and</li> <li>c) improvements to the transport network and in the management of traffic.</li> </ul> </li> </ul>	<p>The Site is not adjacent to any local plan allocated site or approved land use, other than the residential use to the north of Horkstow Road. There is therefore no conflict of use that would arise following the development. The Site is on the 'urban fringe' however would not cause any conflict of use with the adjoining agricultural land, significant tree planting would delineate the southern Site boundary. Further details of the assessments undertaken regarding design, energy conservation and transportation are provided in section 10 of the Statement of Case.</p>
		<p>Utilities and Services</p> <ul style="list-style-type: none"> <li>xii) There should be no reliance on public finances being available to provide infrastructure and services; and</li> <li>xiii) suitable on-site drainage should be provided and where there are off-site drainage problems the developer will be expected to overcome them.</li> </ul>	<p>There would be no reliance on public finances to provide infrastructure/services on the Site. The Appellant intends to enter into a Section 106 Unilateral Undertaking which contains obligations in relation to the provision of affordable housing, open space, LEAPs and Suitable Alternative Natural Greenspace ("SANG") as part of the Proposed Development. The Section 106 Unilateral Undertaking also contains contributions towards education provision, improvements to local leisure facilities and recreational spaces, public transport and highways.</p> <p>Discussions around the Heads of Terms for the Section 106 obligations have been ongoing with the Council, which have informed the preparation of a draft Section 106 Unilateral Undertaking. The draft has been submitted with this appeal.</p> <p>The Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) outlines the positive drainage strategy proposed including the use of swales and attenuation basins to capture overland flows and ensure that surface water is adequately controlled.</p>
			<p>As summarised above and set out within appendices that accompanied the planning application, the Proposed Development complies with all criterion within Policy DS1 of the North Lincolnshire Local Plan. The only assessment of policy DS1 set out within the Committee Report (<b>APP1.18</b>) is regarding landscape impacts.</p> <p>Section 10 of the Statement of Case sets out the Appellant's assessment of landscape considerations in full. The Proposed Development has been carefully considered, to keep built development on the lower slopes of the Site, consistent with the existing urban form of Barton on Humber, and at a lower elevation than some existing dwellings in the town. The proposals comply with the landscape provisions of Policy DS1 of the North Lincolnshire Local Plan.</p>
DS7	Contaminated Land	<p>In the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.</p> <p>Permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. Conditions will be imposed and/or a planning obligation entered into to secure the implementation of such a scheme at the appropriate time in the development process and to otherwise restrict and control the development.</p>	<p>A preliminary site investigation and desktop study has been undertaken (<b>APP1.5.12</b>) which determined there are no significant sources of contamination which require remediation on or within the vicinity of the Site. The assessment determines the risk to future site users and the environment from potential contamination to be low. The Council's Environmental Protection Team (<b>APP2.1.21 to APP2.1.23</b>) raised no objections to the planning application subject to planning conditions regarding a phase 1 site investigation including remediation and verification reports to be submitted to and agreed by the Council. The Committee Report acknowledges that subject to planning conditions, the proposals align with Policy DS7 of the North Lincolnshire Local Plan.</p>

DS11	Polluting Activities	<p>Planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.</p>	<p>Policy DS11 is concerned with polluting activities. Polluting activities will be limited with suitable mitigation put in place both through the construction phase and the final development proposals to ensure there are no impacts to both the Site and offsite.</p> <p>A Noise Assessment (<b>APP1.5.8</b>) and Air Quality Assessment (<b>APP1.5.7</b>) were submitted as part of the planning application and demonstrate that subject to planning conditions any impacts arising from the development will be mitigated appropriately. The Council's Environmental Protection Team raised no objections regarding noise and air quality and the Committee Report acknowledges that the proposals satisfy Policy DS11 of the North Lincolnshire Local Plan by making a positive impact upon the reduction of polluting activities.</p>
DS13	Groundwater Protection and Land Drainage	<p>All development proposals must take account of the need to secure effective land drainage measures and ground water protection in order to control the level of water in the land drainage system.</p>	<p>Whilst Policy DS13 is listed as a relevant policy in the Committee Report, the policy is not referred to in the assessment part of that report. The Site does not form part of a groundwater protection area. The Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) outlines the positive drainage strategy proposed including the use of swales and attenuation basins to capture overland flows and ensure that surface water is adequately controlled. Effective land drainage measures are included within the drainage strategy and no hazardous substances will be released into groundwater. The proposals comply with Policy DS13 of the North Lincolnshire Local Plan.</p>
DS14	Foul Sewage and Surface Water Drainage	<p>The Council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.</p>	<p>The Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) outlines a foul and surface water management scheme for the Proposed Development, demonstrating that the management of both foul and surface water generated by the development can be achieved. The Environment Agency (<b>APP2.1.5</b>), Lead Local Flood Authority (<b>APP2.1.10</b>) and Anglian Water (<b>APP2.1.1</b>) raised no objections subject to all details being provided via planning conditions. The Committee Report (<b>APP1.18</b>) states that the proposals align with Policy DS14 of the North Lincolnshire Local Plan.</p>
DS15	Water Resources	<p>Development will not be permitted which would adversely affect the quality and quantity of water resources or adversely affect nature conservation, fisheries and amenity by means of:</p> <ul style="list-style-type: none"> <li>a) pollution from the development; or</li> <li>b) water abstraction</li> </ul> <p>unless adequate measures are undertaken to reduce the impact to an acceptable level.</p>	<p>Whilst Policy DS13 is listed as a relevant policy in the Committee Report (<b>APP1.18</b>), the policy is not referred to in the assessment part of that report. The Proposed Development will not result in pollution or water abstraction and therefore complies with Policy DS15 of the North Lincolnshire Local Plan.</p>
DS16	Flood Risk	<p>Development will not be permitted within floodplains where it would:</p> <ul style="list-style-type: none"> <li>i) increase the number of people or buildings at risk; or</li> <li>ii) impede the flow of floodwater; or</li> <li>iii) impede access for the future maintenance of watercourses; or</li> <li>iv) reduce the storage capacity of the floodplain; or</li> <li>v) increase the risk of flooding elsewhere; or</li> <li>vi) undermine the integrity of existing flood defences</li> </ul> <p>unless adequate protection or mitigation measures are undertaken.</p>	<p>A Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) was submitted as part of the planning application. The entirety of the Site lies within Flood Zone 1 on the Government's fluvial flood maps and is subject to minimal flood risk. The Environment Agency (<b>APP2.1.5</b>) and Lead Local Flood Authority (<b>APP2.1.10</b>) raised no objections regarding flood risk and the Committee Report acknowledges that the proposals align with Policy DS16 of the North Lincolnshire Local Plan.</p>
<p>North Lincolnshire Local Development Framework: Core Strategy (June 2011) (<b>APP3.2</b>)</p>			

CS1	Spatial Strategy for North Lincolnshire	<p>The spatial vision and the future development requirements will be delivered through the spatial strategy for North Lincolnshire as outlined below and on the key diagram. The spatial strategy will focus on:</p> <p>...</p> <p>b) Supporting the Market Towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire.</p> <ul style="list-style-type: none"> <li>• North Lincolnshire’s Market Towns will continue to provide important services for the area’s rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected.</li> <li>• An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. During the plan period, the market towns will provide over 2,171 new dwellings.</li> <li>• Small and medium scale employment opportunities will be encouraged to meet the need to provide local jobs. The retention of existing local employment sites will be supported and where appropriate additional land will be allocated. Around 10 hectares of employment land will be provided in the market towns, with the majority being focussed in Barton upon Humber and Brigg.</li> <li>• The existing market town will be supported as key locations for shopping and services. Over the plan period limited levels of new retail development will be permitted and should be located within the town centres. The level of development will be dependent on local need and should be in keeping with the historic nature of these centres.</li> <li>• Transport links between the market towns and their surrounding settlements will be improved by working with public transport providers to ensure that services are convenient and accessible.</li> </ul> <p>...</p> <p>All future growth regardless of location should contribute to sustainable development particularly in respect of those criteria set out in policy CS2 as well as the other policies of the plan. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area’s natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact adequate mitigation measures should be used for the development to be acceptable.</p>	<p><u>Policy CS2</u></p> <p>All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area’s natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.</p> <p><u>Policies CS1, CS2, CS3, CS8</u></p> <p>Policies CS1 (Spatial Strategy for North Lincolnshire) and CS8 (Spatial Distribution of Housing Sites) of the Core Strategy (2011) deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns (including Barton Upon Humber), with brownfield sites and sites within development boundaries being the primary focus. Policy CS8 contemplates some greenfield development. This overall approach is supported by Policy CS2 which sets out a sequential approach for development and acknowledges the potential for <i>‘appropriate small scale greenfield extensions to meet identified local needs’</i>. Paragraph 5.35 of the Core Strategy describes Barton Upon Humber as <i>‘the largest settlement in North Lincolnshire outside the Scunthorpe area’</i> with <i>‘a good range of services, facilities and good public transport links to Hull, Scunthorpe, Brigg and Grimsby making Barton upon Humber an appropriate location to focus future growth.’</i></p> <p>Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The Housing and Employment Land Allocations DPD (2016) defines development limits for each settlement in North Lincolnshire. The Site falls outside the Barton Upon Humber settlement boundary.</p> <p>The Core Strategy polices should be read alongside the saved North Lincolnshire Local Plan Policies. Local plan saved Policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. A strategic urban extension is the only logical and effective way of meeting the Council’s housing requirement. The Assessment of the North Lincolnshire Five Year Housing Land Supply (<b>APP1.5.14</b>) demonstrates that there is a need for further housing sites to be approved due to the lack of housing land supply in the Local Plan, this has been further emphasised by numerous recent appeal decisions (for example, Land at Brigg Road, Messingham, planning appeal (Planning Inspectorate Reference: APP/Y2003/W/21/3278257) (<b>APP7.1</b>)) reaffirming that the council do not have a five-year housing land supply.</p>
CS2	Delivering More Sustainable Development	<p>In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:</p> <ol style="list-style-type: none"> <li>1. Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions</li> <li>2. Previously developed land and buildings within the defined development limits of North Lincolnshire’s Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs</li> <li>3. Small scale developments within the defined development limits of rural settlements to meet identified local needs.</li> </ol>	<p>Where there is no five-year housing land supply, then the NPPF is clear that the most important policies for the determination of the application must be deemed out of date, and paragraph 11d of the NPPF is engaged. Paragraph 11d applies a weighted balance exercise and is clear that development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.</p> <p>Due to the Council being unable to demonstrate a five year housing land supply, local plan policies including policies CS1, CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the North Lincolnshire Local Plan (2003) are considered to be out of date and the application should be assessed against the presumption of sustainable development set out in the NPPF (para 11d).</p>

		<p>Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as that related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.</p> <p>A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.</p> <p>All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:</p> <ul style="list-style-type: none"> <li>• Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy</li> <li>• Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network</li> <li>• Where large freight movements are involved the use of rail and water transport should be maximised</li> <li>• Contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities</li> <li>• Contribute to achieving sustainable economic development to support a competitive business and industrial sector</li> <li>• Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives</li> <li>• Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.</li> <li>• To be constructed and operated using a minimum amount of non-renewable resources including increasing the use of renewable energy in construction and operation</li> <li>• Take account of local environmental capacity and to improve air, water and soil quality and minimise the risk and hazards associated with flooding, and</li> <li>• Be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.</li> </ul> <p>All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.</p>	
CS3	Development Limits	<p>Development limits will be applied to the Scunthorpe urban area, the Market Towns and Rural Settlements. They will not be applied to rural settlements in the countryside.</p> <p>In applying development limits the following considerations will be taken into account:</p>	

		<ul style="list-style-type: none"> <li>• Existing development patterns - the development limit will be drawn around the main built up area of the settlement. Scattered, sporadic or dispersed development or buildings separated from the main body of the settlement by areas of undeveloped land, roads or industrial areas will not be included. Where possible, limits should follow clearly defined features or constraints such as roads.</li> <li>• Capacity - the ability of the settlement to accommodate future development based on existing and proposed infrastructure, on its access to facilities and services and levels of public transport. This also includes the availability of previously developed land.</li> <li>• Existing planning consents/development - land with planning consent for residential development or community facilities where development has been implemented.</li> <li>• Character - the limit will be drawn to reflect the need to protect and enhance settlement character. This means protecting areas of open space or land with the characteristics of open countryside within and adjacent to settlements by not including them within development limits. Large rear gardens or paddocks stretching well out the villages built form will also be excluded.</li> </ul> <p>Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as that related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry.</p> <p>The extent of the development limits will be defined in the Housing &amp; Employment Land Allocations Development Plan Documents and shown on the accompanying Proposals Map and settlement insets.</p>	
CS8	Spatial Distribution of Housing Sites	<p>The allocation of sites for 12,063 new dwellings will be delivered in accordance with sustainable development principles and the following sequential approach:</p> <ul style="list-style-type: none"> <li>• The principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be located in and adjacent to the urban area, equating 9,892 new dwellings. A total of 6,000 new dwellings will be provided within the Lincolnshire Lakes area during the plan period, with 1,250 being provided elsewhere within the urban area. Of these new dwellings 2,642 will be provided from sites that already have planning permission or are under construction.</li> <li>• The Market Towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton will have approximately 18% houses built overall equating to 2,171 new dwellings of which 840 will be provided from sites that already have planning permission or are under construction. The overall provision will be divided as follows to enhance the level of services provided or meet the needs of the settlements and its immediate area: <ul style="list-style-type: none"> <li>• Barton upon Humber 6% (724 dwellings)</li> <li>• Brigg 7% (844 dwellings)</li> <li>• Crowle 1.2% (145 dwellings)</li> <li>• Kirton in Lindsey 1.5% (181 dwellings)</li> <li>• Winterton 2.3% (277 dwellings)</li> </ul> </li> <li>• New housing within the rural settlements will create opportunities for small scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.</li> </ul> <p>In rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.</p>	

		<p>Urban extensions to support the Scunthorpe Urban Renaissance Programme will be promoted particularly alongside proposals for Lincolnshire Lakes project. To ensure that the scale of the house building is in line with the housing allocation the western urban extension will be phased to release land in such a way as to allow for the control of the pattern and speed of urban growth, co-ordination of infrastructure, and delivery of the previously developed land target and other sustainability objectives. The Lincolnshire Lakes project will be subject to the development and approval of an Area Action Plan.</p> <p>The first priority is to re-use previously developed land and buildings within North Lincolnshire's built up areas which will be promoted by setting a target of 30% of the housing provision on such land. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built up areas.</p> <p>Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside.</p> <p>Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.</p>	
CS5	Delivering Quality Design in North Lincolnshire	<p>All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.</p> <p>New development in North Lincolnshire should:</p> <ul style="list-style-type: none"> <li>• Contribute towards creating a positive and strong identity for North Lincolnshire by enhancing and promoting the image of the area through the creation of high quality townscapes and streetscapes.</li> <li>• Ensure it takes account of the existing built heritage from the earliest stages in the design process, in particular terms of scale, density, layout and access.</li> <li>• Incorporate the principles of sustainable development throughout the whole design process. This will include site layout, minimising energy consumption, maximising use of on-site renewable forms of energy whilst mitigating against the impacts of climate change; for instance flood risk.</li> <li>• Create safe and secure environments, which reduce the opportunities for crime and increase the sense of security for local residents through the use of Secured by Design guidance.</li> <li>• Consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.</li> <li>• Create attractive, accessible and easily distinguished public and private spaces that complement the built form.</li> <li>• Support sustainable living and ensure that a mix of uses, which complement one another are incorporated.</li> <li>• Provide flexibility in that new and existing buildings and spaces are able to respond to future social, technological, environmental and economic needs.</li> <li>• Be easily accessible to all users via recognisable routes, interchanges and landmarks that are suitably connected to public transport links, community facilities and services and individual communities and neighbourhoods in North Lincolnshire. Buildings and spaces</li> </ul>	<p>Whilst appearance, layout, landscaping and scale were all reserved matters, the key design principles are set out within the Indicative Masterplan (Drawing PA05) (<b>APP1.4</b>) and Design and Access Statement (<b>APP1.5.1</b>). Each of the Policy CS5 criteria have been considered when preparing the submission and the details of how Policy CS5 has been complied with is set out below.</p> <p>Whilst the layout and appearance of the Site remain reserved matters, the submitted indicative masterplan demonstrates that the proposed density and scale of housing would be in keeping with the locality. The Design and Access Statement (<b>APP1.5.1</b>) confirms that the architectural style of the proposed housing would relate to the existing local vernacular, creating high quality townscapes and streetscapes. The submitted Design and Access Statement confirms that the scale, layout, height and materials of the development are in-keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole. It is acknowledged that scale and layout are reserved matters at this point however indicative plans demonstrate how the Site could be developed in an acceptable manner.</p> <p>The Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) confirmed that the entirety of the Site lies within Flood Zone 1 and as such, as is confirmed in the Committee Report (<b>APP1.18</b>), is a preferred place for development in terms of flood risk and is therefore acceptable in terms of flood risk. The Flood Risk and Drainage Assessment outlines the positive drainage strategy proposed including the use of swales and attenuation basins to capture overland flows and ensure that surface water is adequately controlled.</p> <p>Secure by design principles are an integral part of the Indicative Masterplan (Drawing PA05) (<b>APP1.4</b>) with houses fronting onto public open space to provide natural surveillance and footpaths integrated within the development parcels to assist in reducing crime.</p> <p>The Proposed Development comprises residential use, which would complement the existing residential use adjacent to the Site without causing any disturbance for the existing or proposed residents. Minimum separation distances between existing dwellings and new dwellings will be adhered to and are likely to be exceeded in many instances to reduce any risk of overlooking or overshadowing of existing or new dwellings. The proposed dwellings would also be set back from Horkstow Road and will be around 40 metres to ensure that there are no privacy issues. The land is currently arable land with no public access. During the construction phase, conditions could be used to mitigate any harm to residential amenity. This is a matter that would be fully addressed at the Reserved Matters stage.</p> <p>The Proposed Development comprises residential use, which would complement the existing residential use adjacent to the Site without causing any disturbance for the existing or proposed residents. Minimum separation distances between existing dwellings and new dwellings will be adhered to and are likely to be exceeded in many instances to reduce any risk of overlooking or</p>

