



FOSTON NEIGHBOURHOOD DEVELOPMENT PLAN

**INDEPENDENT EXAMINERS REPORT TO SOUTH KESTIVEN DISTRICT
COUNCIL**

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1.0 Introduction: Preparation of plan, legislative background and summary of findings

1.1 Neighbourhood Planning was introduced in the Localism Act 2011. It allows local communities to prepare plans and allocate sites for housing and other uses in their own neighbourhood. The Plan once approved will guide future development and become part of the Development framework for South Kesteven District Council (SKDC) and will be taken into account when considering future development proposals.

1.2 The Neighbourhood Development Plan (the Plan) has been developed by a steering group of local residents and Parish Councillors under the guidance of Foston Parish Council. South Kesteven District Council have assisted the process.

1.3 The Plan document is clearly presented with good use of photographs. ***Where modifications are recommended in this document they are highlighted in bold and italics. I have attached an additional paper outlining various spelling mistakes and grammatical errors.*** The document has chapter headings but no paragraph numbering until the Policies section on Page 29. ***I recommend that paragraph numbers are included throughout the document.***

1.4 The introductory sections provide some background to Neighbourhood Plans, the history of Foston and outline the key stages of the Neighbourhood Plan development. This includes a description of Foston, its historical development and current features including a profile of the community. ***The Plan on Page 8 is of very poor quality and should be deleted and replaced with the Plan used in the Basic Conditions statement or a larger scale map. The Vision and Objectives of the Plan do not appear until Page 25 and consideration should be given to including them earlier in the document.*** The Neighbourhood Plan Policies are outlined in section 4 followed by sections providing details of the Plans and Policies that

are relevant in the area. The Plan includes twenty-one policies. Most of these are land use planning policies. Some non land use policies relate to implementation priorities for the Parish. These will need to be addressed through a series of non-planning interventions and through discussions with appropriate organisations. ***I recommend deletion of page 1 apart from the information at the bottom of the page which could be placed on the back cover of the document with November 2016 date replacing February 2016.***

1.5 Having carried out the examination, for the reasons set out below ***and subject to all the modifications of this examination report being accepted***, I consider that the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

1.6 If the Plan becomes subject of a referendum and achieves more than 50% of votes in favour, then the Plan would be “made”. The Plan would then be used to guide and determine planning decisions in Foston Parish by South Kesteven District Council (SKDC).

2.0 Role of the Independent Examiner

2.1 I was appointed by South Kesteven District Council in December 2016, with the agreement of the Foston Parish Council to conduct this examination. The role is known as Independent Examiner.

2.2 Under the terms of the NP legislation I am required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the legal requirements, “the Basic Conditions”
- The Plan as modified should proceed to Referendum
- The Plan should not proceed to Referendum because it does not meet all the legal requirements

2.3 In making my recommendation I must also determine whether the referendum should involve a wider area than the boundary of the Foston Neighbourhood Plan boundary, whether the Plan area has been appropriately designated and whether the Plan specifies the time period to which it relates. The Plan must not include any provision that is about excluded development.

2.4 I am a Chartered Town Planner with 40 years’ experience working in senior roles in Local Government, regeneration agencies and the private sector. I am independent of South Kesteven District Council and the Foston Parish Council. I am independent of residents and stakeholders in the area and have no interest in any of the land within the Neighbourhood Plan area. I am a member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) and have carried out the independent examination of ten Neighbourhood Plans in various parts of the country.

The Examination Process

2.5 The general presumption is that most Neighbourhood Plans will be considered through written evidence. South Kesteven District Council has

indicated that in their opinion no public hearing will be necessary for the Neighbourhood Plan and that the examination should consider written evidence only. An Examiner can ask for a public hearing if it is considered that certain aspects need to be more fully explored or to allow individuals to outline their case more fully. In view of the relatively straight forward nature of the plan proposals, the limited number of recommendations and the fact that there have been few representations through the recent consultation period I have informed the Local Authority that no public hearing is required. I consider that I am able to make a recommendation based on the extensive evidence that has been provided.