		<p>should be accessible by all sections of the community, and ensure that the principles of inclusive design are reflected.</p> <ul style="list-style-type: none"> <li>• Incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment.</li> <li>• Integrate car parking provision within the existing public realm and other pedestrian and cycle routes.</li> </ul>	<p>overshadowing of existing or new dwellings. The proposed dwellings would also be set back from Horkstow Road and will be around 40 metres to ensure that there are no privacy issues. The land is currently arable land with no public access. During the construction phase, conditions could be used to mitigate any harm to residential amenity. This is a matter that would be fully addressed at the Reserved Matters stage.</p> <p>The submitted 'Pedestrian Connectivity to Local Facilities – Proposed Enhancements' plan (Drawing PA11 (<b>APP1.4</b>)) demonstrates a commitment to improving accessibility to the wider area by proposing a new footpath on Horkstow Road (where there is presently no footpath) and by proposing dropped kerbs in key locations to improve accessibility in southern Barton. This would improve general connectivity for existing and new residents. The proposal also comprises an extended Bus Service that would benefit existing and proposed residents. Footpaths will be provided within the Site which would support the sustainable travel hierarchy of prioritising walking.</p> <p>Whilst detailed parking requirements would normally be considered in full at the Reserved Matters stage of a proposal, the Indicative Masterplan (<b>APP1.4</b>) establishes that adequate parking could be provided as part of the Proposed Development. Paragraph 5.3.1 of the Transport Assessment (<b>APP1.5.9</b>) states that both car and cycle parking for the residential units would be provided in accordance with the latest local parking standards. Parking would be integrated within the existing public realm and other pedestrian and cycle routes. Such requirements would be fully addressed at the Reserved Matters stage following any planning approval.</p> <p>A significant amount of landscaping is proposed within areas of proposed open space and particularly on the southern boundary of the Site. In addition to existing landscaping which is proposed to be retained wherever possible, particularly on the Horkstow Road and A15 boundaries, this will ensure that substantial and suitable landscaping is provided.</p> <p>Whilst listed as a relevant policy in the Committee Report (<b>APP1.18</b>), the policy is only referred to in the assessment of the report regarding landscape. Section 10 of the Statement of Case sets out the Appellant's assessment of landscape considerations matters in full. Whilst further details will be provided at the Reserved Matters stage, the Proposed Development complies with the requirements of Policy CS5 of the Core Strategy.</p>
CS6	Historic Environment	<p>The council will promote the effective management of North Lincolnshire's historic assets through:</p> <ul style="list-style-type: none"> <li>• Safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries) and supporting initiatives which seek to realise the potential of these areas as a tourist, educational and environmental resource.</li> <li>• Preserving and enhancing the rich archaeological heritage of North Lincolnshire</li> <li>• Ensuring that development within Epworth (including schemes needed to exploit the economic potential of the Wesleys or manage visitors) safeguards and, where possible, improves the setting of buildings associated with its Methodist heritage.</li> <li>• Ensuring that development within North Lincolnshire's Market Towns safeguards their distinctive character and landscape setting, especially Barton upon Humber, Crowle and Epworth.</li> </ul> <p>The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.</p> <p>All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.</p> <p>Development proposals should provide archaeological assessments where appropriate.</p>	<p>A Heritage Assessment (<b>APP1.5.5</b>) was submitted as part of the planning application. There are no designated heritage assets within the Site. The nearest designated asset is the southwestern boundary of the Barton upon Humber Conservation Area which is located on the eastern side of Brigg Road, opposite the northeastern edge of the Site. The main core of the Conservation Area is located further north and northeast of the Site. The next nearest designated asset is located over 400m from the site boundary, beyond Baysgarth Park with no visibility of the Proposed Development.</p> <p>Views to the Site are screened by planting and intervening buildings which mitigates any impacts of the Proposed Development on how the Conservation Area is seen and experienced. The Council's Conservation Officer raised no objections to the Proposed Development, subject to conditions relating to the submission of external materials for the dwellings (<b>APP2.1.17</b>).</p> <p>Following a desk-based assessment included within the Heritage Assessment (<b>APP1.5.5</b>), the Appellant undertook a geophysical survey (<b>APP1.5.6</b>) which demonstrated the presence of a probably Iron Age/Roman settlement or enclosure system at the northern end of the Site. This area would remain undisturbed in accordance with the masterplan (<b>APP1.4</b>). Following comments by the Council's Historic Environment Record team, the Appellant commissioned a programme of archaeological trenching which the Council confirmed in the Committee Report (<b>APP1.18</b>) to be satisfactory and the Proposed Development aligns with policy with regard to archaeology. No objections were raised by the Historic Environment Record Team.</p> <p>Post on-site archaeological evaluation, a Trial Trench Evaluation and Field Walking Report was submitted to the Council's Historic Environment Record Team (<b>APP2.1.26 to APP2.1.27</b>). The Council was content with the evaluation report subject to the proposed recommendations of the report in terms of sampling and texting being carried out now to inform mitigation proposals rather than waiting until after and at a time when further fieldwork takes place. The Committee Report (<b>APP1.18</b>) confirms that subject to planning conditions, the proposals align with Policy</p>

			CS6 of the Core Strategy.
CS7	Overall Housing Provision	<p>Between 2010 and 2026, North Lincolnshire's housing requirement is for 12,063 new dwellings to be provided (754 new dwellings per year):</p> <p>Of these new dwellings around 3,482 will be provided from sites that already have planning permission or are under construction.</p> <p>All proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs. All new dwellings should be well designed and meet the Codes for Sustainable Homes. The exact housing mix on each site will be determined based on the Strategic Housing Market Assessment - Market Review (November 2008) and any updates to this document.</p> <p>Housing land will be allocated, released and phased to ensure the delivery of additional dwellings remains close to the target identified above. Previously developed land will take priority over greenfield land where it is in a sustainable location. Based on the Annual Monitoring Report findings, allocated sites will be brought forward as required to maintain the five year supply and distribution of land for housing in the most sustainable locations in accordance with the spatial development strategy.</p> <p>To provide flexibility in the delivery of housing the council will allocate contingency sites through the Housing and Employment Land Allocations Development Plan Document to deliver 1,300 additional dwellings within the Scunthorpe Urban Area. If over any continuous three year period the net additional housing requirement varies by more than 20% the allocated contingency sites will be brought forward.</p> <p>Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.</p> <p>Dependent upon the location of a development site at least the following net density ranges should be achieved within a residential development site, or the residential element of a mixed use site:</p> <ul style="list-style-type: none"> <li>• Scunthorpe town centre: 45-70 dwellings per hectare</li> <li>• Within Scunthorpe and Market Towns development limits: 40-45 dwellings per hectare</li> <li>• Within rural settlements and the countryside: 30-35 dwellings per hectare</li> </ul>	<p>Whilst listed as a relevant policy in the Committee Report, the policy is not referred to in the assessment part of that report. The NPPF is clear that housing supply should be measured against the housing requirement set out in the adopted strategic policies or, where such policies are more than five years old, the Local Housing Need ("LHN") figure. The North Lincolnshire Core Strategy was adopted in 2011 and is therefore more than 5 years old. Under the provisions of the NPPF the housing requirement as set out in Core Strategy Policy CS7 can no longer be relied upon for the purpose of the five-year housing land supply and the LHN figure is therefore the appropriate starting point.</p> <p>An indicative housing mix is provided in Table 2 of the submitted Planning Statement (<b>APP1.5</b>), informed by policy requirements and pre-application feedback. The indicative housing proposals seek to provide a well-balanced mix of 1, 2, 3, 4 and 5 bed family homes to create a sustainable community which meets the needs of all future residents. Residential dwellings will be predominantly two storeys in height but with pockets of 2.5 storey development around the primary road and lower parts of the Site. Up to 20 bungalows will also be provided on site. The illustrative mix is subject to change through subsequent reserved matters applications with the exception of the provision of bungalows which is proposed to be included as a planning condition to provide certainty at the outline stage. The Proposed Development will provide a variety of housing types, sizes and tenures to meet local housing needs.</p> <p>The indicative masterplan (Drawing PA05 (<b>APP1.4</b>)) demonstrates how 390 dwellings can be accommodated on the Site, in addition to significant public open space provision. An average net density across the Site of around 33 dwellings per hectare is proposed. The proposed density is within the density range of 30 – 35 dwellings per hectare for sites within the countryside as set out in Policy CS7 and slightly lower than the density range for sites within market towns development limits. The proposed density reflects the character of existing housing in the local area and the site's edge of town location. Within the Site, the higher density areas are located to maximise accessibility to the existing local services. The proposed density ensures that the Site is developed efficiently and in the most sustainable manner in accordance with Policy CS7 (Overall Housing Provision) of the Core Strategy. The proposals comply with the relevant provisions of Policy CS7 of the Core Strategy.</p>
CS9	Affordable Housing	<p>New residential housing development of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in Market Towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. This policy seeks to achieve the following proportion of affordable housing:</p> <ul style="list-style-type: none"> <li>• Scunthorpe urban area and Market Towns 20%</li> <li>• Rural settlements 10%</li> </ul> <p>A target of 70% of the affordable homes will be provided for rent, with the remaining provided as an intermediate tenure, to be agreed on a site by site basis.</p>	<p>Policy CS9 requires 20% affordable housing to be provided within the market towns which Barton upon Humber is classed as. The Committee Report (<b>APP1.18</b>) confirms that affordable housing provision on the Site will equate to 78 affordable dwellings. The requisite amount of affordable housing set out within the Council's Heads of Terms is agreed with the Appellant and affordable housing will be secured through the Section 106 Unilateral Undertaking, a draft copy of which has been submitted with the appeal. The Committee Report acknowledges that the proposals align with policy CS9 of the Core Strategy.</p>

		<p>Wherever possible, affordable housing should be provided on-site, but an off-site contribution may be acceptable where:</p> <ul style="list-style-type: none"> <li>a) Management of the affordable housing on-site cannot be secured effectively; or</li> <li>b) Affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.</li> </ul> <p>Where it can be demonstrated that the percentage of affordable housing sought will negatively impact on the delivery of a mixed community, or are subject to exceptional and authenticated site development costs, there may be a case for reducing the affordable housing. This should be proven through open book discussions with the council at planning application stage.</p> <p>Rural Exception Sites</p> <p>Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.</p>	
CS16	North Lincolnshire's Landscape, Greenspace and Waterscape	<p>The council will protect, enhance and support a diverse and multi-functional network of landscape, greenspace and waterscape through:</p> <ol style="list-style-type: none"> <li>1. Identifying in supporting documents within or evidencing the Local Development Framework, a network of strategically and locally important landscape, greenspace and waterscape areas. Development on or adjacent to these areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristic of that area.</li> <li>2. Requiring development proposals to improve the quality and quantity of accessible landscape, greenspace and waterscape, where appropriate.</li> <li>3. Requiring development proposals to address local deficiencies in accessible landscape, waterscape and greenspace where appropriate.</li> <li>4. Requiring the protection of trees, hedgerows and historic landscape to be specified where appropriate.</li> </ol> <p>The creation and maintenance of the network of landscape, green space and waterscapes will be secured by a range of measures, including protecting open space, creating new open spaces as part of new development, and by using developer contributions to create, improve and maintain green infrastructure assets where appropriate.</p>	<p>Whilst listed as a relevant policy in the committee report, the policy is not referred to in the assessment part of that report.</p> <p>Supporting documentation submitted as part of the planning application including the Design and Access Statement (<b>APP1.5.1</b>), Planning Statement (<b>APP1.5</b>), Indicative Masterplan (Drawing PA05 (<b>APP1.4</b>)) and Open Space and Landscape Framework Plan (Drawing PA14 (<b>APP1.4</b>)) demonstrate that substantial amounts of public open space are provided on site equating to 13.7 hectares (53% of the total Site area). The amount of open space proposed is well above policy requirements and will ensure a high-quality landscape led development is delivered. High quality open spaces and green links have been integrated into the Proposed Development and will complement the adjacent existing built and natural environment. The Committee Report states that a minimum of 10sqm of open space is required to be provided on site, two LEAPs on site and a financial contribution for two other LEAPs to go towards additional facilities at Baysgarth Park.</p> <p>A range of different types of open space are proposed taking into account feedback provided during the public consultation on the proposals and the views of the Council's Leisure Department. This includes allotments, a community orchid, two LEAPs and more natural areas of open space suitable for walking and other recreational uses.</p> <p>Public Open Space ("POS") is provided to the west of the Site, adjacent to the A15, to enhance the offering already provided by the existing POS to the north of the Site. The mirroring of this POS on both sides of Horkstow Road would create a sense of place and enhance the gateway to Barton, when approaching from the southwest and preserve views towards the Humber Bridge. The POS which wraps around the western edge of the Site is dissected by a footpath that links into the existing footpath through the green space to the north of Horkstow Road; this element of design links, hence enhances, two large areas of green space to provide a stronger connection to nature.</p> <p>A significant amount of landscaping is proposed within areas of proposed open space and particularly on the southern boundary of the Site. In addition to existing landscaping which is proposed to be retained wherever possible, particularly on the Horkstow Road and A15 boundaries, this will ensure that substantial and suitable landscaping is provided. The green infrastructure proposals comply with Policy CS16 of the Core Strategy.</p>

CS17	Biodiversity	<p>The council will promote effective stewardship of North Lincolnshire’s wildlife through:</p> <ol style="list-style-type: none"> <li>1. Safeguarding national and international protected sites for nature conservation from inappropriate development.</li> <li>2. Appropriate consideration being given to European and nationally important habitats and species.</li> <li>3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.</li> <li>4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.</li> <li>5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.</li> <li>6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire’s Nature Map and in national, regional and local biodiversity action plans.</li> <li>7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.</li> </ol>	<p>An Ecological Impact Assessment (<b>APP1.5.3</b>) was submitted as part of the planning application. Following the completion of wintering bird surveys, a Technical Note (Winter and Passage Bird Surveys) (<b>APP1.14</b>) and a Shadow Habitats Regulations Assessment (<b>APP1.15</b>) were undertaken and submitted to the Council. Natural England (<b>APP2.1.13 to APP2.1.15</b>) advised that insufficient information had been submitted to demonstrate that the Proposed Development will not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site.</p> <p>The proposed enhancements achieve a Biodiversity Net Gain of 21.70% Habitat units, and 112.13% Hedgerow Units. The proposals achieve the requirements of current local and national policy and will ensure positive benefits for biodiversity as a result of the Proposed Development.</p> <p>Section 10 of the Statement of Case sets out the Appellant’s assessment of ecology matters in full. From the data presented within the application, the sHRA and the subsequent clarifications presented to the Council and within the Statement of Case, it has been demonstrated that the Proposed Development will not have an adverse effect upon the Humber Estuary SPA. The Site has no functional linkage with the SPA as proven by the comprehensive bird surveys. Any recreational pressures that may be generated are fully mitigated by the provision of public open space within the Site, which exceeds guidance by a considerable margin. The proposals comply with Policy CS17 of the Core Strategy.</p>
CS18	Sustainable Resource and Climate Change	<p>The council will actively promote development that utilises natural resources as efficiently and sustainably as possible. This will include:</p> <ol style="list-style-type: none"> <li>1. Meeting high water efficiency standards, and incorporating new technologies to recycle and conserve water resources.</li> <li>2. Requiring the use of Sustainable Urban Drainage Systems (SuDS) where practicable.</li> <li>3. Supporting the necessary improvement of flood defences and surface water infrastructure required against the actions of climate change, and preventing development in high flood risk areas wherever practicable and possible.</li> <li>4. Meeting required national reductions of predicted CO2 emissions by at least 34% in 2020 and 80% in 2050 by applying the following measures on development proposals. Requiring all industrial and commercial premises greater than 1000 square metres to provide 20% of their expected energy demand from on site renewable energy until the code for such buildings is applied nationally. Where developers consider these Codes and targets cannot be met on the basis of viability they will be required to provide proof through open book discussions with the council at the planning application stage.</li> <li>5. Ensuring building design reduces energy consumption by appropriate methods such as high standards of insulation, avoiding development in areas subject to significant effects from shadow, wind and frost, using natural lighting and ventilation, capturing the sun’s heat, where appropriate.</li> <li>6. Supporting development that minimises the consumption and extraction of minerals by making the greatest possible reuse or recycling of materials in new construction, and by making best use of existing buildings and infrastructure.</li> <li>7. Supporting development that seeks to minimise waste and facilitates recycling and using waste for energy where appropriate.</li> <li>8. Ensuring that development and land use in areas close to the Humber Estuary and rivers responds appropriately to the character of the area, in the interests of preserving and making best use of limited resources.</li> <li>9. Supporting development that will help to reduce the need to travel for people using that development.</li> </ol>	<p>Many of the points under Policy CS18 relate more closely to a reserved matters application, however relevant points have been addressed as part of the application where practicable.</p> <p>The Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) outlines the positive drainage strategy proposed including the use of swales and attenuation basins to capture overland flows and ensure that surface water is adequately controlled.</p> <p>The Flood Risk and Drainage Assessment confirmed that the entirety of the Site lies within Flood Zone 1 and as such, as is confirmed in the Committee Report (<b>APP1.18</b>), is a preferred place for development in terms of flood risk and is therefore acceptable in terms of flood risk.</p> <p>The Transport Assessment (<b>APP1.5.9</b>) identified an existing limited bus service. A new 30-minute bus route is proposed which will service over 600 existing homes, in addition to the proposed homes, resulting in around 1,000 residents having access to an alternative mode of transport to the car, providing a social and environmental benefit for the existing community. The principle of this new service has been positively received and will reduce the need to travel by private vehicles.</p> <p>The Proposed Development comprises solely residential use, which would dovetail into the existing residential use without causing any disturbance for the existing or proposed residents. During the construction phase, conditions could be used to mitigate any harm to residential amenity ensuring the proposals protect people and the environment from unsafe, unhealthy and polluted environments.</p> <p>The Committee Report acknowledges that the proposals satisfy the requirements of Policy CS18 of the Core Strategy.</p>

		<p>10. Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.</p> <p>11. Supporting renewable sources of energy in appropriate locations, where possible, and ensuring that development maximises the use of combined heat and power, particularly at the South Humber Bank employment site and where energy demands for more than 2MW are required for development.</p> <p>12. Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.</p> <p>13. Promote the use of a greenspace strategy and a green infrastructure plan, where applicable, which could help reduce the effects of climate change.</p>	
CS19	Flood Risk	<p>The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:</p> <ol style="list-style-type: none"> <li>1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.</li> <li>2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.</li> <li>3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.</li> </ol> <p>Development within the Lincolnshire Lakes area will comply with the flood management principals set out in the Western Scunthorpe Urban Extension Exception Test Strategy. Any further flood management proposals will have to be agreed by both the council and the Environment Agency during the process of the Lincolnshire Lakes Area Action Plan. Development proposals in flood risk areas which come forward in the remainder of North Lincolnshire shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.</p> <p>In addition development will be required, wherever practicable, to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. The Council will also seek to reduce the increase in flood risk due to climate change through measures to reduce carbon dioxide emissions.</p>	<p>A Flood Risk and Drainage Assessment (<b>APP1.5.11</b>) was carried out on behalf of the Appellant, which confirmed that the entirety of the Site lies within Flood Zone 1 and as such, as is confirmed in the Committee Report (<b>APP1.18</b>), is a preferred place for development in terms of flood risk and is therefore acceptable in terms of flood risk.</p> <p>The Environment Agency has not objected to the proposal but has requested imposition of a planning condition preventing occupation of dwellings at each phase of development until confirmation has been provided that there is sufficient sewage capacity at the Barton upon Humber Water Recycling Centre to accommodate the foul water drainage from those dwellings. The Appellant has agreed to the imposition of such a condition, which position is reflected in the draft conditions contained at <b>Appendix 4</b>.</p> <p>The Lead Local Flood Authority has not objected to the proposal, subject to the imposition of a planning condition requiring reserved matters details to include a scheme for the provision of surface water drainage and details of the foul drainage. The Appellant has agreed to the imposition of such a condition, which position is reflected in the draft conditions contained at <b>Appendix 4</b>.</p> <p>The Committee Report acknowledges that the proposals align with Policy CS19 of the Core Strategy.</p>
CS22	Community Facilities and Services	<p>The provision of new community facilities, or the improvement of existing community facilities, which meet the needs of local residents will be supported in principle.</p> <p>Good quality services and facilities will be provided that meet the needs of local communities and are accessible by public transport, cycling or on foot.</p> <p>The provision of new facilities should be focused in the following locations:</p> <ol style="list-style-type: none"> <li>a) Sites allocated for such purposes, or as part of a mixed use allocation.</li> <li>b) In town centres, market town centres, district centres or local centres subject to policies in the local development documents.</li> </ol>	<p>Policy CS22 relates to community facilities and services. The policy is listed as a related policy in the Committee Report (<b>APP1.18</b>) but not referred to within the assessment. The Proposed Development does not propose or result in the loss of any community facilities. Through consultee responses, there have been requests for the Proposed Development to provide developer contributions for: two LEAPs in Baysgarth Park and various improvements to leisure facilities in the local area. Due to improvements to play provision and local recreational facilities which could be considered as community facilities, the proposals comply with Policy CS22 of the Core Strategy.</p>