3.0 The Neighbourhood Plan Area

3.1 The Neighbourhood Plan area consists of the whole of the Parish of Foston which is situated 8 miles from Grantham and 9 miles from Newark. It is a rural Parish in the north-eastern edge of the Vale of Belvoir. It is bounded by the River Witham to the north and the Foston Beck to the east. It was once part of the Great North Road but was bypassed in 1926 leaving a small number of properties isolated from the rest of the village.

3.2 Foston Parish had a population of just under 1400 according to the 2011 census. There are 5 listed buildings and a number of features of archaeological interest in the Parish. The village is predominantly residential with a number of fine buildings. Some conversions have taken place and there have been a small number of high quality infill housing developments in recent times. Although there is a range of community facilities including a village hall, recreation grounds, a small static holiday caravan site and fishery there is no longer a school, public house or shop. To the south of the village and separated by the A1 road are a small number of homes and industrial premises.

4.0 Consideration of the Basic Conditions

4.1 There are a number of basic conditions that the Foston Neighbourhood Plan must meet in order for it to go forward to a Referendum. These are set out in the Neighbourhood Planning (General) Regulations 2012 and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

4.2 Paragraph 8 sets out the requirements for Neighbourhood Plans to meet these “**Basic Conditions**”, before they may come into force.

Neighbourhood Plans must:

- have appropriate regard for national policies and guidance issued by the Secretary of State
- contribute towards the achievement of sustainable development
- be in general conformity with the strategic policies of the development plan for the local area
- be compatible with European Union (EU) and European Convention on human rights requirements (ECHR)

I have examined the Neighbourhood Plan against all the basic conditions above. I have been assisted by a Neighbourhood Plan Basic Conditions Statement that has been prepared by the Foston Parish Council Neighbourhood Plan Steering group.

Qualifying Body and Neighbourhood Area Designation

4.3 In November 2012 Foston Parish Council submitted an application for the designation of Foston Parish as a **Neighbourhood Planning Area** to South Kesteven District Council as the relevant Planning Authority.

4.4 The Local Planning Authority publicised the application for designation as a Neighbourhood Area for a six-week consultation period from November 23 2012 to January 11 2013. The application was published on the Council

and Parish Council website and was available at various locations throughout Foston Parish. The only response came from Great Gonerby Parish Council which advised that it had no comments to make.

4.5 The Council assessed that there was no overlap with any other proposed neighbourhood plan area and that the proposed boundary did not overlap with any adjoining parish or designated area.

4.6 The Council considered that the Parish Council satisfied the conditions required for a Qualifying Body and Neighbourhood Forum for the purposes of Section 61G of the 1990 Town and Country Planning Act and the Neighbourhood Area was approved on 8 February 2013.

4.7 I am satisfied that the Foston Neighbourhood Development Plan meets the basic condition of having a suitable Qualifying Body, a relevant body in accordance with section 61G of the 1990 Town and Country Planning Act, the Foston Parish Council.

Basic condition: Neighbourhood Plan Area

4.8 I am satisfied that the Foston Neighbourhood Plan meets the basic condition of having a suitable Neighbourhood Plan area designated as outlined in Section 5 of Part 2 of the Neighbourhood Planning (General) Regulations 2012.

4.9 I am also satisfied that the Foston Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

4.10 The Foston Neighbourhood Plan provides a clear indication of its timeframe and will cover the period 2016 – 2026. This is in line with the SKDC Adopted Core Strategy.

4.11 I am, therefore, satisfied that the Plan meets the Basic Condition relating to the specific timeframe of the Plan period.

4.12 The Basic Conditions Statement confirms that the Plan does not deal with County matters, any nationally significant infrastructure or any other matters set out in S61K of the Town and Country Planning Act 1990.

5.0 Regard to the National Planning Policies and Guidance and the National Planning Policy Framework

5.1 In carrying out the examination of the Proposed Plan, and deciding whether to recommend that it should be submitted to a referendum, I am required to have regard to national policies and advice contained in guidance issued by the Secretary of State. The Plan needs to meet all of them. The Neighbourhood Plan must meet the basic condition of having regard to national and local planning policies.