		<p>c) In market towns, rural settlements and rural settlements in the countryside where the facility is needed to serve the immediate local area and could not be provided elsewhere.</p> <p>d) In residential areas where there is no adverse affect on the amenities of neighbouring properties.</p> <p>The provision of services and facilities will be of the scale appropriate to the type and size of the settlement.</p> <p>The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.</p> <p>Developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for community services and facilities arising from their development proposals.</p>	
CS23	Sport, Recreation and Open Space	<p>The council will work with its partners, appropriate agencies and the voluntary sector to ensure the provision of good quality, well maintained leisure, recreation and open space facilities, which meet the needs of the local communities, will be secured and improved. In particular, provision will be sought to address identified deficiencies or that will benefit deprived groups and meet the needs of local communities.</p> <p>To significantly enhance North Lincolnshire’s leisure and recreation facilities a new sport and leisure centre called The Pods at Brumby Sports Ground, Central Park will be provided. The new facility will be a centre of excellence for sports, recreation and a hub for the development and delivery of sports education and leadership training.</p> <p>Development proposals for new leisure and recreation facilities, children’s play facilities and open space or the extension/enhancement of an existing facility should be on a scale appropriate to the type and size of settlement. Wherever possible facilities that attract large numbers of people should be located in the larger settlements and be accessible by walking, cycling and public transport.</p> <p>Proposals will be permitted provided that:</p> <ol style="list-style-type: none"> <li>1. There is no adverse impact to nearby properties or habitats, by reason of noise, general disturbance, fumes or external lighting; and</li> <li>2. The development contributes to meet identified shortfalls in provisions or enhances the quality of existing provision.</li> </ol> <p>Development proposals that will result in the loss of an existing leisure, recreation facility, natural green space, open space or playing pitches will not be supported unless:</p> <ol style="list-style-type: none"> <li>1. There is currently an excess of provision; or</li> <li>2. Satisfactory alternative provision equivalent or better quality and quantity in a suitable location is made; or</li> <li>3. The facility is no longer needed.</li> </ol> <p>Developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for recreation facilities and open space arising from their development proposals, in accordance with the standards set out in the LDF.</p> <p>The implementation of new facilities supported by this policy will be permitted subject to other relevant plan policies.</p>	<p>A range of different types of open space are proposed taking into account feedback provided during the public consultation on the proposals and the views of the Council’s Leisure Department. This includes allotments, a community orchid, two LEAPs and more natural areas of open space suitable for walking and other recreational uses.</p> <p>In addition to onsite provision, the Council’s Leisure team requested developer contributions for:</p> <ul style="list-style-type: none"> <li>- Improvements towards natural turf pitches</li> <li>- Improvements towards existing football infrastructure facilities at Pasture Road, Barton upon Humber</li> <li>- Improvements towards swimming pools</li> <li>- Improvements towards indoor bowls facility at Scunthorpe</li> <li>- Additional offsite LEAP facilities at Baysgarth Park</li> </ul> <p>The Council’s Leisure team (<b>APPx.x</b>) and Sport England (<b>APP2.1.33 to APP2.1.35</b>) raised no objections to the application subject to securing developer contributions for offsite leisure and recreation improvements. The proposed Heads of Terms were agreed by the Appellant and the Committee Report confirms that the proposals comply with Policy CS23 of the Core Strategy. The Appellant has committed to a Section 106 obligation for sports facilities and this is discussed further in Section 14 of the Statement of Case.</p>

CS25	Promoting Sustainable Transport	<p>The council will support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.</p> <p>Transport Demand Management</p> <ul style="list-style-type: none"> <li>• Reduce the need to travel and improve accessibility for all as part of all future spatial design within North Lincolnshire</li> <li>• Introduce appropriate demand management measures, to reduce car based travel by ensuring highway safety, improving and encouraging walking and cycling and integrate such measures with a high quality public transport network</li> <li>• Require that transport provision is integrated into the design of all development from the start of any development project</li> <li>• Apply maximum car parking standards and a car parking charging regime within the context of urban and rural renaissance</li> <li>• Support the progressive improvements of a high quality public transport network by working in partnership with public transport operators and community transport providers to ensure a cohesive, flexible approach to improve the public transport network in North Lincolnshire and public transport connections beyond its boundaries.</li> </ul> <p>Transport Network Management</p> <ul style="list-style-type: none"> <li>• Support and encourage a Rural Transport Strategy for the rural parts of North Lincolnshire</li> <li>• Support the improvement and enhancement (significant upgrades) of transport interchanges (relating to high quality facilities) in North Lincolnshire, principally at Scunthorpe, Barton upon Humber, Brigg and Humberside Airport</li> <li>• Integrate and enhance the whole spectrum of local transport services to feed into, and be complementary with, a high quality public transport network</li> <li>• Support the development of a freight strategy to include lorry parking sites, HGV route management and provision of facilities for (and promote the benefits of) transferring freight delivery from road to rail and/or water transport, wherever practical, particularly in relation to the movement of freight to and from the South Humber Ports and Trent Wharves</li> <li>• Support the progressive introduction of network management technology to maximise existing and future capacity and investment across all transport modes, and to reduce congestion and delay for the benefit of both business and domestic travellers in North Lincolnshire</li> <li>• Establish local, regional and national priorities for transport infrastructure investment</li> <li>• Promote the continuation and improvement of North Lincolnshire’s network of safe walking and cycling routes, including the Viking Way, the Public Rights of Way network and the National Cycle Route, as well as the local footway and cycleway network and linking them to key locations in the urban and rural areas of North Lincolnshire (communities, recreational and tourist areas).</li> </ul>	<p>A Transport Assessment (<b>APP1.5.9</b>) was carried out on behalf of the Appellant. The Transport Assessment confirmed that the additional traffic generated by the Proposed Development would not create an unsustainable impact on the highway network. Detailed planning approval is sought for two points of access proposed from Brigg Road and Horkstow Road, shown on Plan PA08 (<b>APP1.4</b>). Feasibility studies have confirmed this to be the most appropriate location. These accesses will be linked through the Site to enable compliance with Policy CS25 of the Core Strategy in relation to enabling bus provision, thus promoting sustainable modes of transport, including cycling and walking.</p> <p>The Transport Assessment identified an existing limited bus service. A new 30-minute bus route is proposed which will service over 600 existing homes, in addition to the proposed homes, resulting in around 1,000 residents having access to an alternative mode of transport to the car, providing a social and environmental benefit for the existing community. The principle of this new service has been positively received. The Committee Report (<b>APP1.18</b>) confirmed that there was no objection in respect of sustainable transport subject to a Section 106 obligation being entered into. The Appellant has committed to such an obligation and this is discussed further in Section 14 of the Statement of Case. The Committee Report confirms that the proposals align with Policy CS25 of the Core Strategy.</p>
CS27	Planning Obligations	<p>Where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town &amp; Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek to ensure that the development proposal:</p> <ol style="list-style-type: none"> <li>1. Meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing, maintenance payments, highway infrastructure, nature</li> </ol>	<p>Discussions around the Heads of Terms for the Section 106 obligations have been ongoing with the Council, which have informed the preparation of a draft Section 106 Unilateral Undertaking. The Appellant intends to enter into a Section 106 Unilateral Undertaking which contains obligations in relation to the provision of affordable housing, open space, LEAPs and SANG as part of the Proposed Development. The Section 106 Unilateral Undertaking also contains contributions towards education provision, improvements to local leisure facilities and recreational spaces, public transport and highways. The Committee Report (<b>APP1.18</b>) confirms</p>

		<p>conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or</p> <ol style="list-style-type: none"> <li>2. Mitigates the impact(s) of the development; and/or</li> <li>3. Offsets the loss of any significant amenity or resource through compensatory provision elsewhere; and/or</li> <li>4. Provides for the ongoing maintenance of facilities provided as a result of the development.</li> </ol>	<p>that the proposals align with Policy CS27 of the Core Strategy.</p>
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PS1	Presumption in Favour of Sustainable Development	<p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> <li>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</li> <li>• Specific policies in that Framework indicate that development should be restricted.</li> </ul>	<p>The Assessment of the North Lincolnshire Five Year Housing Land Supply (APP1.5.14) demonstrates that there is a need for further housing sites to be approved due to the lack of housing land supply in the Local Plan, this has been further emphasised by numerous recent appeal decisions (for example, Land at Brigg Road, Messingham, planning appeal (Planning Inspectorate Reference: APP/Y2003/W/21/3278257) (APP7.1)) reaffirming that the Council does not have a five-year housing land supply.</p> <p>Where there is no five-year housing land supply, then the NPPF is clear that the most important policies for the determination of the application must be deemed out of date, and paragraph 11d of the NPPF is engaged. Paragraph 11d applies a weighted balance exercise and is clear that development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.</p> <p>Due to the Council being unable to demonstrate a five year housing land supply, local plan policies including policy PS1 of the Housing and Employment Land Allocations in addition to the relevant Local Plan and Core Strategy polices are out of date and the presumption in favour of sustainable development as set out within the policy is engaged.</p> <p>Whilst listed as a relevant policy in the Committee Report (APP1.18), the policy is not referred to in the assessment of the application. Section 10 of the Statement of Case set out the Appellant’s assessment of housing land supply in full.</p>
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## **Barton upon Humber Appellant's Proposed Planning Conditions**

### **Approved Plans**

1. The development hereby approved shall be in accordance with the following approved plan(s):

- PA Drawing 2 – Site Boundary Plan
- PA Drawing 8 – Proposed Detailed Site Access Arrangement Overview
- PA Drawing 9 – Proposed Detailed Site Access (Brigg Road)
- PA Drawing 10 – Proposed Detailed Site Access (Horkstow Road)
- PA Drawing 14 – Open Space and Landscape Framework

Reason: To define the consent.

### **Reserved Matters – Details**

2. No development shall commence within any phase of the development until approval of the details of the Appearance, Landscaping, Layout and Scale of the development within that phase known as the 'Reserved Matters' have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

### **Reserved Matters – Bungalow Provision**

3. The development hereby approved shall provide a minimum of 20 bungalows as part of the detailed housing mix. Where a phase of the development is to contain any bungalow, the reserved matters submission for that phase must include details of such provision.

Reason: To meet an identified need of specific housing accommodation in the local area.

### **Reserved Matters – Cycle Storage and Vehicle Parking**

4. All Reserved Matters applications required by condition 2 shall include details of cycle storage and the number and location of vehicle parking spaces, where relevant, to be contained within each phase of the development.

Reason: To provide sufficient storage and parking provision for the development.

### **Period for Commencement**

5. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the Reserved Matters application in respect of Phase 1 of this development, whichever is the latest.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

### **Phasing**

6. Prior to the commencement of development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The developer may submit revised a phasing plan for the approval of the Local Planning Authority and the development shall thereafter be carried out in accordance with the latest approved phasing plan.

### **Reserved Matters – Time Period for Submission**

7. Applications for the approval of Reserved Matters in respect of Phase 1 of this development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Applications for the approval of all subsequent Reserved Matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

### **Construction Method Statement**

8. No development shall commence until a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide details of:
  - a) the site construction accesses;
  - b) the parking of vehicles of site operatives, contractors and visitors;
  - c) loading and unloading of plant and materials including any restrictions on delivery times;
  - d) storage of plant and materials used in constructing the development;
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
  - f) measures to be taken to minimise the deposit of mud, grit and dirt on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
  - g) measures to control and monitor the emission of dust and dirt during construction;
  - h) a Site Waste Management Plan to include soil management; and
  - i) details of the routing of associated HGVs including any measures necessary to minimise the impact on other road users.

The CMS shall thereafter be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity.

### **Construction Environmental Management Plan**

9. No development shall commence until a Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
  - a) the works, and the method by which they are to be carried out;
  - b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits;
  - c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures;
  - d) the locations of contractors' compounds and materials storage areas;
  - e) areas where lighting will be required for health and safety purposes;
  - f) location of potential temporary floodlights;
  - g) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors;
  - h) provision of water to the site; and
  - i) a no burning of waste policy.

The CEMP shall thereafter be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: To protect residential amenity.

### **Construction Hours**

10. Construction work and site clearance operations which are audible from any noise-sensitive receptor shall only take place on the site between the hours of 0800 to 1800 on Monday to

Friday inclusive and 0800 to 1300 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

### **Sewage**

11. Prior to the occupation of any dwelling or building for any phase of the development, written confirmation of the sewerage undertaker that sufficient sewage capacity exists at Barton upon Humber Water Recycling Centre to accommodate the foul water drainage from the relevant dwelling, and that any necessary works to ensure this capacity have been completed, shall be provided to the Local Planning Authority.

Reason: To prevent flooding and detriment to public amenity or the water environment through provision of suitable water infrastructure.

### **Drainage**

12. Prior to the occupation of any dwelling or building, a scheme for the provision of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the surface water system to be in place for each phase of the development in advance of occupation of any dwelling or building within that phase. Thereafter the drainage scheme shall be implemented and maintained in accordance with the approved phasing under the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with Policy DS16 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 159 to 169 of the NPPF.

13. No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until details showing an effective method of preventing surface water run-off either from hard paved areas within the site onto the highway or from the highway onto the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason: In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 159 to 169 of the NPPF.

### **Highways**

14. No development shall commence until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- a) pre and post construction condition surveys of the carriageway to identify any damage caused as a result of the development and how they will be rectified;
- b) all associated traffic movements, including delivery vehicles and staff/construction movements;
- c) any abnormal load movements;
- d) traffic management requirements.

Thereafter the CTMP shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

15. No development shall commence until details of junction improvement works proposed for site accesses at Brigg Road and Tofts Road/Horkstow Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved works shall be implemented as approved and prior to occupation of any dwelling, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

16. Prior to commencement of development the following details for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority:
- a) Proposed bus stop infrastructure within the site;
  - b) The provision of a footway on the northern side of Horkstow Road as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements);
  - c) The provision of a footway along the site frontage on Brigg Road and how it will connect into existing facilities on Brigg Road;
  - d) Proposed improvements to Tofts Road including details of carriageway widening, drainage and footways as identified on plan PA10 (Proposed Detailed Site Access, Horkstow Road); and
  - e) Details of the drop kerb crossings on key routes as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements).

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition 6, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

17. Prior to the occupation of any dwelling or building for any phase of the development, details of the provision of street lighting within the development site shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase. Thereafter, the approved works shall be implemented as approved.

Reason: In the interests of highway safety.

18. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) The provision of additional street lighting on Brigg Road across the site frontage, up to and including the point where the 30mph speed limit is to be positioned; and
  - b) The provision of signage and lining, including gateway features on Brigg Road, to facilitate the development and amended 30mph speed limit.

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition 6, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

19. Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 90 metres to the north and 215 metres to the south from the highway boundary across the site frontage as identified on plan PA09 (Proposed Detailed Site Access, Brigg Road).

Reason: In the interests of highway safety.

20. No dwelling served by a private driveway shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.
- a) the proposed method of forming access from the highway, including the required visibility

- splays;
- b) the method of constructing/paving the drive;
- c) the provision of adequate drainage features;
- d) the provision of suitable bin collection facilities adjacent to the highway;
- e) the provision of suitable lighting arrangements; and
- f) the provision of street name plates that shall include the words 'Private Drive'.

Thereafter the approved works shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

21. No dwelling on the site shall be occupied until:

- a) the access roads have been completed to at least base course level and adequately lit; and
- b) the footways have been constructed up to base course level from the junctions with the adjacent highway to the access to the dwellings.

Reason: In the interests of highway safety.

22. The penultimate dwelling on site shall not be occupied until the access roads have been completed to wearing course level in consultation with the Highways Authority.

Reason: In the interests of highway safety.

23. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, shall take place within any service strip adjacent to any Shared Surface Road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the Local Planning Authority prior to planting.

Reason: In the interests of highway safety.

24. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within six months of the development being brought into use. The Travel Plan shall be based upon the measures set out within the framework Travel Plan contained at Appendix 10 to the Planning Statement and will include provisions for annual monitoring for up to three years. Thereafter the Travel Plan shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

### **Landscaping and Ecology**

25. Notwithstanding the proposals detailed in the submitted plans, no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at Reserved Matters stage, without the written authorisation of the Local Planning Authority. Any existing tree, shrub or hedge or any tree, shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless otherwise agreed by the Local Planning Authority.

Reason: To protect the existing and proposed trees, shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

26. No dwelling or building shall be occupied until details of the allotments to be provided as part of the development have been submitted to and agreed in writing by the Local Planning Authority. The details shall be based on Drawing PA14 (Open Space and Landscape Framework) and shall confirm the number and location of allotments, as well as the method and timing of their creation. Thereafter the approved allotment works shall be implemented as approved, unless

otherwise agreed with the Local Planning Authority.

Reason: To provide a community space.

27. No dwelling or building shall be occupied until a strategy for achieving a minimum of 10% biodiversity net gain is submitted to and agreed in writing by the Local Planning Authority. The details shall be based on the Ecological Impact Assessment (Appendix 3 to the Planning Statement) and Drawing PA14 (Open Space and Landscape Framework) and shall confirm the quantum of biodiversity net gain to be delivered. Thereafter, the approved strategy shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure biodiversity net gain is provided as part of the development.

## **Contamination**

28. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

### Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

### Part 2: Submission of Remediation Scheme

Subject to the findings of part 1, and confirmation that contamination either on or off site exists which requires remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

Reason: To ensure the site is safe for future users and construction workers.

#### **Noise**

29. No development shall commence until a detailed Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Scheme shall include:
- a) Details of noise mitigation measures;
  - b) Predicted noise levels to be achieved at sensitive locations as a result of the Noise Mitigation Scheme; and
  - c) Details of how the Noise Mitigation Scheme will be maintained for the lifetime of the development.

The Noise Mitigation Scheme shall be implemented as approved and before occupation of the development, unless otherwise agreed with the Local Planning Authority.

Reason: To protect residential amenity.

#### **Air Quality**

30. Prior to occupation of the development details of the location and specification for the provision of an Electrical Vehicle Charging Point for each home shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to take account of good practice guidance and building regulations. The approved scheme shall be implemented as approved.

Reason: To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework (NPPF).

#### **Archaeology**

31. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- a) The programme and methodology of site investigation and recording;
  - b) The programme for post investigation assessment;
  - c) Provision to be made for analysis of the site investigation and recording;
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation;

- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter the Written Scheme of Investigation shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.





Reason: In order to address the requirements of Local and national planning policy in respect to heritage assets.



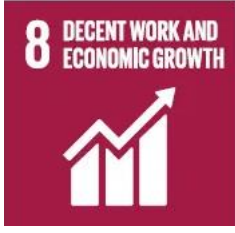
- 32. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 31 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to address the requirements of local and national planning policy in respect to heritage assets.

## Appendix 5

**Table 3 of the United Nations' 2030 Agenda for Sustainable Development**

Table 3: UN Sustainable Development Goals	
SDG	Contribution from Barton upon Humber development
 <p><b>1 NO POVERTY</b></p> <p><i>End Poverty in all its Forms, Everywhere</i></p>	<p>Creation of 80 direct and 100 indirect jobs during the 10-13-year construction period.</p> <p>20% affordable housing with the type and location of affordable housing to be agreed with NLC.</p>
 <p><b>2 ZERO HUNGER</b></p> <p><i>End Hunger, Achieve Food Security and Promote Sustainable Agriculture</i></p>	<p>Delivery of a key strategic site immediately adjacent to the urban area of a 'Principal Growth Settlement' will protect farmland in more remote locations.</p> <p>Opportunities have been identified within the development for food production in the form of a community orchard and allotments.</p>
 <p><b>3 GOOD HEALTH AND WELL-BEING</b></p> <p><i>Ensure Healthy Lives and Promote Wellbeing for All at All Ages</i></p>	<p>Provision of above policy requirements of public open space in the site, attractive footpath routes (with opportunity for a 'trim trail') and shared spaces to encourage walking and cycling and enjoyment of outdoor space.</p> <p>Site is located within short walking distances of a wide range of services and amenities, including primary and secondary schools and health services, encouraging walking.</p>
 <p><b>4 QUALITY EDUCATION</b></p> <p><i>Ensure Inclusive and Equitable Education and Promote Lifelong Learning Opportunities for All</i></p>	<p>Site is located within short walking distance of a local primary school and a secondary school.</p> <p>Significant developer contributions are likely to be provided which will benefit all pupils attending local schools.</p>

 <p><b>5 GENDER EQUALITY</b></p> <p><i>Achieve Gender Equality and Empower all Women and Girls</i></p>	<p>Good design takes into account the needs of parents including the width of footpaths, attractive routes and shared spaces where pushchairs may pass easily.</p> <p>The project will support employment of women throughout its development including female members of the Banks Property project and consultant teams.</p>
 <p><b>6 CLEAN WATER AND SANITATION</b></p> <p><i>Ensure Availability and Sustainable Management of Water and Sanitation for All</i></p>	<p>Foul and surface water disposal will be fully integrated with Anglian Water's requirements.</p> <p>The drainage strategy for the site will utilise SUDS to provide the equivalent of current greenfield run off rates, managing surface water in accordance with the treatment hierarchy.</p>
 <p><b>7 AFFORDABLE AND CLEAN ENERGY</b></p> <p><i>Ensure Access to Affordable, Reliable, Sustainable and Modern Energy for All</i></p>	<p>High standards of energy efficiency in new homes will reduce energy demands in line with a hierarchy of measures to address climate change.</p> <p>Though not directly related to these proposals, the Banks Group delivers clean energy to the National Grid through its portfolio of wind farms including the schemes delivered at Marr, Doncaster and Hook Moor, Leeds.</p>
 <p><b>8 DECENT WORK AND ECONOMIC GROWTH</b></p> <p><i>Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All</i></p>	<p>The development will improve economic prospects for the authority through job creation and custom for local businesses including the Head Office and large manufacturing plant for a national kitchen supplier based to the east of the town.</p> <p>An estimated 80 direct and 100 indirect jobs will be created over the 10-13-year construction period.</p> <p>Estimated £4.4 million direct GVA for the North Lincolnshire economy per year of construction period.</p> <p>Estimated £9.8 million direct, indirect and induced GVA for the North Lincolnshire economy per year of construction period.</p> <p>The scheme will generate in the order of £635,00 Council Tax revenue per year for NLC.</p> <p>Additional spending power associated with new residents per year £4.7 million.</p>
 <p><b>9 INDUSTRY, INNOVATION AND INFRASTRUCTURE</b></p>	<p>High quality, well designed infrastructure will be provided on site including roads, sustainable urban drainage and new dwellings.</p> <p>A series of offsite proposed crossings with dropped kerbs will be delivered on routes to key services to ensure safe and direct access is provided from the site to local services and amenities in town centre and other locations. Additionally, a pedestrian refuge will be</p>

<p><i>Build Resilient Infrastructure, Promote Inclusive and Sustainable Industrialisation and Foster Innovation</i></p>	<p>provided on Brigg Road and a new footpath will be provided on Horkstow Road.</p>
 <p><i>Reduce Inequalities Within and Among Countries</i></p>	<p>Provision of 20% affordable housing will reduce inequality in the housing market, enabling more young people to get a foot on the housing ladder.</p> <p>The housing mix of 1, 2, 3, 4 and 5 bedroom houses including bungalows will provide for a range of families and individuals.</p> <p>Improvements to an existing community facility as well as other local infrastructure will assist in the wider development of the local area.</p>
 <p><i>Make Cities and Human Settlements Inclusive, Safe, Resilient and Sustainable</i></p>	<p>Illustrative Framework Plan provides natural surveillance of open spaces.</p> <p>Layout encourages cycling and walking through inclusion of open space, pedestrian/cycling routes and shared spaces wherever possible.</p> <p>Site is located in a highly sustainable location on the edge of Barton upon Humber.</p>
 <p><i>Ensure Sustainable Consumption and Production Patterns</i></p>	<p>Banks Group prioritises the procurement of construction materials and services as locally as possible.</p> <p>The development will be designed to enable recycling.</p>
 <p><i>Take Urgent Action to Avoid Climate Change and Its Impacts</i></p>	<p>Modern, high quality homes are energy efficient, requiring less heating.</p> <p>The design and location promote walking and cycling opportunities for everyday trips.</p> <p>The site will be well served by public transport with a bus route proposed to divert through the site with a 30 minute frequency of service to benefit new and existing residents south of the A1077.</p>
	<p>The drainage strategy for the site will utilise swales and SUDS which will treat and attenuate water to achieve discharge rates at the equivalent of current greenfield rate, taking into account the effect of climate change.</p> <p>The SUDS area is designed to maximise biodiversity value.</p>

<p><i>Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development</i></p>	
 <p><i>Protect, Restore and Promote Sustainable Use of Terrestrial Ecosystems, Sustainably Manage Forests, Combat Desertification, and Halt and Reverse Land Degradation and Halt Biodiversity Loss</i></p>	<p>The development will deliver 21.7% biodiversity net gain – improving habitats and biodiversity value compared to the current land.</p> <p>Existing hedgerows and trees on the boundaries of the site will be retained and enhanced, with significant additional tree planting.</p> <p>Additional mitigation will include the provision of bat and bird boxes in the scheme to improve roosting opportunities and support the populations of these species.</p>
 <p><i>Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels</i></p>	<p>The Banks Group highly values the relationships with local communities living near our developments. We aim to recycle some of our profits back into those communities so that they experience benefits from development.</p> <p>The Barton upon Humber development is being carried out in full consultation with local communities and stakeholders, providing opportunity to influence the proposals and scheme design.</p> <p>The Banks Group is accountable through its feedback procedures and adherence to planning conditions and policies.</p>
 <p><i>Strengthen the Means of Implementation and Revitalise the Global Partnership for Sustainable Development</i></p>	<p>The development will rely on partnership working between the Banks Group, a chosen housebuilder, North Lincolnshire Council and local residents' groups and parish council.</p> <p>The quality of those relationships will be borne out in the quality of the development.</p>



North Lincolnshire Supply Assessment 1st April 2021 - 31st March 2026

Site Address	Settlement	Site Reference	Planning Status	Site Capacity	Council's stated supply in 5 year period 2021- 26 Position Statement	Johnson Mowat Position in 5 year peiord 2021-26					JM Total	Difference	NPPF Cat A or B	Commentary
						2021/22	2022/23	2023/24	2024/25	2025/26				
Former Crosby Primary School, Frodingham Road	Scunthorpe	PA/2017/2006	Full planning consent	19	19	19	0	0	0	0	19	0	A	Full planning permission to erect 24 affordable dwellings granted 26th March 2018. Development under construction and 19 dwellings left to complete. Ongo Homes affordable housing scheme. A site visit in October 2021 demonstrated that all dwellings are complete and occupied.
Land at the Council Depot, Station Road	Scunthorpe	PA/2019/1280	Full planning consent	37	37	37	0	0	0	0	37	0	A	Full consent for 37 affordable dwellings granted on the 19th March 2020. Ongo Homes affordable housing scheme. Site visit confirmed that development under construction and at an advanced stage, some dwellings completed, however no access provision completed so no occupations.
Land at 1-3 Cliff Garden Phase 2	Scunthorpe	PA/2018/664	Full planning consent	10	10	0	10	0	0	0	10	0	A	Represents a Phase 2 site. Phase 1 has been completed. Planning permission for 10 apartments granted on 30th October 2018. Development commenced on site as confirmed by site visit. No dispute.
Lakeside	Scunthorpe	PA/2019/1088 PA/2019/1107	Full planning consent	210	88	0	44	44	0	0	88	0	A	Lakeside is a large strategic mixed use site of approx 41.9 ha with the potential to deliver over 1,300 dwellings. Outline planning consent was granted on the 13th July 2005 and subsequently a number of Reserved Matters and detailed planning consents have been granted permission. A number of housebuilders are associated with the development site. Most recently Vistry Partnerships have been granted planning consent for 88 dwellings (PA/2019/1088) and 122 dwellings (PA/2019/1107) on the 19th February 2021. It is confirmed that the consent for 88 dwellings has commenced on site. However Vistry have indicated that the timescales for the 122 dwellings phase are unknown until site constraints associated with Surface Water outfall is resolved. As such the Council are only relying on the delivery of 88 dwellings within the five year period which is deemed an appropriate approach.
Land south of Ashby Turn Primary Care Centre, The Link	Scunthorpe	PA/2018/838	Full planning consent	18	18	8	10	0	0	0	18	0	A	Application to erect 18 dwellings approved on the 4th January 2019. Site visit demonstrates that construction has commenced with foundations and infrastructure works ongoing. No dispute.
Land rear Ashby Link, The Link	Scunthorpe	PA/2018/2004	Full planning consent	10	10	10	0	0	0	0	10	0	A	Application to erect 10 dwellings approved on 9th January 2019. Development commenced. Site visit in October 2021 showed all units completed and most occupied.
Land at Bottesford Road	Scunthorpe	PA/2017/1399, PA/2020/806	Reserved Matters	10	10	10	0	0	0	0	10	0	A	Reserved Matters for 10 dwellings consented on 16th October 2020. Development acknowledged to have commenced on site and all 10 dwellings close to completion. No dispute.
Site off the the Lilacs, Warwick Road	Scunthorpe	PA/2018/1021	Full planning consent	25	25	25	0	0	0	0	25	0	A	Planning permission to construct a dementia supported housing scheme consisting of 25 no. 2-bed affordable homes (flats) granted on 27th September 2019. Development commenced and site visit Oct 2021 demonstrates scheme fully complete. Ongo Homes confirm delivery in 2021/22.
Land off Burringham Road (Roman Way)	Scunthorpe	SCUH- 5, PA/2017/2137	Allocation, Full planning consent	85	22	22	0	0	0	0	22	0	A	Gleeson Homes development now under construction and site visit confirms at an advanced stage. Planning consent granted for 85 dwellings. 22 dwellings left to complete following the 2020/21 monitoring peiord. All expected to be finished within 2021/22. No dispute.

Former Priory Lane Infants School	Scunthorpe	PA/2018/2404	Full planning consent	21	21	21	0	0	0	0	21	0	A	This site was previously removed by the Council in the January 2020 update paper. The site benefits from full planning consent for 21 bungalows, granted on 19th June 2019. HG Homes have confirmed completion on site due in 2021/22 and homes are actively being marketed. Site visit confirms advanced stage of delivery. No dispute.
Land at Dartmouth Road	Scunthorpe	SCUH-C8, PA/2018/2404	Full planning consent	77	77	15	30	30	2	0	77	0	A	Full planning permission for the development of 77 dwellings granted on 29th March 2019. Keigar Homes development. No dispute.
22-24 Cole Street	Scunthorpe	PA/2019/1180	Full planning consent	8	8	8	0	0	0	0	8	0	A	Planning permission for the change of use from B1 to C3 including alterations to form 8 flats granted on the 24th September 2019. No dispute.
Woods along Scotter Road	Scunthorpe	PA/2018/2186	Outline Planning	36	36	0	0	6	12	12	30	-6	B	Outline planning permission for 36 dwellings including new access road and adoptable sewage pumping station (appearance, landscaping, layout and scale reserved for subsequent approval) granted on the 5th November 2019. No application for Reserved Matters has been submitted yet and there is no reference to the submission of RM within evidence pro-forma. Access appears to have been created for the site under PA/2014/0760 however the residential development does not yet have detailed consent. Trajectory pushed back to reflect lead in times for subsequent detailed approvals.
Land rear of 50 - 72 Bellingham Road	Scunthorpe	PA/2019/1821	Full planning consent	12	12	12	0	0	0	0	12	0	A	Planning permission for two apartment blocks totalling 12 no. units granted planning consent on 19th March 2020. Site visit demonstrated site under construction and at an advanced stage. No dispute.
Former Coal Yard, Grange Lane South	Scunthorpe	PA/2019/2110	Full planning consent	7	7	7	0	0	0	0	7	0	A	Planning permission to erect seven dwellings including associated works granted on the 12th March 2020. Site visit demonstrates construction at an advanced stage. No dispute.
Land at Trent View House	Scunthorpe	PA/2019/1729	Full planning consent	8	8	8	0	0	0	0	8	0	A	Planning permission to erect affordable housing consisting of 8 single storey dwellings granted on 10th March 2020. No dispute.
Former Magistrates Court, Corporation Road	Scunthorpe	PA/2020/1027	Full planning consent	7	7	0	7	0	0	0	7	0	A	Planning permission for change of use to seven flats approved on 8th September 2020. No dispute.
50 The River, Henderson Avenue	Scunthorpe	PA/2019/1714	Full planning consent	6	6	0	6	0	0	0	6	0	A	Planning permission for change of use of pub to six flats approved on 11th December 2019. No dispute.
Phoenix Parkway Phase 1	Scunthorpe	SCUH-1, PA/2020/2	Full planning consent	158	120	0	30	30	30	30	120	0	A	Full planning consent granted on 30th June 2021 for construction of 158 homes. Scheme brought forward by Gleeson Homes. Delivery rates confirmed by developer. No dispute.
Land at Burringham Road	Scunthorpe	PA/2020/1333	Outline Planning	144	0	0	0	0	0	0	0	0	B	Outline Planning permission for up to 144 dwellings granted on 29th June 2021. Proforma makes no reference to associated housebuilder on site nor any mention of preparation and submission of Reserved Matters. Marketing particulars for the site request offers prior to 9th April 2021. It is not known whether this resulted in a successful sale. July 2022 Edit: During the Messingham appeal process the Council conceded that the delivery of dwellings from this site should be removed from the supply.
Land at former south Leys School, Enderby Road Phase 1	Scunthorpe	SCUH-C7	Allocation	120	30	0	0	0	0	0	0	-30	B	The site is a housing allocation and owned by North Lincolnshire Council. There is no planning permission associated with the site. The proforma provides no details in relation to associated housebuilders/ developers or the preparation of a planning submission. The lead in time stated is "10 years from 2021" suggesting that delivery is not anticipated until after the five year period. To assume any delivery in the five year period at this stage would be unevidenced. This site was previously removed from the Council's January 2020 5YHLS assessment. There is no new evidence to justify reinstating it. July 2022 Edit: During the Messingham appeal process the Inspector found that clear evidence has not been submitted to confirm there is a developer for the site and delivery of dwellings from this site should be removed from the supply.

Former Ashby Market	Scunthorpe	Z16EY	Brownfield Register	40	40	0	0	0	0	0	0	0	-40	B	Land is on the brownfield register and within Council ownership. A marketing exercise has been undertaken but no details of any associate housebuilder or developer known. No application associated with site. Not considered to have the necessary clear evidence for inclusion in supply.
Brumby Resource Centre, East Common Lane	Scunthorpe	SCUH-C2	Allocation	40	20	0	0	0	0	0	0	0	-20	B	Final phase of housing allocation SCUH-C2. Site in ownership by North Lincolnshire Council. No planning consent is associated with the site and the proforma provides no details of application preparation, pre-application discussions or any assurance of application submission in the short term to allow delivery in the five year period. No reasonable evidence has been provided to demonstrate delivery.
Land to the rear of 13-19 Pasture Road	Barton	PA/2018/1049 PA/2021/968	Full planning consent	16	16	0	6	10	0	0	0	16	0	A	Full planning consent granted on 18th January 2019. Subsequent application to vary condition 2 relating to site layout and house type plans approved on 7th September 2021. Site to be brought forward by Charworth Homes. Site visit shows that all units are under construction and some close to completion. No dispute.
7a Marsh Lane	Barton	PA/2019/1798	Full planning consent	6	6	6	0	0	0	0	0	6	0	A	Full planning permission for six dwellings granted on 20th May 2020. Scheme brought forward by Charworth Homes. Site visit demonstrates that all units have been built out and are occupied. It is suspected that some may have been completed prior to 1st April 2021.
Coach and Horses Inn 86-88 High Street	Barton	PA/2016/1763	Full planning consent	18	18	8	10	0	0	0	0	18	0	A	Full planning consent granted on 15th September 2017. Application to be implemented by 15th September 2020. Site visit in October 2021 confirms 5 units complete and occupied with remaining under construction.
Land adjacent to White Swan Butts Road	Barton	PA/2020/1612	Full planning consent	5	5	0	5	0	0	0	0	5	0	A	Full Planning Consent approved on 12th February 2021 for 5 dwellings. This application seeks a slightly amended scheme from that approved under Reserved Matters consent PA/2018/1118. Site being brought forward by Platform Housing. No dispute.
Pasture Road South	Barton	BARH-1, BARH-2, PA/2020/1628	Allocation, Full Planning consent	319	150	28	0	30	30	30	118	-32	A/ B	Development commenced on site within the wider development and early phases completed. Keigar Homes have identified that 28 dwellings are left to be completed of Phase 4 and anticipated within 2021/22. A site visit has indicated that as of 12th October 2021 only 13 units remain to be completed and it is likely the build will complete by April 2022. The trajectory has been amended accordingly. A full application was submitted on the 21st September 2020 for 317 dwellings for the remaining Phases 5 and 6 of allocation. The application remains pending consideration and as of October 2021 revised plans and documents were still being submitted in support of the scheme. The applicant Keigar Homes has indicated that delivery will continue at 30 dwellings per annum from 2022/23 onwards as a continuation of the currently under construction scheme. However, the application currently has a holding objection in relation to archaeology and flood risk. Further information is also requested from the LLFA and drainage board. Given the timescales associated with the release of a decision notice, discharge of conditions and delivery of dwellings there is doubt that dwellings will be completed in 2022/23. To reflect the current planning status of the site the trajectory for later phases has been pushed back to anticipate the start of delivery in 2023.	