5.2 I therefore considered the Foston Neighbourhood Plan in line with National Planning Policy and Guidance, the South Kesteven District Council Core Strategy Development Plan adopted in July 2010, the Site Allocations and Policies DPD adopted in April 2014, the Strategic Housing Land Availability Assessment 2015 and various SKDC Council Strategies including the Sites and Settlements consultation July 2016.

5.3 The Basic Conditions Statement outlines the key relevant strategic policies from the Core Strategy. In the section on Policies I will outline my view on whether the Plan can demonstrate that it supports these policies and recommend modifications where necessary.

National Planning Policy Framework (NPPF) (2012) and Planning Practice Guidance (2014)

5.4 The most significant piece of guidance is the National Planning Policy Framework (NPPF) issued in March 2012. Paragraphs 183 -185 outline the Government's view on Neighbourhood Plans. Government consider that neighbourhood planning gives direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need and ...neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

5.5 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood needs to be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

5.6 More detailed guidance and advice which expands on the general policies in the NPPF has been available since March 2014. This confirms that Neighbourhood Plans should be clear, concise, and unambiguous and supported by appropriate evidence.

5.7 I am satisfied, that the Plan has adequate regard to the policies in the NPPF and Planning Guidance. In reaching this opinion I have been assisted by the Basic Conditions Statement.

5.8 The Basic Conditions statement outlines how the Foston Neighbourhood Plan objectives contribute positively to a number of the core

planning principles that underpin the NPPF. Subject to the modifications that I recommend being accepted I consider the Plan will contribute positively to the following NPPF priorities: promoting good design; promoting healthy communities; meeting the challenges of climate change and conserving and enhancing the natural and historic environment and promoting sustainable transport.

5.9 I consider that the Plan will provide a framework for future development and has evolved through extensive consultation with residents and relevant organisations and agencies.

6.0 Contribution to Sustainable Development

6.1 The United Nations General assembly defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Resolution 42/187).

6.2 The NPPF outlines the Government view in paragraphs 6 and 7. The purpose of the Planning system is to contribute to the achievement of sustainable development. There are three aspects of sustainability, namely economic, social and environmental.

6.3 The SKDC Core Strategy adopted a positive approach in seeking to provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development.

6.4 The Neighbourhood Plan Basic Conditions Statement provides details of how the objectives and policies contained in the Foston Plan support the principle of sustainable development. It outlines that the strategic objectives of the Plan comprise a balance of social, economic and environmental goals. I agree that the proposals to support new development that is appropriate to

the character of the area will contribute to supporting strong, vibrant and healthy communities. It is clear that the recognition of the value of the distinctive character of the area and the need to minimise risks from flooding will contribute to protecting and enhancing the natural, built and historic environment and mitigate and address climate change issues. I also accept that the Plan proposals regarding encouraging investment in existing businesses will contribute to building a strong, responsive economy.

6.5 I consider, therefore, that the development that will be encouraged through the policies and proposals in the Plan should deliver sustainable development within the Parish of Foston.

7.0 Conformity with the Strategic Policies of the Local Area

7.1 In carrying out the examination of the Proposed Plan, I am required to consider whether it is in general conformity with the strategic policies contained in the development plan for the area (basic condition (e)). The Neighbourhood Plan Basic Conditions statement confirms that the Plan has been prepared in general conformity with the strategic policies of the Development Plan. This has been confirmed by the Council. SKDC in its adopted Core Strategy has an extensive vision for the future of the District that seeks that by 2026 “South Kesteven will become a successful rural district supported by excellent social and transport infrastructure.... Rural communities will have remained viable by achieving development that supports their needs.....celebrating the districts countryside and heritage”

7.2 The District Council vision for villages like Foston is to have diverse and thriving communities where planned and carefully managed development will have taken place to ensure that sufficient jobs and homes are provided for local people.

7.3 In section 3 on page 25 the Vision for the Neighbourhood Plan is outlined: “The Neighbourhood Plan aims to ensure that Foston remains a successful rural village that values its past but looks to the future”. This is in line with the SKDC vision for the District.