Island Carr	Brigg	PA/2014/0887	Reserved Matters	60	60	0	0	0	0	0	0	0	-60	B	Reserved Matters application for 60 dwellings was approved on the 18th November 2014. Whilst the Council have registered a formal start on site through the implementation of site entrance the scheme has not progressed. The Council's proforma for this site confirms that the the developer Keigar Homes intend to bring the site forward "subject to market conditions and detailed planning permission". To date there is no new planning application associated with the site and a October 2021 site visit demonstrated no construction activity, the extant consent is therefore not being pursued. Given the clear intent not to progress with the scheme as curently approved and the requirement for further consent and assurance over market conditions it is not considered appropriate to include this site within the five year trajectory.
Falcon Cycles, Bridge Street, Phase 1	Brigg	PA/2017/1234	Full planning consent	67	67	0	6	25	25	11	67	0	0	A	Hybrid application PA/2017/1234 approved on 24th August 2018 for residential development including dwellings and over 55's living. The full consent for 67 dwellings is currently under construction by Keigar Homes. Trajectory provided by Keigar Homes in site proforma is not disputed.
Former Falcon Cycles, Bridge Stree, Phase 2	Brigg	PA/2017/1234, PA/2021/288	Reserved Matters	20	20	0	20	0	0	0	20	0	0	A	Reserved Matters approved on 16th April 2021 for 20 over 55s living following grant of the previous hybrid application. The site proforma indicates commencement on site in September 2021 and there is no reason to doubt delivery in five year period. No dispute.
6 Market Place	Brigg	PA/2012/1399	Full planning consent	14	14	0	0	0	0	0	0	-14	A	Full planning consent granted on 29th July 2015 for demolition and mixed use development comprising 8 town houses, six flats and three shops. The Decision Notice requires development to have commenced within three years. It is recognised that the Council state that the consent has been implemented however the information provided from Council does not provide the clear evidence of delivery as required. There is no housebuilder/ developer associated with the site. The consent was granted in 2015 and in that time there has been no significant move towards delivery. The site was not included in the Council's previous assessment despite gaining planning consent nothing presented by the Council suggests that the site has moved on.	
Land at Western Avenue	Brigg	BRIH-2	Allocation	186	60	0	0	0	0	0	0	-60	B	The site is a housing allocation. There is no planning application associated with the site; pending or otherwise. The Proforma provided by the Council suggests that there is house builder interest although it is not yet confirmed that a housebuilder is associated with the scheme. The proforma confirms that masterplan work is about to commence and there may be pre-application discussions with the Council. It is noted that the scheme will need to address drainage, infrastructure capacity and noise issues as part of the application. Given there is no assurance on timescales for this or indeed for a submission of an application (full, outline or otherwise) it is therefore unreasonable to assume that dwellings will be delivered in the 2022/2023 year.	

Wrawby Road Phase 2	Brigg	BRIH-3	Allocation	333	60	0	0	0	0	0	0	0	-60	B	The site is a housing allocation. There is no planning application associated with the site; pending or otherwise. The Proforma provided by the Council suggests that there is house builder interest although it is not yet confirmed that a house builder is associated with the scheme. The proforma confirms that masterplan work is about to commence and there may be pre-application discussions with the Council. It is noted an EIA Screening Opinion was submitted to the authority in 2019 relating in part to BRIH-3 however no further developments have been made. The submitted proforma states that this allocation should be accessed through allocation BRIH-4. Given there is no assurance on timescales for masterplan development or indeed for the submission of an application (full, outline or otherwise) it is therefore unreasonable to assume that dwellings will be delivered in the 2022/2023 year.
Wrawby Road Phase 1	Brigg	BRIH-4	Allocation	152	60	0	0	0	0	0	0	0	-60	B	The site is a housing allocation. There is no planning application associated with the site; pending or otherwise. The Proforma provided by the Council suggests that there is house builder interest although it is not yet confirmed that a house builder is associated with the scheme. The proforma confirms that masterplan work is about to commence and there may be pre-application discussions with the Council. It is noted an EIA Screening Opinion was submitted to the authority in 2019 relating in to BRIH-4 and part of BRIH-3 (PA/SCR/2019/3) however no further developments have been made. Given there is no assurance on timescales for masterplan work or indeed for a submission of an application (full, outline or otherwise) it is therefore unreasonable to assume that dwellings will be delivered in the 2022/2023 year.
Land at Windsor Way, Barnetby-le-Wold	Barnetby-le-Wold	PA/2018/510, PA/2020/790	Reserved Matters	9	9	9	0	0	0	0	0	9	0	A	Reserved Matters approved on 16th October 2020 for 9 dwellings. Development commenced by Hammond Homes. Hammond Homes website suggests all properties are sold. No dispute over delivery.
Victoria Road	Barnetby-le-Wold	PA/2019/1454	Full planning consent	23	23	3	10	10	0	0	0	23	0	A	Full planning permission for 23 dwellings granted on 25th February 2019. Site brought forward by Keigar Homes and understood to be under development. Site visit demonstrated scheme under construction with first completions anticipated 2021/2022. No dispute.
Former Spencer Group Mill	Barrow upon Humber	PA/2018/845	Outline Planning	40	30	0	0	10	10	10	0	30	0	B	Outline planning permission granted on 7th August 2020. The Outline planning consent makes no reference to an indicative yield at this time. There is no housebuilder associated with site and no Reserved Matters have been submitted to date.
Land off Ferry Road/ Chestnut Rise	Barrow upon Humber	PA/2020/603, PA/2021/514	Reserved Matters	75	45	0	0	15	15	15	0	45	0	A	Outline planning permission was granted for approximately 75 dwellings. Reserved Matters were approved on the 20th August 2021 for the development of 64 dwellings. Site is being brought forward by Keigar Homes although no start on site has yet been made. Trajectory provided by Keigar Homes as part of proforma. No dispute.
Land north of Ferry Road East	Barrow upon Humber	PA/2020/803	Full planning consent	9	9	0	5	4	0	0	0	9	0	A	Full planning permission granted on 29th September 2020 for 9 dwellings. Site brought forward by Keigar Homes. Site visit has demonstrated that development has commenced on site. No dispute.
The Red Lion	Broughton	PA/2017/124	Full planning consent	6	6	0	6	0	0	0	0	6	0	A	Consent granted on 27th August 2020 for development of 6 dwellings to the rear of the Red Lion. Letter confirming material start on site provided on the Public Access system. No dispute.
Belwood Lodge, King Edward Street, Belton	Belton	PA/2019/1973	Outline Planning	5	5	0	0	0	0	5	0	5	0	A	Outline permission granted on 16th January 2020 for development of five dwellings. No Reserved Matters submitted to date. No dispute as minor application.
Land of King Edward Street	Belton	PA/2018/2416	Outline Planning	11	11	0	0	0	5	6	0	11	0	B	Outline permission granted on 3rd April 2020 for 11 dwellings. No Reserved Matters submitted to date. No house builder associated with the site.
Land adjacent 1, Belgrave Close	Belton	PA/2019/849	Full planning consent	5	5	0	3	2	0	0	0	5	0	A	Full planning permission for 5 dwellings consented on 29th June 2020. No dispute.

Belton Garden Centre Sandtoft Road	Belton	PA/2019/1828	Reserved Matters	5	5	0	3	2	0	0	5	0	A	Reserved Matters approved on 23rd Decemeber 2019 for 5 dwellings. No dispute.
Land adjacent 28 North Street	Crowle	PA/2019/936	Reserved Matters	8	8	4	4	0	0	0	8	0	A	Reserved Matters approved on 13th August 2019 for 8 dwellings. No dispute.
Land to the east of Fieldside	Crowle	CROH-1, PA/2020/1790	Allocation	75	20	0	0	0	0	0	0	-20	B	This site is a housing allocation. An Outline application has been submitted to the Local Authority on the 11th November 2020 and remains pending consideration for circa 75 dwellings. No house builder is associated with the scheme. Given the current status of the scheme is considered appropriate to expect delivery beyond the five year period.
3a-8 Harris View	Epworth	PA/2017/1929	Full planning consent	7	7	0	0	7	0	0	7	0	A	Full planning permission for 7 dwellings permitted on 22nd August 2018. No dispute.
The Sycamores, Battle Green	Epworth	PA/2019/1804	Full planning consent	5	5	0	3	2	0	0	5	0	A	Full planning permission for five dwellings granted on 14th May. No dispute.
Land off Howe Lane and Hawthorne Gardens	Goxhill	PA/2018/1581	Outline Planning	84	30	0	0	10	10	10	30	0	B	Outline approval for up to 85 dwellings approved on 25th July 2019. Council anticipate Reserved Matters to be submitted soon although Keigar Homes have provided no timescales or assurances within the proforma. As of October 2021 no RM submitted. Keigar Homes have indicated delivery of 10 dwellings per annum from 2023 onwards however there remains doubt whilst detailed planning consent has not been secured.
Land east of Strathdee, Barrow Road	Goxhill	PA/2019/841	Outline Planning	9	9	0	9	0	0	0	9	0	A	Outline planning consent for 9 dwellings approved on 28th September 2020. No dispute.
Orchid House, Howe Lane	Goxhill	PA/2019/181	Full planning consent	8	8	0	4	4	0	0	8	0	A	Full planning permission granted on 24th October 2019 for 9 dwellings (including replacement dwelling). Net gain associated with consent is 8 dwellings. No dispute.
Land North of 6 Thornton Road	Goxhill	PA/2019/842	Outline Planning	8	8	0	8	0	0	0	8	0	A	Outline planning consent granted on 24th September 2020 for 8 dwellings. No Reserved Matters submitted to date.
Conway Thornton Road	Goxhill	PA/2020/538	Full planning consent	6	6	0	0	3	3	0	6	0	A	Full planning consent granted on 28th September 2020 for 7 dwellings (including replacement dwelling). Net gain associated with consent is 6 dwellings. No dispute.
Willow Farm, East Street	Hibaldstow	PA/2014/0196	Full planning consent	37	10	10	0	0	0	0	10	0	A	Full planning consent for 37 dwellings granted on 3rd June 2014. Site under construction by Keigar Homes. Delivery not disputed. Site visit indicates that all units are complete and most show signs of occupation.
Land to the West of Station Road	Hibaldstow	PA/2018/1716	Outline Planning	48	42	0	0	6	12	12	30	-12	B	Outline planning permission granted for 48 dwellings on 6th February 2020. Reserved Matters application submitted on the 19th July 2021 and remains pending consideration. Reserved Matters brought forward by Albemarle Homes for 48 dwellings. There has been clear progression towards delivery on site in the five year period however to account for associated lapse rates delivery has been pushed back to year three.
Brook House, Church Street	Hibaldstow	PA/2019/996	Full planning consent	14	14	0	3	5	5	1	14	0	A	Full planning permission for 14 dwellings granted on 6th April 2020. No dispute.
Land North of Wheelgates, Brigg Road	Hibaldstow	PA/2020/158	Outline Planning	5	5	0	0	2	3	0	5	0	A	Outline Planning permission for 5 dwellings permitted on 9th June 2020. No Reserved Matters submitted to date. No dispute.
Land west of Station Road	Kirton in Lindsey	KIRH-1, PA/2017/2	Full planning consent	91	91	10	30	30	21	0	91	0	A	Full planning permission granted on the 3rd April 2018 for 91 dwellings. Scheme brought forward by Larkfleet Homes. The development has commenced on site however it is noted that a stop notice was issued in Summer 2020 whilst drainage infrastructure works were resolved. The site proforma indicates that processes are now underway to rectify this. Notwithstanding this there is a clear desire to deliver dwellings on site in the five year period and this is not disputed.
North of Spa Hill	Kirton in Lindsey	PA/1999/0920	Full planning consent	20	20	0	10	10	0	0	20	0	A	Site under construction by Truelove Property and Construction. The site benefits from various planning consents totalling the delivery of circa 145 dwellings. Scheme is at an advanced stage. Monitoring data indicates that 20 dwellings are left to be completed. No dispute.

Land north of Ings Road	Kirton in Lindsey	PA/2020/588	Outline Planning	79	60	0	0	0	0	0	0	0	-60	B	Outline planning consent for circa 79 properties approved on appeal on 26th March 2021. To date no Reserved Matters application has been submitted. Site is promoted by The Strategic Land Group who are not a house builder. The SLG website states that further due diligence work is underway before bringing the site to the market. Anticipated delivery has been revised to account for timescales for marketing, application preparation, submission and determination and start on site. July 2022 Edit: During the Messingham appeal process the Inspector found that clear evidence has not been submitted to confirm there is a developer for the site and delivery of dwellings from this site should be removed from the supply.
13 High Street	Kirton in Lindsey	PA/2020/1869	Full planning consent	6	6	0	6	0	0	0	6	0	0	A	Full planning permission for change of use and associated works for the conversion of the first floor and ground floor entrances of 13 High Street from retail to residential to provide six one bedroom flats (PA/2020/1869). This application was approved 26th February 2021. No dispute.
68 High Street, Messingham	Messingham	PA/2018/978	Full planning consent	7	0	0	0	0	0	0	0	0	0	A	Full planning permission for 3 dwellings and 4 terraced properties (PA/2018/978). This application was approved 1st November 2018. Discharge of conditions application has been submitted (PA/2020/438). A site visit in October 2021 demonstrated that there was no activity on site. Application lapses on 1st November 2021. July 2022 Edit: During the Messingham appeal process the Council conceded that the delivery of dwellings from this site should be removed from the supply.
Land to the rear of North Street and Cemetery Road	Winterton	PA/2015/1390, PA/2019/1336	Reserved Matters	135	80	0	5	25	25	25	80	0	0	A	Outline application for demolition of house and erection of dwellings granted permission on appeal 1st August 2017. Reserved matters application submitted for 135 dwellings approved 20th December 2019 PA/2019/1336. Developer is Keiger Homes. No dispute. Keiger advised back in January on Burton and Winterton Facebook post that once the alterations and disconnections to electricity supplies has taken place they will start demolishing 42 North Street to gain access to the application site. That was estimated to be around 8 weeks from 14th January 2021. Site preparation works are understood to have commenced.
Land at Top Road	Winterton	PA/2020/324	Full planning consent	110	110	30	30	30	20	0	110	0	0	A	Full planning permission for 110 dwellings including associated works (PA/2020/324). Gleeson are on site and have built showhomes. Site being marketed. No dispute.
Land south of Coates Avenue	Winterton	PA/2018/1759	Full planning consent	40	40	0	0	0	20	20	40	0	0	A	Full planning permission for 40 dwellings including 25 affordable housing (PA/2018/1759). An appeal was allowed on 17th April 2020. Applicants are Partner Construction and Acis Group. Acis Group are the Housing Association.
Land north of Front Street, Ulceby	Ulceby	PA/2017/2080	Full planning consent	14	14	14	0	0	0	0	14	0	0	A	Full planning permission for 14 dwellings (PA/2017/2080). Permission granted 20th September 2018. A variation application PA/2019/1946 to vary house types and materials this was approved 14th February 2020. Discharge of condition application submitted PA/2018/2565 with all pre-commencement conditions discharged. Keiger Homes are the developer. A site visit confirms that development has commenced on site and that delivery appears ahead of projections. All dwellings anticipated to be delivered by April 2022.
Land rear of New Convenience Store, off Church Lane	Ulceby	PA/2017/1450	Full planning consent	9	9	5	4	0	0	0	9	0	0	A	Full planning permission for 9 dwellings PA/2017/1450 granted 17th January 2019. Trajectory amended to reflect current status of build where 5 dwellings commenced however location of remaining four currently used as material store and therefore delivery anticipated in 2022.

Land Rear of Church Lane	Ulceby	PA/2019/783	Full planning consent	10	10	10	0	0	0	0	10	0	A	Full planning permission for 10 dwellings with associated garaging, driveways, estate shared access and diversion of footpath (PA/2019/783) granted permission on 3rd October 2019. Keiger Homes openly marketing the site. A site visit in October 2021 demonstrated that all 10 dwellings were completed and most occupied.
Land off Station Road	Ulceby	PA/2018/2525	Outline	90	30	0	0	0	0	30	30	0	B	Outline planning consent for 90 dwellings and construct access (PA/2018/2525). This application was refused on 5th July 2019. Application was appealed and was allowed on 18th March 2020. No evidence of a Reserved Matters application submitted.
Land at Riseholme Spruce Lane	Ulceby	PA/2020/794	Full planning consent	9	9	0	0	4	5	0	9	0	A	Full planning permission for 9 dwellings with garages and private shared access (PA/2020/794). Permission granted 3rd November 2020. Applicant is Keiger Homes. No dispute. Site visit in October 2021 demonstrated that construction has not yet commenced and existing buildings on site are yet to be demolished.
7 Lakes Industrial Estate, Crowle Wharf Site 1	Ealand	PA/2013/1256, PA/2017/1233, PA/2016/1710	Reserved Matters	17	17	8	9	0	0	0	17	0	A	Outline application PA/2013/1256 refused for residential planning on 9th April 2014. Decision was appealed and the appeal allowed on 15th October 2014. Planning Application (PA/2016/1710) is for approval of Reserved Matters for the erection of two dwellings. This was granted planning permission on 9th June 2017. A second Reserved Matters application was submitted (PA/2017/233) for 15 dwellings and garages. This application was approved on 9th June 2017. A site visit confirms a start on site.
7 Lakes Industrial Estate, Crowle Wharf Site 2	Ealand	PA/2017/352	Full planning consent	9	9	9	0	0	0	0	9	0	A	Approval of Reserved Matters granted 1st October 2018 for 9 dwellings pursuant to Outline application PA/2015/0481 for 9 dwellings. No evidence of a start on site. A site visit has confirmed a start on site.
West Street	Scawby	PA/2018/1184	Full planning consent	6	6	6	0	0	0	0	6	0	A	Full planning permission was granted on 17th June 2019 for further phases of the Qudos Francis Gardens scheme in Scawby which gained planning consent under previous applications PA/2016/805 and PA/2016/1790. Scheme currently under development and at an advanced stage as confirmed by site visits in October 2021. No dispute.
Land adjacent to Ridgeway House, Mill Lane	Wrawby	PA/2018/1718	Full planning consent	8	8	0	8	0	0	0	8	0	A	Full planning permission for 8 units granted 15th March 2019. No dispute.
Land off Applefields	Wrawby	PA/2017/0674	Outline Planning	22	0	0	0	0	0	0	0	0	B	Outline permission granted 11th September 2019 for 22 dwellings. Larger scheme for 40 dwellings to the west was recently dismissed on appeal (ref 3262314). No Reserved Matters submitted to date. July 2022 Edit: During the Messingham appeal process the Council conceded that the delivery of dwellings from this site should be removed from the supply.
Land at Kettleby Lane	Wrawby	PA/2019/460	Outline Planning	6	6	0	0	0	3	3	6	0	B	Outline planning permission with all matters reserved granted 28th September 2020 for up to 6 dwellings. No Reserved Matters submitted as yet. No dispute.
Vacant land, Halkon Close	Luddington	PA/2017/1208, PA/2021/645	Outline Planning	9	0	0	0	0	0	0	0	0	A	Outline permission granted on 7th December 2017 for development of up to 10 dwellings. Reserved Matters submitted April 2021 (PA/2021/645) for development of 9 dwellings. Application submitted on behalf of Bliss Homes Ltd. Not yet determined. Whilst Council include the site within identified supply it attributes no dwellings for delivery in the five year period. No dispute.
Land rear of Hawthorne Way	Althorpe	PA/2017/1513, PA/2020/1179	Outline Planning	27	27	0	0	10	10	7	27	0	B	Outline planning permission granted on 14th January 2019 for 27 dwellings. Reserved Matters submitted in June 2021 for 27 dwellings. Not yet determined (PA/2021/1179). Site brought forward by Keiger Homes. Proforma confirms delivery commencing 2023. This is reasonable subject to grant of Reserved Matters.
25-35 Cheery Lane, Wootton	Wootton	PA/2018/1583	Full planning consent	9	9	9	0	0	0	0	9	0	A	Full planning permission for 14 dwellings granted 11th February 2019. Keiger Homes are the developer. A site visit confirms that all 9 units are completed and occupied.