7.4 Having reviewed the Plan I consider that the Neighbourhood Plan will contribute positively to the achievement of a number of the strategic objectives. It should be noted that some of the objectives in the Core strategy are not relevant to the Plan area.

7.5 I am satisfied, therefore, that the Foston Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority, the adopted South Kesteven District Council Core Strategy.

8.0 European Union (EU) obligations, Habitat and Human Rights requirements

8.1 A Neighbourhood Plan must be compatible with EU regulations in order to be legally compliant. There is no legal requirement for a Neighbourhood Plan to include a sustainability appraisal. However, in some limited cases where the Plan may have significant environmental effects it may require a Strategic Environmental Assessment. The Strategic Environmental Assessment (SEA) Directive seeks to provide high level protection of the environment by integrating environmental considerations into the processing of plans.

8.2 It is good practice for the local authority to undertake a screening assessment to decide whether any of the proposals of the Plan are significant enough for the Plan to require a full SEA. If a screening exercise identifies significant effects an environmental report must be prepared. An initial SEA and Habitat Regulation Act screening exercise was carried out to establish

whether a full SEA was required. Historic England, the Environment Agency and Natural England were consulted as part of the process.

8.3 The SEA and HRA screening report published in March 2016 concluded that: “it is concluded that the Foston Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a SEA report”. I agree with the conclusions that were reached.

8.4 None of those who submitted written representations have drawn attention to any other relevant EU obligation that I should take into account in my examination of the Proposed Plan. Taking all of the above into account I am satisfied that the Neighbourhood Plan has regard to the rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

9.0 Background documents and Information considered

9.1 In order to examine and reach conclusions on the Neighbourhood Plan Proposals I have considered the following documents:

- South Kesteven District Council Core Strategy to 2026 (adopted 2010)
- Site Allocations and Policies Development Plan Document April 2014
- Strategic Housing Land Availability Assessment 2015
- Landscape Character Assessment
- Sites and Settlements Consultation July 2016
- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework (NPPF) (2011)
- The Localism Act (2012)
- The Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance
- The detailed consultation responses to the consultation

9.2 The Local Authority and seven other individuals or organisations made representations during the final formal Regulation 16 consultation period, all of which I have considered. This included support from another Parish Council and minor comments from statutory consultees. There was one representation identifying a potential development site. The site is outside the built-up part of the settlement and development would not be in accordance with either the Plan or the SKDC Core Strategy.

9.3 In addition, I visited the area unaccompanied for one day in January 2017 and explored the various sites and locations referred to in the Plan.

10.0 Evidence Base and Consultation

10.1 One of the most important principles in the Neighbourhood Planning Regulations 2012 is that local communities must be given ample opportunity to help to shape the future of their area. Successful consultation will ensure that the views and priorities of the community are reflected in the Plan and the likelihood of a successful referendum vote increased. Section 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be produced and submitted with the Neighbourhood Plan.

10.2 Section 15 (2) specifies that this must contain: details of the persons or bodies that were consulted about the proposed Neighbourhood Plan. It must explain how they were consulted and summarise the main issues and concerns raised by the persons consulted. Furthermore, it must describe how these issues have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan. I am satisfied that the document provided to the District Council meets the requirements of the regulations.

10.3 The Foston NP Steering Group has provided information regarding the public consultation that took place in preparation of the Plan in the

Neighbourhood Plan Consultation report. This confirms that extensive consultation took place with residents, community groups, schools, businesses and stakeholders at the key stages of Plan development in a variety of forms and locations. A steering group was set up in October 2013 to work on the Neighbourhood Plan. Initial consultation and evidence gathering took place and by April 2014 a set of key objectives had been created. The information was circulated to every household. It is clear that subsequent events were well publicised and many people took the opportunity to participate. A questionnaire relating to the key issues that the Plan needed to address was circulated to every household in October 2014. There was a 40% response rate. This was an excellent response. It is clear that considerable discussion took place regarding the proposed policies.

10.4 A Draft Plan was prepared and subject to formal Regulation 14 public consultation between September 16 and November 4 2015. It was widely publicised with a copy on the web site, drop in sessions, letters sent to statutory groups, local organisations and land owners. The responses were broadly favourable. The Consultation Report shows that comments were actively sought and responded to. There is an audit trail showing how the Plan was changed to incorporate the suggestions. I do not consider that any significant issues raised were not addressed.

10.5 The final version of the Plan was subject to Regulation 16 consultation which took place between October 7 and November 18 2016. There were eight responses

10.6 I am satisfied that considerable consultation has taken place throughout the various phases of the Plan development and that the Plan has received the overwhelming support from respondents. Where concerns have been raised it is clear that in most cases steps have been taken to respond positively to the comments.

10.7 I am satisfied, therefore, that the Neighbourhood Plan Consultation statement, meets the basic condition regarding consultation and complies with Section 15 (2) of part 5 of the 2012 Neighbourhood Planning Regulations.

11.0 The Foston Neighbourhood Plan Vision and Objectives

11.1 The Foston Neighbourhood Plan has a clear vision for the future of the area. It aims “to ensure that Foston remains a successful and vibrant rural village that values its past but looks to the future.”

11.2 The Plan outlines how the vision will be realised through four overarching policy objectives that have been derived through the consultation process. These are: “to recognise, protect and enhance the local landscape; safeguard locally important buildings and features; allow for limited development to meet local needs and to encourage measures to improve highway safety”. The objectives are clearly written and aspirational. The Policies flow from the objectives and are split into nine sections. Additional information and guidance is provided in a series of documents including a detailed Landscape and Built Character Assessment. Each Policy includes a statement which provides the local context, an indication of what the Policy is intended to achieve and how it conforms to the SKDC Core Strategy.

12.0 Foston Neighbourhood Plan Policies

12.1 The Foston Plan Policies begin in Section 4 on page 27. They are distinguished from the rest of the text by being shown in blue. ***I recommend that each Policy includes the word “Policy” and has a short title.*** The first section outlines the national and local Planning context for Neighbourhood Plans, highlights the issue of sustainability and Foston’s designation as a “Smaller Village”. This is in line with the NPPF which states that Neighbourhood Plans must not promote less development than in

existing Plans. The SKDC Core Strategy seeks to support development that maintains and enhances the role of the more sustainable rural communities identified as Local Service Centres and restricts development in the “Smaller Villages”. I understand that SKDC has recognised that it is possible that the Core Strategy’s approach towards development in smaller settlements was too restrictive. The proposal in the emerging Local Plan is to have a Spatial Strategy which allows for infill and brownfield development, (where suitable) in these smaller settlements, so they can support their existing community through the provision of new homes, which in turn could lead to investment in services, facilities and infrastructure. The Council will seek to encourage all settlements and their Local Communities to consider the positive benefits that growth and development can bring to their local area. The Policy approach of the Neighbourhood Plan is therefore in line with NPPF and the emerging SKDC Policy.

12.2 Quality of Life

There are four policies relating to quality of life in the Plan area. They all relate to the need to protect the distinctive quality of the local landscape which has been described in detail in the associated documents (the Landscape Character Assessment and the Built Character Assessment).

12.3 Policy FNP01 *Supporting development that respects the character, scale and historic features of the Parish*

This is a positive land use policy that supports development proposals that are appropriate to the character, scale, historic and cultural Parish features. This is in line with two of the core principles of the NPPF. The NPPF outlines that Plans should always seek to secure “high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. The NPPF also states that Plans should take account of “the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it”. The Policy is also in line with the SKDC Core Strategy.

Throughout the Policy section there is a short justification of the next

Policy. It would make the Policies clearer if these are situated immediately below the Policy reference.

12.4 Recommendation: The Policy provides a clear context for future development. ***I recommend that the title should read “Policy FNP01 Supporting development that respects the character, scale and historic features of the Parish”.*** I do not recommend any further changes to this Policy.

12.5 Policy FNP02 *Retaining rural character*

12.6 The views to and from the surrounding rural, undeveloped landscape have been identified as intrinsic and special aspects of the area. This is a positive land use policy supporting development proposals that will maintain these important features which define the character and setting of the Parish. It seeks to protect the keys views into and out of the Plan area. It is supported by Natural England and in line with the Core strategy.