Land rear of Kirmington Primary School, Main Street	Kirmington	PA/2017/2017, PA/2019/1167	Reserved Matters	7	7	3	4	0	0	0	7	0	A	Approval of Reserved Matters 12th March 2020. Site brought forward by Keigar Homes. No dispute.
Fairview, Carr Lane, Redbourne	Redbourne	PA/2018/792, PA/2021/1240	Outline Planning	9	9	0	0	9	0	0	6	-3	B	Outline permisison granted 6th August 2018. Reserved Matters application subitted for 6 dwellings and valid from 7th July 2021, (PA/2021/1240). Trajectory amended to reflect Reserved Matters Submission.
Land at Worlaby House Farm, Low Road	Worlaby	PA/2018/440	Full planning consent	37	37	0	0	0	17	20	37	0	A	Full planning permission for 37 dwellings approved 30th September 2019. Scheme being brought forward by Truelove Property and Construction. No dispute
Manor Farm North, Carr Lane	Saxby all Saints	PA/2019/405	Full planning consent	7	7	0	2	3	2	0	7	0	A	Application for 7 dwellings approved on 5th August 2019. No dispute. Trajectory amended in line with developers proforma.
Cottage Farm	Crowle	PA/2018/2294	Full planning consent	5	5	0	0	2	2	1	5	0	A	Full planning consent for conversion of barns to 5 properties approved on 24th July 2020. No dispute.
<b>Total Identified Supply</b>				<b>3604</b>	<b>2113</b>	<b>374</b>	<b>350</b>	<b>380</b>	<b>287</b>	<b>248</b>	<b>1636</b>	<b>-477</b>		

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**Dated:** 2022

(1) LAURENCE KIRKBY (FARMS) LIMITED

(2) BANKS PROPERTY LIMITED

To

(3) NORTH LINCOLNSHIRE BOROUGH COUNCIL

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**Unilateral Undertaking**

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made under section 106 Town and Country Planning Act 1990 relating to Land West of  
Brigg Road and South of Horkstow Road, Barton Upon Humber

# Contents

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<b>Clause</b>		<b>Page</b>
1	INTERPRETATION .....	1
2	EFFECT OF THIS UNDERTAKING .....	8
3	CONDITIONALITY .....	9
4	OBLIGATIONS .....	9
5	TERMINATION OF THIS UNDERTAKING.....	10
6	NOTICES .....	10
7	SECTION 73 CONSENT .....	10
8	INDEXATION .....	11
9	JURISDICTION .....	11
10	EXECUTION.....	11
<b>Schedules</b>		
1	Affordable Housing.....	12
2	Contributions .....	16
3	On-Site open space.....	18
<b>Appendices</b>		
1	Plan .....	21
2	Sub Area 7.....	22

**THIS UNDERTAKING** is given on

2022

BY:

- (1) **LAURENCE KIRKBY (FARMS) LIMITED** (Company Registration Number 00614147) whose registered office is at Beaumontcote, Barton Upon Humber, Lincolnshire DN18 6EN (the "**Owner**"); and
- (2) **BANKS PROPERTY LIMITED** (Company Registration Number 03081092) whose registered office is at Inkerman House, St John's Road, Meadowfield, Durham DH7 8XL (the "**Developer**").

TO:

- (3) **NORTH LINCOLNSHIRE BOROUGH COUNCIL** of Church Square House, 30-40 High Street, Scunthorpe DN15 6NL (the "**Council**").

## **BACKGROUND**

- (A) For the purposes of the 1990 Act, the Council is the local planning authority and for the purposes of the 1980 Act the Council is the local highways authority for the area within which the Site is located.
- (B) The Owner is the freehold owner of the whole of the Site free from encumbrances that would prevent the Owner entering into this Undertaking.
- (C) By the Planning Application the Developer applied to the Council for permission to develop the Site for the Development.
- (D) On 9 June 2022 the Council refused to grant planning permission pursuant to the Planning Application.
- (E) The Appeal has been submitted against the Council's refusal to grant planning permission for the Development.
- (F) The Owner and the Developer have agreed to enter into this Undertaking with the intention that the obligations contained in this Undertaking may be enforced by the Council against the Owner and the Developer and their respective successors in title.

## **1. INTERPRETATION**

In this Undertaking, the following words and expressions have the following meanings:

<b>"1980 Act"</b>	the Highways Act 1980;
<b>"1990 Act"</b>	the Town and Country Planning Act 1990 (as amended);
<b>"Affordable Housing"</b>	affordable housing as defined in Annex 2 of the National Planning Policy Framework, updated July 2021 (or such other replacement or successor policy as may be in force from time to time);
<b>"Affordable Housing Commuted Sum"</b>	a sum to be calculated, in relation to each Affordable Housing Unit that is not to be provided on the Site as follows:  A – B where

A = the average Borough house price as published on the Council's website at the time that the sum is to be calculated

B = the purchase price of the Affordable Housing Unit which would have been paid by an Affordable Housing Provider had the Affordable Housing Unit been transferred to the Affordable Housing Provider in accordance with the provisions of **Schedule 1**;

**"Affordable Housing Provider"**

any housing association or social landlord registered with the Homes and Communities Agency under the Housing and Regeneration Act 2008 or a Registered Provider;

**"Affordable Housing Scheme"**

a scheme for the provision of the Affordable Housing Units which shall include the number, location, type and tenure of the Affordable Housing Units;

**"Affordable Housing Unit"**

the Affordable Housing to be provided as part of the Development comprising 20% of the Dwellings (the number of units to be provided being rounded down if the part share produced by applying this percentage is 0.49 or less or rounded up if the part share is 0.5 or more), up to a maximum of 78 Dwellings

and **"Affordable Housing Units"** shall be construed accordingly;

**"Alternative Affordable Housing Providers"**

the housing associations, registered social landlords (registered under the Housing and Regeneration Act 2008) or Registered Providers listed in the Council's developer framework or similar agreement, register, list or framework or, in the absence of such a framework or register, such other Affordable Housing Providers as the Council shall specify;

**"Appeal"**

the appeal submitted by the Developer pursuant to section 78 of the 1990 Act against the Council's decision dated 9 June 2022 to refuse to grant planning permission pursuant to the Planning Application and allocated appeal reference APP/Y2003/W/22/3307310;

**"Bus Service Contribution"**

the sum of £625,672 (six hundred and twenty five thousand, six hundred and seventy two pounds) which shall be applied by the Council towards the [re-routing and improvement of bus services to serve the Site and the surrounding area]<sup>1</sup>;

**"Bus Tickets Contribution"**

the contribution which shall be calculated as follows:

$$a \times n \times 0.6$$

where

a = the Stagecoach commercial ticket price for [x] on the date of Commencement of Development

n = the total number of Dwellings to be constructed on the Site pursuant to the Planning Permission and Reserved Matters Consent

which shall be applied by the Council towards [the provision of [x] per Dwelling]<sup>2</sup>

**“Commencement Date”**

the date on which the Development commences by the carrying out on the Site pursuant to the Planning Permission and any Reserved Matters Consent of a material operation as specified in section 56(4) of the 1990 Act other than (for the purposes of this Undertaking and for no other purpose):

- . site investigations or surveys;
- . site decontamination;
- . the demolition of any existing buildings or structures;
- . erection of temporary means of enclosure;
- . erection of a contractor’s compound or a site office;
- . the clearance or regrading of the Site;
- . works connected with infilling;
- . works for the provision of drainage or mains services to prepare the Site for development;
- or
- . any other preparatory works as may be agreed in writing with the Council

and “**Commence**”, “**Commence Development**” and “**Commencement**” shall be construed accordingly;

**“Development”**

the development of the Site pursuant to the Planning Permission and any Reserved Matters Consent;

**“Dwelling”**

any dwelling to be constructed pursuant to the Planning Permission and any Reserved Matters Consent and “**Dwellings**” shall be construed accordingly;

**“Education Contribution”**

the contribution up to the maximum sum of £3,068,832 (three million, sixty eight thousand, eight hundred and thirty two pounds) calculated as follows:

£9,836 (nine thousand, eight hundred and thirty six pounds) per Market Value Dwelling

towards the provision of primary and secondary school places, the need for which are a direct consequence of the Planning Permission;

**“Index”**

[means:

- a) for the Bus Service Contribution:
  - i. from the date of the Planning Permission until Commencement of Development, the Department for

Transport Bus Operating Cost Index or any official publication substituted for it; and

ii. from Commencement of Development until the date of payment, the Retail Prices Index (All Items) or any official publication substituted for it;

b) for all other contributions in **Schedule 2**, the Consumer Prices Index – for “All Items” published by the Office for National Statistics or any official publication substituted for it or such other index as may be appropriate and is agreed between the parties;]<sup>3</sup>

**“Index Linked”**

means such increase to any sum or sums payable under this Undertaking on an annual basis or pro rata per diem from the date of the Planning Permission to the date of payment based upon the relevant Index last published before the date of the Planning Permission;

**“Landscape and Ecological Management Plan (LEMP)”**

the plan to be submitted to and approved by the Council in accordance with **Schedule 3** of this Undertaking which includes the details of the provision of the SANG, SUDS, Open Space and ecological mitigation and enhancement on the Site and which shall be in accordance with the principles contained in the following documents submitted to the Council as part of the Planning Application:

1. Ecological Impact Assessment dated November 2021 (Appendix 3 to the Planning Statement);
2. Shadow Habitats Regulations Assessment dated April 2022;
3. Design and Access Statement dated November 2021 (Appendix 1 to the Planning Statement); and
4. Drawing PA14 reference HJB/4142/33 - The Open Space and Landscape Framework Plan dated November 2021;

**“LEAPs”**

the two areas to be provided within the Site as a local equipped areas of play in accordance with the approved LEAP Plan and **Schedule 3** of this Undertaking and “LEAP” shall be construed accordingly;

**“LEAP Plan”**

the plan to be submitted to and approved by the Council in accordance with **Schedule 3** of this Undertaking which identifies the locations of the LEAPs within the Site;

**“Leisure Contribution”**

the sum of £300,796 (three hundred thousand, seven hundred and ninety six pounds) which shall be applied by the Council as follows:

- a) £63,145 (sixty three thousand one hundred and forty five pounds) for improvements towards natural turf pitches within Sub Area 7;
- b) £102,408 (one hundred and two thousand four hundred and eight points) for improvements towards existing football infrastructure (including improving the ancillary/changing facilities) at Pasture Road football pitches;
- c) £130,719 (one hundred and thirty thousand seven hundred and nineteen pounds) for improvements towards swimming pools within Sub Area 7; and
- d) £4,524 (four thousand five hundred and twenty four pounds) for improvements towards the indoor bowls facility in Scunthorpe

**“Management Company”**

a private limited company which is incorporated in and has its registered office in the United Kingdom and to whom the LEAPs, Open Space, SUDS and SANG will be transferred and whose primary objects require it to maintain the LEAPs, Open Space, SUDS and SANG within the Development;

**“Management Scheme”**

a scheme to be submitted to and approved in writing by the Council (and any subsequent variations thereof) which identifies:

- a) the future management and maintenance requirements of the LEAPs, Open Space, SUDS and SANG;
- b) the proposed on-going maintenance operation for the LEAPs, Open Space, SUDS and SANG;
- c) specifically identifying the management objectives, tasks and the timing and frequency of the operation for all the features of the LEAPs, Open Space, SUDS and SANG;
- d) the proposed means of funding the on-going maintenance and management of the LEAPs, Open Space, SUDS and SANG, including provision of continued maintenance should the Management Company permanently cease for any reason to function;
- e) appropriate arrangements for the transfer of the LEAPs, Open Space, SUDS and SANG (including the timing and trigger point(s) for such transfer) to the Management Company in accordance with the requirements of **Schedule 3**;

**“Market Value Dwelling”**

a Dwelling that is not an Affordable Housing Unit;

<b>"New Permission"</b>	a planning permission authorising the redevelopment of the Site in a manner which would, if such redevelopment were completed, cause the Owner to be in breach of any or all of the provisions contained in this Undertaking;
<b>"Occupation"</b>	occupation of the Site for the use authorised by the Planning Permission and for the avoidance of doubt shall not include occupation for the purpose of constructing or fitting out the Development and <b>"Occupied"</b> , <b>"Occupy"</b> and <b>"Occupying"</b> shall be construed accordingly;
<b>"Offer Documentation"</b>	plans, drawings, specifications and other documentations which the Affordable Housing Provider may reasonably require in order to make an offer for the Affordable Housing Units;
<b>"Offer Period"</b>	a period of six (6) months from the issue by the Owner or the Developer to an Affordable Housing Provider of the Offer Documentation for the Affordable Housing Units;
<b>"Offer Price"</b>	a price which enables the Affordable Housing Provider to provide the Affordable Housing Units as Affordable Housing in accordance with the tenure specified in the approved Affordable Housing Scheme;
<b>"Off-Site LEAP Contribution"</b>	the sum of £108,212 (one hundred and eight thousand, two hundred and twelve pounds) which shall be applied by the Council towards [the provision of additional facilities at Baysgarth Park] <sup>4</sup> ;
<b>"Open Market Value"</b>	a figure to be agreed between the Owner or the Developer and the Council representing the estimated amount for which a Dwelling(s) should exchange on the date of valuation on the open market between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion;
<b>"Open Space"</b>	<p>the area(s) to be identified within the Site and provided as informal open space up to a maximum area of 3,900 sqm calculated as follows:</p> <p>10 sqm per Dwelling</p> <p>to be provided in accordance with the approved LEMP and <b>Schedule 3</b> of this Undertaking;</p>
<b>"Plan"</b>	the plan attached to this Undertaking at <b>Appendix 1</b> and labelled the "Plan";
<b>"Planning Application"</b>	the planning application submitted to the Council and validated with reference PA/2021/2151 for outline planning permission for a residential

	development of up to 390 dwellings with associated infrastructure, and with appearance, landscaping, layout and scale reserved for subsequent consideration;
<b>"Planning Inspector"</b>	the planning inspector appointed on behalf of the Secretary of State to determine the Appeal;
<b>"Planning Permission"</b>	the outline planning permission to be granted pursuant to the Planning Application;
<b>"Reserved Matters Application"</b>	an application for approval of any matter reserved pursuant to the Planning Permission;
<b>"Reserved Matters Consent"</b>	the consent granted pursuant to approval of a Reserved Matters Application;
<b>"SANG"</b>	the Suitable Alternative Natural Greenspace to be provided on the Site in accordance with the approved LEMP and <b>Schedule 3</b> of this Undertaking;
<b>"Secretary of State"</b>	the Secretary of State for Levelling Up, Housing and Communities or any other minister for the time being entitled to exercise the powers given under sections 77, 78 or 79 of the 1990 Act;
<b>"Section 73 Consent"</b>	a planning permission granted pursuant to section 73 of the 1990 Act which varies and/or removes any condition to which the Planning Permission and/or any such planning permission granted pursuant to section 73 of the 1990 Act and/or any Reserved Matters Consent, was granted subject to;
<b>"Site"</b>	the land West of Brigg Road and South of Horkstow Road, Barton Upon Humber being part of the land registered at HM Land Registry under title number HS138066 that is shown for identification purposes only edged red on the Plan;
<b>"Sub Area 7"</b>	[the area shown edged red and labelled "Area 7" on the plan attached to this Undertaking at <b>Appendix2</b> ;
<b>"SUDS"</b>	the Sustainable Urban Drainage System(s) to be provided on the Site in accordance with the approved LEMP and <b>Schedule 3</b> of this Undertaking;
<b>"TRO"</b>	the traffic regulation order to be obtained [in accordance with the conditions attached to the Planning Permission] to [extend the speed limit to 30 mph westwards on Horkstow Road] <sup>5</sup> ;
<b>"TRO Contribution"</b>	the sum of £3,000 (three thousand pounds) to be applied by the Council towards the provision of the TRO on Horkstow Road;
<b>"Welcome Packs Contribution"</b>	the sum of £975 (nine hundred and seventy five pounds) to be applied to the Council towards [the

provision of welcome packs for each Dwelling promoting sustainable travel and providing information on the local public transport network]<sup>6</sup>.

1.1 In this Undertaking:

- 1.1.1 the clause headings do not affect its interpretation;
  - 1.1.2 unless otherwise indicated, references to clauses and Schedules are to clauses of and Schedules to this Undertaking and references in a Schedule to a Part or paragraph are to a Part or paragraph of that Schedule;
  - 1.1.3 references to any statute or statutory provision include references to:
    - 1.1.3.1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by any subsequent legislation; and
    - 1.1.3.2 any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision;
  - 1.1.4 references to the Site include any part of it;
  - 1.1.5 references to any party in this Undertaking include the successors in title of that party and in the case of the Council include any successor local planning authority exercising planning powers under the 1990 Act;
  - 1.1.6 "including" means "including, without limitation";
  - 1.1.7 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;
  - 1.1.8 where two or more people form a party to this Undertaking, the obligations they undertake may be enforced against them all jointly or against each of them individually; and
  - 1.1.9 if any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of the Undertaking is to be unaffected.
- 1.2 The parties to this Undertaking do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

**2. EFFECT OF THIS UNDERTAKING**

- 2.1 This Undertaking constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 To the extent that they fall within the terms of section 106 of the 1990 Act, the obligations contained in this Undertaking are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council.
- 2.3 The Council is the local authority having the power to enforce the planning obligations contained in this Undertaking.
- 2.4 This Undertaking is capable of and may be registered as a local land charge by the Council.

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<sup>6</sup> ES: Purpose to be agreed with Council.

2.5 Nothing in this Undertaking prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Undertaking, whether or not pursuant to an appeal.

### 3. **CONDITIONALITY**

3.1 This Undertaking shall come into immediate effect save for the obligations contained in **clause 4.1** of and **Schedules 1 to 3** to this Undertaking which are conditional upon:

3.1.1 the Planning Inspector granting Planning Permission pursuant to the Appeal; and

3.1.2 Commencement of Development.

3.2 The planning obligations contained within this Undertaking are also conditional upon the Planning Inspector finding that such planning obligations are:

3.2.1 necessary to make the Development acceptable in planning terms;

3.2.2 directly related to the Development; and

3.2.3 fairly and reasonably related in scale and kind to the Development.

3.3 If the Planning Inspector concludes that any planning obligation contained within this Undertaking is incompatible with one or more of the tests for planning obligations set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 and accordingly attaches no weight to the obligation in determining the Appeal then the relevant obligation shall, from the date of the Planning Inspector's decision letter, cease to have effect and the Owner shall be under no obligation to comply with the obligation but such cancellation shall not affect the validity or enforceability of the remaining provisions of this Undertaking which shall remain in full force and effect.

### 4. **OBLIGATIONS**

4.1 The Owner and the Developer undertake to comply with the obligations set out in **Schedules 1 to 3** in relation to the Development.

4.2 No person will be liable for any breach of the terms of this Undertaking occurring after parting with their interest in the Site or the part of the Site in respect of which such breach occurs but they will remain liable for any breaches of this Undertaking occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Site in any transfer of the Site will constitute an interest for the purposes of this **clause 4.2**.

4.3 The obligations and restrictions shall not be binding upon nor enforceable against:

4.3.1 any person to the extent that such breach relates to any part of the Site in which that person has no interest;

4.3.2 any individual owner or occupier of a Market Value Dwelling or any mortgagee or chargee of such owner or occupier;

4.3.3 any individual owner, tenant or occupier of an Affordable Housing Unit or any mortgagee or chargee of such owner, tenant or occupier (other than the obligations contained within **Schedule 1**);

4.3.4 any mortgagee or chargee or Receiver of the whole or any part of the Affordable Housing Units save for and subject to the provisions of **paragraph 1.14.3** of **Schedule 1**;

- 4.3.5 any statutory undertaker who acquires any part of the Site or interest therein for the purposes only of the supply of electricity, gas, water, drainage, telecommunications services or public transport services;
- 4.3.6 any mortgagee or chargee from time to time of the Site or any part thereof unless and until such mortgagee or chargee has entered into possession of the Site or any part thereof to which such obligation relates whereupon it will be bound by the obligations as a person deriving title from the Owner.

## 5. **TERMINATION OF THIS UNDERTAKING**

- 5.1 This Undertaking will come to an end if:
  - 5.1.1 the Appeal is dismissed;
  - 5.1.2 the Planning Permission is quashed, revoked or otherwise withdrawn or modified at any time without the consent of the Owner and the Developer so as to render this Undertaking or any part of it irrelevant, impractical or unviable;
  - 5.1.3 the Planning Permission expires before the Commencement Date without having been implemented; or
  - 5.1.4 at any time after the date of this Undertaking, the Council or any other competent authority grants a New Permission under which development is initiated for the purposes of section 56 of the 1990 Act.
- 5.2 **Clause 5.1** will not apply in respect of any non-material change to the Planning Permission approved by the Council pursuant to an application under section 96A of the 1990 Act.

## 6. **NOTICES**

- 6.1 Any notice, demand or any other communication served under this Undertaking will be effective only if delivered by hand or sent by first class post, pre-paid or recorded delivery.
- 6.2 Any notice, demand or any other communication served is to be sent to the address of the relevant party set out at the beginning of this Agreement or to such other address as one party may notify in writing to the others at any time as its address for service.
- 6.3 Unless the time of actual receipt is proved, a notice, demand or communication sent by the following means is to be treated as having been served:
  - 6.3.1 if delivered by hand, at the time of delivery;
  - 6.3.2 if sent by post, on the second working day after posting; or
  - 6.3.3 if sent by recorded delivery, at the time delivery was signed for.
- 6.4 If a notice, demand or any other communication is served after 4.00 pm on a working day, or on a day that is not a working day, it is to be treated as having been served on the next working day.
- 6.5 Service of notices by electronic mail or facsimile shall not be valid for the purposes of this Undertaking.
- 6.6 For the avoidance of doubt, where proceedings have been issued in the Courts of England and Wales, the provisions of the Civil Procedure Rules must be complied with in respect of the service of documents in connections with those proceedings.

## 7. **SECTION 73 CONSENT**

- 7.1 If any Section 73 Consent is granted after the date of this Undertaking:

7.1.1 the obligations in this Undertaking are intended relate to and bind such Section 73 Consent; and

7.1.2 the definitions of Development, Planning Application, Planning Permission and Reserved Matters Consent shall be construed to include reference to (respectively) the development permitted by any Section 73 Consent, the planning application for any Section 73 Consent and any Section 73 Consent itself

**PROVIDED THAT** in the event of a further planning obligation under section 106 of the 1990 Act being agreed by the Council and being binding on any Section 73 Consent, this Undertaking shall not apply to that Section 73 Consent if that further planning obligation expressly states that it is in substitution for the obligations in this Undertaking.

## 8. **INDEXATION**

8.1 Any sum referred to in **Schedule 2** to this Undertaking as payable by the Developer or Owner or any sums which are referred to as maximum sums for provision of facilities shall be Index Linked PROVIDED THAT the minimum sums payable shall be as specified in this Undertaking.

## 9. **JURISDICTION**

9.1 This Undertaking is to be governed by and interpreted in accordance with the law of England and Wales.

9.2 The courts of England and Wales are to have jurisdiction in relation to any disputes between the parties arising out of or related to this Undertaking.

## 10. **EXECUTION**

10.1 The parties have executed this Undertaking as a deed and it is delivered on the date set out above.

# SCHEDULE 1

## Affordable Housing

The Developer and the Owner covenant with the Council:

### Provision of Affordable Housing Units

1. The Owner and the Developer covenant with the Council as follows:
  - 1.1 Prior to the Commencement Date to submit a draft Affordable Housing Scheme to the Council and secure the Council's written approval of the Affordable Housing Scheme and Development shall not Commence until the Affordable Housing Scheme has been approved in writing by the Council.
  - 1.2 To construct the Affordable Housing Units in accordance with the Affordable Housing Scheme and the triggers set out in **paragraphs 1.8 to 1.12** of this **Schedule** (or such other triggers as may be approved by the Council in the Affordable Housing Scheme).
  - 1.3 Not to Occupy (or cause or permit Occupation of) any Dwelling until the Owner or the Developer has given written notification to the Council that:
    - 1.3.1 the Owner or the Developer or their successors in title shall provide all or any number of the Affordable Housing Units as Affordable Housing of the type and tenure in accordance with the approved Affordable Housing Scheme, in which case the Owner and the Developer shall be released from the obligations contained in **paragraphs 1.4 to 1.7** of this **Schedule** in respect of each of those Affordable Housing Units; and/or
    - 1.3.2 the Owner or the Developer shall invite an Affordable Housing Provider to make an offer to purchase all or any number of the Affordable Housing Units, in which case the Owner and the Developer shall comply with the obligations contained in **paragraphs 1.4 to 1.7** of this **Schedule** in respect of each of those Affordable Housing Units.
  - 1.4 In the event that the Owner or the Developer has given notice to the Council pursuant to **paragraph 1.3.2** of this **Schedule**, not to Occupy (or cause or permit Occupation of) any Dwelling until the Owners or the Developer have:
    - 1.4.1 provided Offer Documentation in relation to the Affordable Housing Units to an Affordable Housing Provider and invited the Affordable Housing Provider to make a written offer to purchase the Affordable Housing Units at the Offer Price within the Offer Period; and
    - 1.4.2 used all reasonable endeavours to enter into a contract during the Offer Period with an Affordable Housing Provider for the disposal of the Affordable Housing Units.
  - 1.5 In the event that the Affordable Housing Provider fails to enter into a contract with the Owner or the Developer in respect of the transfer of the Affordable Housing Units (or any unit or units thereof) on the terms of this Undertaking within the Offer Period (or longer period at the discretion of the Owner or the Developer if negotiations with the Affordable Housing Provider continue beyond the Offer Period) the Owner and the Developer shall not Occupy (or cause or permit Occupation of) any Dwelling until the Owner or the Developer have:

- 1.5.1 provided Offer Documentation in relation to the Affordable Housing Units to the Alternative Affordable Housing Providers and invited the Alternative Affordable Housing Providers to make a written offer to purchase the Affordable Housing Units at the Offer Price within the Offer Period (which shall for the purposes of this **paragraph 1.5** and **paragraph 1.6** commence from the date of the provision of the Offer Documentation to all of the Alternative Affordable Housing Providers); and
- 1.5.2 used all reasonable endeavours to enter into a contract during the Offer Period with one of the Alternative Affordable Housing Providers for the disposal of the Affordable Housing Units.
- 1.6 In the event that the Alternative Affordable Housing Providers for whatever reason fail to enter into a contract with the Owner or the Developer in respect of the transfer of the Affordable Housing Units (or any unit or units thereof) on the terms of this Undertaking within the Offer Period (or longer period at the discretion of the Owner or Developer if negotiations with the alternative Affordable Housing Provider continue beyond the Offer Period) and the Council, acting reasonably, is satisfied on the evidence provided by the Owners or the Developer that the Owner or Developer have used all reasonable endeavours to transfer the Affordable Housing Units then the Owner and the Developer shall be permitted to dispose of the Affordable Housing Units (or any individual unit or units) on the open market without restriction at the full Open Market Value provided that it pays the Affordable Housing Commuted Sum to the Council in accordance with **paragraph 1.7**.
- 1.7 If the Affordable Housing Commuted Sum is payable pursuant to **paragraph 1.6** the Owners and the Developer shall pay the Affordable Housing Commuted Sum attributable to the relevant Affordable Housing Unit(s) on or before the Occupation of more than [75%] of the Market Value Dwellings and shall be released from the obligations contained in **paragraphs 1.8** to **1.12** in respect of the relevant Affordable Housing Unit(s) PROVIDED THAT
- 1.7.1 the purpose of any Affordable Housing Commuted Sum payment shall be for the provision and/or improvement by the Council of Affordable Housing within the North Lincolnshire Borough Council area; and
- 1.7.2 the Owner and the Developer may upon making the payment of an Affordable Housing Commuted Sum payment to the Council make a request for the repayment to the payer within 28 days following expiry of a period of 5 (five) years from the date of payment to the Council the amount, if any, of the Affordable Housing Commuted Sum that has not been expended or otherwise committed by the Council for expenditure for the purpose specified in **paragraph 1.7.1** of this **Schedule** together with any interest thereon actually accrued from the date of payment to the date of repayment.
- 1.8 On or before Occupation of the fiftieth (50<sup>th</sup>) Market Value Dwelling to either:
- 1.8.1 make fifteen (15) of the Affordable Housing Units available for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme; or
- 1.8.2 transfer ownership of the fifteen (15) Affordable Housing Units referred to in **paragraph 1.8.1** to an Affordable Housing Provider for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme

and not to Occupy more than fifty (50) Market Value Dwellings until either **paragraph 1.8.1** or **1.8.2** has been complied with.

1.9 On or before Occupation of the 100th Market Value Dwelling to either:

1.9.1 make a further fifteen (15) of the Affordable Housing Units (giving a total of 30 units) available for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme; or

1.9.2 transfer ownership of the fifteen (15) Affordable Housing Units referred to in **paragraph 1.9.1** to an Affordable Housing Provider for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme

and not to Occupy more than one hundred (100) Market Value Dwellings until either **paragraph 1.9.1** or **1.9.2** has been complied with.

1.10 On or before Occupation of the 150th Market Value Dwelling to either:

1.10.1 make a further fifteen (15) of the Affordable Housing Units (giving a total of 45 units) available for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme; or

1.10.2 transfer ownership of the fifteen (15) Affordable Housing Units referred to in **paragraph 1.10.1** to an Affordable Housing Provider for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme

and not to Occupy more than one hundred and fifty (150) Market Value Dwellings until either **paragraph 1.10.1** or **1.10.2** has been complied with.

1.11 On or before Occupation of the 200th Market Value Dwelling to either:

1.11.1 make a further fifteen (15) of the Affordable Housing Units (giving a total of 60 units) available for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme; or

1.11.2 transfer ownership of the fifteen (15) Affordable Housing Units referred to in **paragraph 1.11.1** to an Affordable Housing Provider for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme

and not to Occupy more than two hundred (200) Market Value Dwellings until either **paragraph 1.11.1** or **1.11.2** has been complied with.

1.12 On or before Occupation of the 250th Market Value Dwelling to either:

1.12.1 make the remainder of the Affordable Housing Units (being whatever number of units is required to make up a total of 20% of the Dwellings, up to a maximum of eighteen (18) units) available for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme; or

1.12.2 transfer ownership of the remainder of the Affordable Housing Units referred to in **paragraph 1.12.1** to an Affordable Housing Provider for Occupation as Affordable Housing for the type and tenure in accordance with the approved Affordable Housing Scheme

and not to Occupy more than two hundred and fifty (250) Market Value Dwellings until either **paragraph 1.12.1** or **1.12.2** has been complied with.

- 1.13 Subject to the provisions of **paragraph 1.14** of this **Schedule**, each of the Affordable Housing Units shall not be Occupied other than as Affordable Housing of the type and tenure initially provided.
- 1.14 The provisions of this **Schedule** shall not be binding against:
- 1.14.1 any person purchasing an individual Affordable Housing Unit on the open market pursuant to **paragraph 1.6** of this **Schedule** and any successor in title to such person;
  - 1.14.2 any mortgagee or chargee of the purchaser or lessee of any individual Affordable Housing Unit exercising its power of sale in the case of an individual default, and any successors in title to such mortgagee or chargee;
  - 1.14.3 mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver")) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:
    - 1.14.3.1 such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Unit(s) and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the Affordable Housing Unit(s) to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
    - 1.14.3.2 if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Unit(s) free from the provisions of this **Schedule** which shall determine absolutely;
  - 1.14.4 any tenant of any of the Affordable Housing Units acquiring 100% of the equity of any such Affordable Housing Units whether this is acquired pursuant to the rights granted by the lease of such Dwelling or pursuant to the provisions of the Housing Act 1985 or the Housing Act 1996 (or any legislation amending or replacing the same) or under any future legislation conferring such a right which is binding on any Affordable Housing Provider, and any successor in title to, mortgagee or chargee of such tenant;
  - 1.14.5 a disposal being required by:
    - 1.14.5.1 any statutory provisions now or hereafter in force; or
    - 1.14.5.2 Homes England; or
    - 1.14.5.3 a Court Order;
  - 1.14.6 any subsequent disposition following a disposal falling within **paragraphs 1.14.1** to **1.14.5** above.

## SCHEDULE 2

### Contributions

The Developer and the Owner covenant with the Council:

#### 1. Education Contribution

1.1 Not to Occupy more than two hundred (200) Dwellings on the Development until the Education Contribution has been paid to the Council in full.

1.2 To pay the Education Contribution to the Council as follows:

1.2.1 30% on or before Occupation of the first (1<sup>st</sup>) Dwelling;

1.2.2 30% on or before Occupation of the one hundredth (100<sup>th</sup>) Dwelling; and

1.2.3 40% on or before Occupation of the two hundredth (200<sup>th</sup>) Dwelling.

1.3 Each payment of the Education Contribution shall be paid upon, or before, the Occupation of the relevant number of Dwellings erected as set out above.

1.4 At any time following a period of 10 (ten) years from the date of payment to the Council of the final payment of the Education Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the Education Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

#### 2. Leisure Contribution

2.1 Not to Occupy more than two hundred (200) Dwellings on the Development until the Leisure Contribution has been paid to the Council in full.

2.2 To pay the Leisure Contribution to the Council as follows:

2.2.1 50% on or before Occupation of the one hundredth (100<sup>th</sup>) Dwelling; and

2.2.2 50% on or before Occupation of the two hundredth (200<sup>th</sup>) Dwelling.

2.3 Each payment of the Leisure Contribution shall be paid upon, or before, the Occupation of the relevant number of Dwellings erected as set out above.

2.4 At any time following a period of 10 (ten) years from the date of payment to the Council of the final payment of the Leisure Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the Leisure Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

#### 3. Off-Site LEAP Contribution

3.1 Not to Occupy more than two hundred (200) Dwellings on the Development until the Off-Site LEAP Contribution has been paid to the Council in full.

3.2 To pay the Off-Site LEAP Contribution to the Council as follows:

3.2.1 50% on or before Occupation of the one hundredth (100<sup>th</sup>) Dwelling; and

3.2.2 50% on or before Occupation of the two hundredth (200<sup>th</sup>) Dwelling.

3.3 Each payment of the Off-Site LEAP Contribution shall be paid upon, or before, the Occupation of the relevant number of Dwellings erected as set out above.

3.4 At any time following a period of 10 (ten) years from the date of payment to the Council of the final payment of the Off-Site LEAP Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the Off-Site LEAP Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

#### **4. TRO Contribution**

4.1 Not to Occupy any Dwelling on the Development until the TRO Contribution has been paid to the Council in full.

4.2 To pay the TRO Contribution to the Council on or prior to Occupation of the first (1<sup>st</sup>) Dwelling.

4.3 At any time following a period of 10 (ten) years from the date of payment to the Council of the TRO Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the TRO Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

#### **5. Public Transport Contributions**

5.1 Not to Occupy any Dwelling on the Development until the Bus Tickets Contribution and the Welcome Packs Contribution have been paid to the Council in full.

5.2 To pay the Bus Tickets Contribution and the Welcome Packs Contribution to the Council on or prior to Occupation of the first (1<sup>st</sup>) Dwelling.

5.3 At any time following a period of 10 (ten) years from the date of payment to the Council of the Bus Tickets Contribution and the Welcome Packs Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the Bus Tickets Contribution and/or the Welcome Packs Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

5.4 Not to Occupy more than one hundred (100) Dwellings on the Development until the Bus Service Contribution has been paid to the Council in full.

5.5 To pay the Bus Service Contribution to the Council on or prior to Occupation of the one hundredth (100<sup>th</sup>) Dwelling.

5.6 At any time following a period of 10 (ten) years from the date of payment to the Council of the final payment of the Bus Service Contribution the Owner and the Developer may request that the Council shall within 28 days following such request return to the payer the amount, if any, of the Bus Service Contribution that has not been expended or otherwise committed for expenditure by the Council for the purpose specified in this Undertaking together with interest actually accrued thereon from the date of payment to the date of repayment.

## **SCHEDULE 3**

### **On-Site open space**

The Owner and the Developer covenant with the Council:

**1. LEMP and LEAP Plan**

1.1 On or prior to Commencement of Development, the LEMP and the LEAP Plan shall be submitted to and agreed in writing by the Council and Development shall not Commence until the LEMP and the LEAP Plan have been agreed in writing by the Council.

1.2 The Owner and the Developer shall be permitted to seek to amend any approved LEMP and/or LEAP Plan at any time following the approval SAVE THAT in seeking to do so the Owner shall submit such amendments to the Council in writing for approval and obtain the Council's written approval to such amendments before such amendments may be permitted to be implemented.

**2. Laying out of LEAPs, Open Space, SUDS and SANG**

2.1 On or prior to Occupation of the first (1<sup>st</sup>) Dwelling, the Management Scheme shall be submitted to and approved in writing by the Council and no Dwelling shall be Occupied until the Management Scheme has been agreed in writing by the Council.