12.7 Recommendation: The Policy provides a clear context for future development. ***I recommend that the title should read “Policy FNP02 Maintaining the rural character of the Parish”.*** I do not recommend any further changes to this Policy.

12.8 Policy FNP03 *Protection of Existing Community Facilities*

12.9 This Policy seeks to protect existing community facilities. It is understandable in view of the loss of key facilities such as the shop, pub and school. The Policy is in line with the NPPF and the Core Strategy. ***I recommend that in paragraph 1.3 that the second sentence and list are deleted since they have already been identified on page 19 of the Plan.***

12.10 Recommendation: ***I recommend that the title should read “Policy FNP03 Protection of Existing Community Facilities”.*** I do not recommend any further changes to this Policy.

12.11 **Policy FNP04 *Safety and Security***

12.12 This Policy seeks to support development proposals that ensure a safe environment. It is in line with the NPPF.

12.13 Recommendation: ***I recommend that the title should read “Policy FNP04 “Safety and Security”.*** I do not recommend any further changes to this Policy.

13.00 **Environment and the Countryside**

Policy FNP05 *Nature Conservation and Protection of Landscape*

13.01 This is the first of two Policies relating to the Environment and Countryside. Policy FNP05 supports proposals that include measures to retain features of nature conservation or landscape value. It is a positive land use policy in line with the NPPF and the SKDC Core Strategy.

13.02 Recommendation: ***I recommend that the title should read “Policy FNP05 “Nature Conservation and Protection of Landscape”.*** I do not recommend any further changes to this Policy.

13.03 **Policy FNP06 *“Improving access to the countryside”***

13.04 The Parish benefits from a number of bridleways and local and long distance footpaths which are highly valued by the community. This is a positive land use Policy in line with the NPPF that seeks to safeguard and improve access to the countryside and is welcomed by Natural England. Figure 4 on Page 13 identifies some of the footpaths. ***I recommend that consideration should be given to including the map identifying them (Figure 8 of the Landscape and Character Assessment) in the Plan documentation. In second bullet point add “new development should” after “Wherever practical”.***

13.05 Recommendation: ***I recommend that the title should read “Policy FNP06 “Improving access to the Countryside”.*** I do not recommend any further changes to this Policy.

14.0 Heritage and Built Environment

Policy FNP07 *Design of New Development for listed and positive unlisted buildings*

14.1 This is the first of two Policies relating to Heritage and the Built Environment. Policy FNP07 is a positive land use policy on line with the Core Strategy and NPPF that seeks to protect Foston's historic fabric and supports new development that will improve it. ***I recommend that the third sentence of 3.1 should read: "The definition of a heritage asset is outlined in the Built Character Assessment and a full list of heritage assets is outlined in Appendix1". The next sentence should end after "in the policy" and the bullet point list deleted. In line two of the policy delete "positively" and replace with "positive".***

14.2 Recommendation: ***I recommend that the title should read Policy FNP07 "Design of New Development for listed and positive unlisted buildings".*** I do not recommend any further changes to this Policy.

14.3 Policy FNP08 *Design of locally listed buildings and structures of significance*

14.4 This Policy is almost identical to Policy FNP07. ***I recommend that the words "positive unlisted building" are deleted since they have been included in Policy FNP07.***

14.5 Recommendation: ***I recommend that the title should read Policy FNP08 "Design of locally listed buildings and structures of significance".*** I do not recommend any further changes to this Policy.

15.0 Housing and New Development

Policy FNP09 *New Housing Development*

15.1 The four housing and new development policies begin on Page 33. The policies have been influenced by the Housing Needs Survey carried out by SKDC in 2014 which found that only a limited amount of new development

is required to meet local needs. The Plan proposes a positive land use policy that supports new housing within the existing village boundary that meets a local need. Starter homes and homes to enable downsizing will be supported in appropriate locations. The Plan has, therefore, responded positively to the Governments wish that Plans should promote at least as much development as proposed in existing policies. A core planning principle of the NPPF is encouragement for the delivery of the homes that the country needs. ***The first sentence should read; “All four objectives are key foundations in the three Policies in this section”. In Paragraph 4.1 insert “limited” after “Some” in line 1.***

15.2 Recommendation: ***I recommend that a title “New Housing Development” is inserted after Policy FNP09.*** I do not recommend any further changes to this Policy.

15.3 Policy FNP10 ***New Housing Design***

15.4 Policy FNP10 is a positive land use policy providing guidance on the design of new and replacement housing. It seeks to encourage development that is sympathetic to the character of the area as identified in the Design Guidance. It is in line with the NPPF and the Core strategy and welcomed by Natural England. ***I recommend that “(date)” in second paragraph is deleted.***

15.5 Recommendation: ***I recommend that a title “New Housing Design” is inserted after Policy FNP10.*** I do not recommend any further changes to this policy.

15.6 Policy FNP11 ***Encouraging high quality infill***

15.7 It is evident that there has been considerable good quality development and building conversion in recent years within the built up part of the village. Policy FNP11 is a positive land use policy that supports new development and provides further guidance on the design of new and replacement housing having particular regard to infill development. It is line with the NPPF and the

SKDC Core strategy. ***In bullet point 2 I recommend deletion of the word “character”.***

15.8 Recommendation: ***I recommend that a title “Encouraging high quality Infill” is inserted after FNP11.*** Subject to the above change I do not recommend any changes to this policy.

16.0 Business

16.1 Policy FNP12 *Encouraging Employment*

16.2 There are two Business related Policies. Policy FNP12 is a positive land use policy that seeks to encourage new employment development through extension of existing premises or appropriate conversions. This policy is in line with the NPPF and the SKDC Core strategy and will contribute positively to the future sustainability of the Parish.

16.3 Recommendation: ***I recommend that a title “Encouraging Employment” is inserted after Policy FNP12.*** Subject to the above change I do not recommend any changes to this policy.

16.4 Policy FNP13 *Telecommunications Infrastructure*

16.5 The Plan supports the enhancement of telecommunications infrastructure in Foston subject to design and location considerations. It is in line with the NPPF.

16.6 Recommendation: ***I recommend that a title “Telecommunications Infrastructure” is inserted after Policy FNP12.*** Subject to the above change I do not recommend any changes to this policy.

17.0 Renewable Energy

17.1 Policy FNP14 *Renewable energy*

17.2 There are three almost identical Renewable Energy Policies which support new development for domestic, community or business led energy production

from renewable and low carbon sources. These are in line with the NPPF and the SKDC Core strategy.

17.3 Recommendation: ***I recommend that a title “Domestic Renewable Energy” is inserted after Policy FNP14, “Community led Renewable Energy” is inserted after Policy FNP15 and “Business led Renewable Energy” is inserted after Policy FNP16.*** Subject to the above changes I do not recommend any changes to this policy.

18.0 Leisure, Recreation and Community Facilities

18.1 Section 7 seeks to maintain existing and promote new services and facilities in the Plan area. It outlines the extensive recreational facilities that are available which contribute to community well-being.

18.2 Policy FNP17 *New Sport and Outdoor Recreational Facilities*

18.3 This positive Policy supports new or enhanced sport or outdoor facilities subject to them not adversely affecting residential amenity or the character of the area. This approach is in line with the NPPF and the SKDC Core Strategy. ***In 7.1 delete “A full list of these facilities is outlined in paragraph 1.3.”***

18.4 Recommendation: ***I recommend that a title “New Sport and outdoor recreation facilities” is inserted after Policy FNP17.*** Subject to the above change I do not recommend any changes to this policy.