2.2 On or prior to Occupation of the first (1<sup>st</sup>) Dwelling, the Owner or the Developer shall lay out, install and complete the SANG in accordance with the approved LEMP and no Dwelling shall be Occupied until the SANG has been provided.

2.3 Prior to Occupation of the penultimate Dwelling within each phase (as defined in the approved LEMP and LEAP Plan), the Owner or the Developer shall lay out, install and complete the LEAPs, Open Space and SUDS within that phase (if any) in accordance with the approved LEMP and LEAP Plan PROVIDED THAT:

2.3.1 the first LEAP shall be provided no later than Occupation of the one hundredth (100<sup>th</sup>) Dwelling; and

2.3.2 the second LEAP shall be provided no later than Occupation of the two hundredth (200<sup>th</sup>) Dwelling.

2.4 Not to Occupy the penultimate Dwelling within each phase (as defined in the approved LEMP and LEAP Plan) until the LEAPs, Open Space and SUDS within that phase (if any) have been laid out, installed and completed AND FURTHER not to Occupy more than one hundred (100) Dwellings on the Development until the first LEAP has been provided and not to Occupy more than two hundred (200) Dwellings on the Development until the second LEAP has been provided.

**3. Transfer of LEAPs, Open Space, SUDS and SANG**

3.1 The Owner or the Developer shall procure the formation of the Management Company on or prior to Occupation of the one hundredth (100<sup>th</sup>) Dwelling.

3.2 The Owner or the Developer shall submit to the Council and obtain their consent to the Management Company's operating procedures on or prior to Occupation of the one hundredth (100<sup>th</sup>) Dwelling. These procedures to include inter alia:

3.2.1 the Management Company shall not use or permit to be used the LEAPs, Open Space, SUDS and SANG for any purpose other than as open space/amenity land;

3.2.2 the LEAPs, Open Space, SUDS and SANG shall be laid out in accordance with the approved LEMP and LEAP Plan.

- 3.3 Not to Occupy more than one hundred (100) Dwellings on the Development until the formation of the Management Company has been procured and the Council's consent to the Management Company's operating procedures has been obtained.
- 3.4 The LEAPs, Open Space, SUDS and SANG shall be maintained in accordance with the approved Management Scheme by the Owner or the Developer to the reasonable satisfaction of the Council until they are transferred to the Management Company.
- 3.5 The LEAPs, Open Space, SUDS and SANG shall be transferred to the Management Company in accordance with the trigger point(s) set out in the approved Management Scheme. The transfer shall:
- 3.5.1 be a transfer of the entire freehold interest of the LEAPs, Open Space SUDS and SANG within the Development free from any:
    - 3.5.1.1 pre-emption or option agreement;
    - 3.5.1.2 mortgage, charge, lien or other such incumbrance; and
    - 3.5.1.3 lease, licence or any other third party interests;
  - 3.5.2 be subject to a covenant which prohibits the use of the LEAPs, Open Space, SUDS and SANG for any purpose other than as open space/amenity land;
  - 3.5.3 include all usual and necessary rights of way with or without vehicles for the benefit and maintenance etc of the LEAPs, Open Space, SUDS and SANG;
  - 3.5.4 reserve in favour of the Owner any usual and necessary rights and easements to enable the proper construction maintenance and use of the Development and to use existing services in so far as they are necessary based upon the final approved layout of the Development and location of the LEAPs, Open Space, SUDS and SANG;
  - 3.5.5 reserve in favour of the Owner the right to lay and use new services subject to the prior written agreement of the Management Company together with any rights of entry to inspect, repair, renew, cleanse and maintain the same and subject to the Owner reinstating at its own cost any part of the LEAPs, Open Space, SUDS and SANG affected by the new services;
  - 3.5.6 the consideration will be £1 (one pound).

**EXECUTED** as a Deed by )  
**LAURENCE KIRKBY (FARMS) LIMITED** )  
acting by a director )  
in the presence of a witness: )

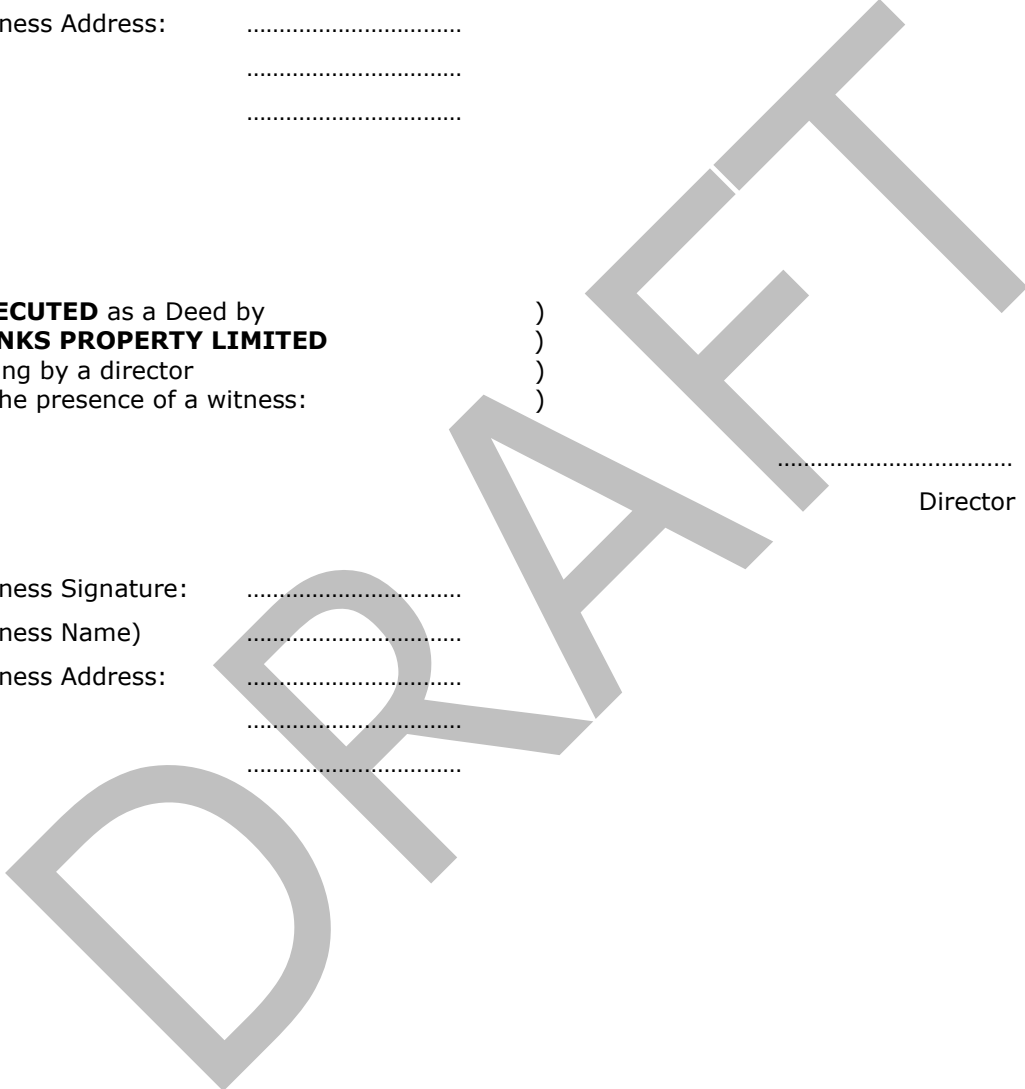
.....  
Director

Witness Signature: .....  
Witness Name) .....  
Witness Address: .....  
.....  
.....

**EXECUTED** as a Deed by )  
**BANKS PROPERTY LIMITED** )  
acting by a director )  
in the presence of a witness: )

.....  
Director

Witness Signature: .....  
Witness Name) .....  
Witness Address: .....  
.....  
.....



# APPENDIX 1

Plan

DRAFT

**APPENDIX 2**

**Sub Area 7**

DRAFT

DRAFT

**BARTON UPON HUMBER**

**Appeal by Banks Property Ltd**

**North Lincolnshire Council Reference: PA/2021/2151**

**Planning Inspectorate Appeal Reference:  
APP/Y2003/W/22/3307310**

**CIL COMPLIANCE STATEMENT**

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## TABLE OF CONTENTS

1. FRAMEWORK AND POLICIES.....	1
2. PLANNING OBLIGATIONS.....	2

# 1. FRAMEWORK AND POLICIES

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1.1 The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Regulations 2010 (as amended). It states;

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: -

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

1.2 The legal test is also set out within paragraph 57 of the National Planning Policy Framework (NPPF) (2021).

1.3 The policies of the development plan and supplementary planning guidance which are relevant to the planning obligations proposed are;

*Saved Policies of the North Lincolnshire Local Plan*

Policy H10 - Public Open Space Provision in New Housing Development

Policy C1 - Educational Facilities

*North Lincolnshire Local Development Framework: Core Strategy*

Policy CS9 - Affordable Housing

Policy CS22 - Community Facilities and Services

Policy CS23 - Sport, Recreation and Open Space

Policy CS25 - Promoting Sustainable Transport

Policy CS27 - Planning Obligations

*North Lincolnshire's Supplementary Planning Guidance (SPG8) on Developer Contributions to Schools*

*North Lincolnshire's Supplementary Planning Guidance (SPG10) on Provision of Open Space in New Housing*

## 2. PLANNING OBLIGATIONS

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- 2.1 Discussions around the Heads of Terms for the Section 106 obligations have been ongoing with the Council, which has informed the preparation of a draft Section 106 Unilateral Undertaking. The draft has been submitted with this appeal and contains obligations in relation to the provision of the following infrastructure:
- a) Affordable Housing - The provision of 20% affordable housing on site as part of the proposed scheme;
  - b) Education - A financial contribution of £3,068,832 towards the provision of primary and secondary school places in the local area;
  - c) Leisure - A financial contribution of £300,796 towards improvements to leisure facilities in the local area;
  - d) Offsite LEAP - A financial contribution of £108,212 towards the provision of additional facilities at Baysgarth Park;
  - e) Traffic Regulation Order - A financial contribution towards the provision of a Traffic Regulation Order to extend speed limits on Horkstow Road;
  - f) Public Transport - A financial contribution of £625,672 towards the provision of a bus service through the site and contributions towards bus tickets and welcome packs
  - g) On-site open space - The provision of open space, SUDs, LEAPs and SANG on site as part of the proposed scheme.
- 2.2 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of NPPF.

**Barton upon Humber S106 obligations**

**CIL Compliance Table**

<b>Obligation</b>	<b>Relevant policy(ies)</b>	<b>Basis of calculation(s)</b>	<b>How the obligation is necessary to make the development acceptable in planning terms</b>	<b>How the obligation is directly related to the development</b>	<b>How the obligation is fairly and reasonably related in scale and kind to the development</b>
Affordable Housing	RD2iii; CS9; NPPF63.	20% of total number of houses proposed (390 dwelling)	<p>North Lincolnshire Local Development Framework: Core Strategy (June 2011): Policy CS9 (Affordable Housing) of the Core Strategy requires 20% affordable housing within the market towns which Barton upon Humber is classed as. Affordable housing is necessary to be delivered in order to facilitate access to housing for lower income households. The integration of affordable homes promotes equality, community cohesion and social sustainability.</p> <p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing, the proposal would fail to meet the wider housing needs of the Borough and therefore would be contrary to the provisions of Chapter 5 of the Revised National Planning Policy Framework.</p>	Affordable housing is to be delivered as a proportion of wider housing provision on site to provide a sustainable housing mix.	The provision of affordable housing is considered fair and reasonable as the proportion required under the relevant development plan policies.
Education Contribution	C1; SPG8	Education Authority consultee response: £9836 (per dwelling) x 312 market dwellings	<p>Saved Policies of the North Lincolnshire Local Plan (May 2003): Policy C1 – Educational Facilities and North Lincolnshire’s Local guidance (SPG8) on Developer contributions to schools (April 2006) set out the requirements for contributions necessary to accommodate pupils generated from the development. Education Authority in their consultation response sets out levels of contributions sought (recently updated figures for 2022 provided).</p> <p>Policy C1 states that “Where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities”.</p> <p>SPG8 states that ‘specialist housing’ is not liable to make contributions for education and the Education Authority’s view is that affordable housing constitutes said ‘specialist housing’.</p> <p>The delivery of additional residential development will place demand on both</p>	Additional pupil places are required to ensure that there are sufficient places for the number of pupils that the proposed development will generate.	The contribution is based on the calculation set out with SPG8 and is considered fair and reasonable based on the development plan and SPG policies.

			primary and secondary schools in Barton Upon Humber. Contributions are required to meet the education needs of the proposed development. The contributions will comply with Policies C1 and SPG8.		
Leisure Contribution	CS22; CS23	Sport England and Council's Leisure Team consultee responses include a calculator of impacts on various recreational activities based on a formula and the proposed number of dwellings equating to £300,796;	<p>Policy CS22 states that developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for recreation facilities arising from their development proposals.</p> <p>The core strategy of the North Lincolnshire Local Development Framework, Policy CS22 states that developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for recreation facilities arising from their development proposals.</p> <p>The occupiers of new development, especially residential, will generate demand for recreation provision. There are elements of existing provision within this area which will not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies.</p> <p>Sports facility calculators have been developed by Sport England for planning obligation purposes associated with leisure facilities. These calculators are used to determine the value of contribution required as a consequence of the development to support improvements at the catchment leisure facility as on-site development of leisure facilities is both inappropriate and impractical. Across North Lincolnshire as a whole, the average occupancy per new household is calculated using an average figure of 2.36.</p> <p>Sport England latest consultation response accepted NLC's figures for leisure contributions.</p>	The increase of new residents on the proposed development will increase demand for leisure facilities. Whilst the specific breakdown of contribution is subjective and the view of the consultee responses, the total leisure contribution is based on sports facility calculators and is directly related to the scale of the proposed development.	Calculations are based on population growth and sports facility calculators hence the contributions directly reflect the impacts.
Off-Site LEAP Contribution	CS2; SPG10	<p>SPG10 states that 1 Locally Equipped Area for Play (LEAP) to be provided for developments of 51-100 dwellings. Thereafter, 1 LEAP to be provided per additional 100 dwellings.</p> <p>CS22 states that: Developers will be expected to make an appropriate contribution towards necessary</p>	<p>Policy CS2 and SPG10 state that New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents, or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other proposed recreational sites and facilities.</p>	Additional need for play facilities outwith the proposed development site boundary as a direct result of the increased population in the local area.	Calculations are based on the amount and type of housing being provided as set out within SPG10, hence the contribution directly reflects the impacts relating to need for play equipment.

		improvements or additional provision for community services and facilities arising from their development proposals.	On large development sites new built facilities may be required which support the recreational open space. The committee report sets out the council's position of two LEAPs to be provided on site and a financial contribution for an additional two LEAPs to be provided in Baysgarth Park.		
TRO Contribution	RD2e); CS25	Fee advised by the Highway Authority consultee response	Due to extending the built form further south of Barton, there is a need to reduce the speed limit to 30mph along the frontage of the proposed development site. The Transport Assessment sets out the justification for such an approach in regards to highways safety.	Development will result in urbanising a currently more rural road. Reduction of the speed limit from 60mph to 30mph is necessary	The speed limit is only reduced adjacent to the site.
<b>Public Transport</b>					
Bus Ticket Contribution	RD2e); CS25	£120 x 390 = £46,800 60% of £46800 = £28,080 (40% to be funded by Stagecoach 60% by Appellant)	Planning Practice Guidance on Travel Plans, Transport Assessments and Statements advises that Travel Plans have a role in encouraging sustainable travel. Provision of a bus service and tickets is considered to be industry standard practice.	Ensures all residents have the opportunity to access the bus service. Opportunity to promote and encourage sustainable travel.	Bus tickets only available to new households at the site. Tickets not available to existing residents.
Welcome Packs Contribution	Advised by bus operator (stagecoach) to promote the service	£975 (£250 x 390 = £975)	Inherent part of the bus operators' proposal and travel plan to encourage sustainable travel	Promotes the bus service and ensures all residents understand the services provided by Stagecoach.	Welcome pack only available to new households at the site.
Bus Service Contribution	RD2e); T9	Fee advised by bus operator, £625,672	Saved Policies of the North Lincolnshire Local Plan (May 2003): Policy RD2, Development in open countryside e) the site is capable of being served by public transport. There are currently no bus services to the south of the A1077. The re-routing and funding of bus services is required to ensure the site is well served by public transport. Consultee responses from NLC Public Transport and Highways support the contribution.	Bus service extension will provide accessible sustainable transport options for residents.	The bus contribution will provide an extended bus service to better connect new residents to town centre services.
<b>On-site Open Space</b>					
LEAPs	H10; CS22	SPG10 states that 1 Locally Equipped Area for Play (LEAP) to be provided for developments of 51-100 dwellings. Thereafter, 1 LEAP to be provided per additional 100 dwellings.  CS22 states that: Developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for community services and facilities arising from their development proposals.	Policy CS2 and SPG10 state that new housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents, or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other proposed recreational sites and facilities. On large development sites new built facilities may be required which support the recreational open space. The Committee Report sets out the Council's position of two LEAPs to be provided on-site in addition to a financial contribution	Additional need for play facilities within the proposed development site boundary as a direct result of the increased population in the local area.	Calculations for the number of LEAPs are based on the amount and type of housing being provided as set out within SPG10, hence the contribution directly reflects the impacts relating to need for play equipment.

			for an additional two LEAPs to be provided in Baysgarth Park.		
Open Space	H10; DS1v); CS23; SPG10	SPG10 sets a requirement of 10 square metres of informal recreational open space needed per household	The provision of Public Open Space on-site is necessary in order to make the development acceptable in planning terms in accordance with Policy H10; DS1; CS23 and SPG10. Whilst subsequent Reserved Matters applications will set out the exact amount of open space to be provided, the minimum amount set out within SPG10 is necessary to meet the policy requirements.	The on-site provision is required to provide an amenity area/s for the future occupants of the development and is therefore directly related to the development.  A management company will directly manage and maintain the on-site public open space to serve the development in perpetuity.	The minimum open space is calculated to correlate to the number of dwellings being provided.
SANG	H10; LC1; CS16; CS17	To ensure no recreational impacts on the Humber Estuary SPA, provision of a SANG to be provided on site. The Shadow HRA justifies the need for a SANG in perpetuity. Natural England have agreed to the size and type of SANG proposed.	To ensure no impacts on Humber Estuary SPA, provision of a SANG to be provided on site. The Shadow HRA justifies the need for a SANG in perpetuity. Natural England have agreed to the size and type of SANG.  Provision of Suitable Alternative Natural Greenspace would deter residents from using the Humber estuary and would hence mitigate any harm that may otherwise arise a result of recreational impacts. The provision of SANG will reduce the ecological impacts of the proposal hence improving the environmental sustainability of the proposal in accordance with policies CS16 and CS17 and the NPPF.	SANG to be provided on-site to prevent any potential harm to the Humber Estuary SPA due to recreation pressures.	The size and scale of the proposed SANG is based on Natural England's SANG guidance.