18.5 Policy FNP18 *Retail and Community Facilities*

18.6 This is a positive policy supporting new retail and community facilities subject to certain conditions. ***Fourth bullet point should read: “It being located....commercial buildings.” Fifth bullet point should read “A clear justification being produced outlining why....”***

18.7 Recommendation: ***I recommend that a title “Retail and Community facilities” is inserted after Policy FNP18.*** Subject to the above changes I do not recommend any changes to this policy

19.0 Transport

19.1 Policy FNP19 *Sustainable Transport*

19.2 There are two transport policies. The first relates to the requirement for new development to provide or contribute towards sustainable and safe transport provision. This is unlikely to have any impact on any residential development since that will be small scale but could be relevant if new commercial development was proposed. **8.1 should read “Lincolnshire County Council (LCC)” and “Highways England”.**

19.3 Recommendation: ***I recommend that a title “Sustainable Transport” is inserted after Policy FNP19.*** Subject to the above changes I do not recommend any further changes to this policy.

19.4 Policy FNP20 *Service facilities on the A1*

19.5 The Plan recognises that the Service Facilities on the A1, though separated from most of the village, are of benefit to the community. The Policy supports the improvement or redevelopment of the facility.

19.6 Recommendation: ***I recommend that a title “Service Facilities on the A1” is inserted after Policy FNP20.*** Subject to the above changes I do not recommend any further changes to this policy.

20.0 Implementation

20.1 Policy FNP21 *Implementation*

20.2 This is not a land use policy but seeks to ensure that all new development contributes to the provision of new facilities by means of planning condition, S106 or Community Infrastructure Levy. This will not be relevant to any new residential development because the scale will be so small. It could be appropriate for new commercial or business development. ***I recommend that the first sentence of the Policy begins: “All new commercial or business development must provide..”***

20.3 Following the Policies there is section on Building Guidance. *I recommend that this becomes Appendix 6 and is titled Foston Neighbourhood Plan Residential and Commercial Building Guidance and Renewable Energy Guidance.*

20.4 I note that there is a Delivery strategy starting on Page 44. This identifies the Plan priorities and recognises that discussions will need to take place with various agencies including Highways England, LCC and SKDC to secure the necessary funds to pay for the costs of implementation.

20.5 *I recommend that the Sources and Acknowledgements on Page 46 should become Appendix 7.*

21.0 Summary and Recommendation

21.1 I am satisfied that the Neighbourhood Plan meets the Basic Conditions and would like to congratulate the Foston Parish Council and the Neighbourhood Planning team for the considerable amount of work that they have undertaken to produce the Plan. The Plan positively promotes housing while seeking to protect the many fine features of Foston. It demonstrates the clear vision and aspiration of the community to maintain and improve the physical environment and the life chances of the residents.

21.2 It is evident that the District Council have supported the process.

21.3 In accordance with Schedule 4B to the Town and Country Planning Act 1990, outlined below is a summary of my findings.

I am satisfied that Foston Parish Council is an appropriate Qualifying Body and is therefore able to produce and submit a Neighbourhood Development Plan for the Parish of Foston. I am satisfied that the area included in the Foston Neighbourhood Plan is appropriate and was designated accordingly by South Kesteven District Council. I am also satisfied that the Foston Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

21.4 The Plan covers the period from 2016 to 2026.

21.5 I am satisfied that the Foston Neighbourhood Plan takes sufficient regard to National Planning Policies and guidance and that the Plan does not make any provision for any excluded development.

21.6 I consider that the Foston Neighbourhood Plan policies, subject to minor modifications, will make a positive contribution to sustainable development. The policies could promote economic growth and serve to maintain and enhance the physical appearance of the area. The production of the Plan should provide confidence to the community.

21.7 I understand that South Kesteven District Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required and concluded that there were no policies included in the Neighbourhood Plan that had meant an SEA was required. I consider therefore that the legal requirements of the EU's SEA Directive have been met. The Neighbourhood Plan proposals will have no significant effects on the environment or any European sites.

21.8 I consider that the Plan complies with the rights outlined in the Human Rights Act.

21.9 I consider that extensive public consultation has taken place, led by the Parish Council but supported by the Local Authority. I am satisfied that the public consultation meets the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

21.10 I conclude that the Plan meets the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

21.11 In accordance with the Town and Country Planning Act 1990, Schedule 10 (2) (b) I recommend the modifications specified in this report are made and that the draft Neighbourhood Plan for Foston is submitted for a Referendum.

Dr Angus Kennedy OBE

Community Regeneration Partnership

20 February 2017