

# Foston's Neighbourhood Development Plan



2016 - 2026

Basic Conditions Statement

March 2016

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## **Introduction**

This Basic Conditions Statement is submitted by Foston Parish Council as the qualifying body responsible for the preparation of the Foston Neighbourhood Development Plan (referred to hereafter as the Foston Neighbourhood Plan. This is to confirm that the Plan is legally compliant and meets the Basic Conditions in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

The philosophy of the Foston Neighbourhood Plan has been to help to represent the views of local people in the development of the Neighbourhood Plan making process. However, it is recognised that the Plan must also conform to a higher level regional and national policy and to Local Plan policies. The development of the Plan has also been influenced by supplementary planning guidance. The Basic Conditions Statement sets out how Foston Parish Council and the Neighbourhood Plan Working Group have met legal requirements and the Basic Conditions.

## **Legal Requirements**

### ***The Neighbourhood Plan is being submitted by a qualifying body.***

The Foston Neighbourhood Plan (FNP) is being submitted by Foston Parish Council as the qualifying body, who have been helped in the formation of this plan by the Neighbourhood Plan Working Group. The Working Group is made up of Clerk to Foston Parish Council, Volunteers and Parish Councillors. The Plan has been prepared in accordance with the Localism Act 2011 and to meet the requirements of the Neighbourhood Planning (General) Regulations 2012,

### ***What is being proposed is the Neighbourhood Plan***

The Foston Neighbourhood Plan proposes 8 policy aims which are addressed by 20 Neighbourhood Plan Policies. The policies relate to planning matters (the use and development of land) and the Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan period for which it is to have effect**

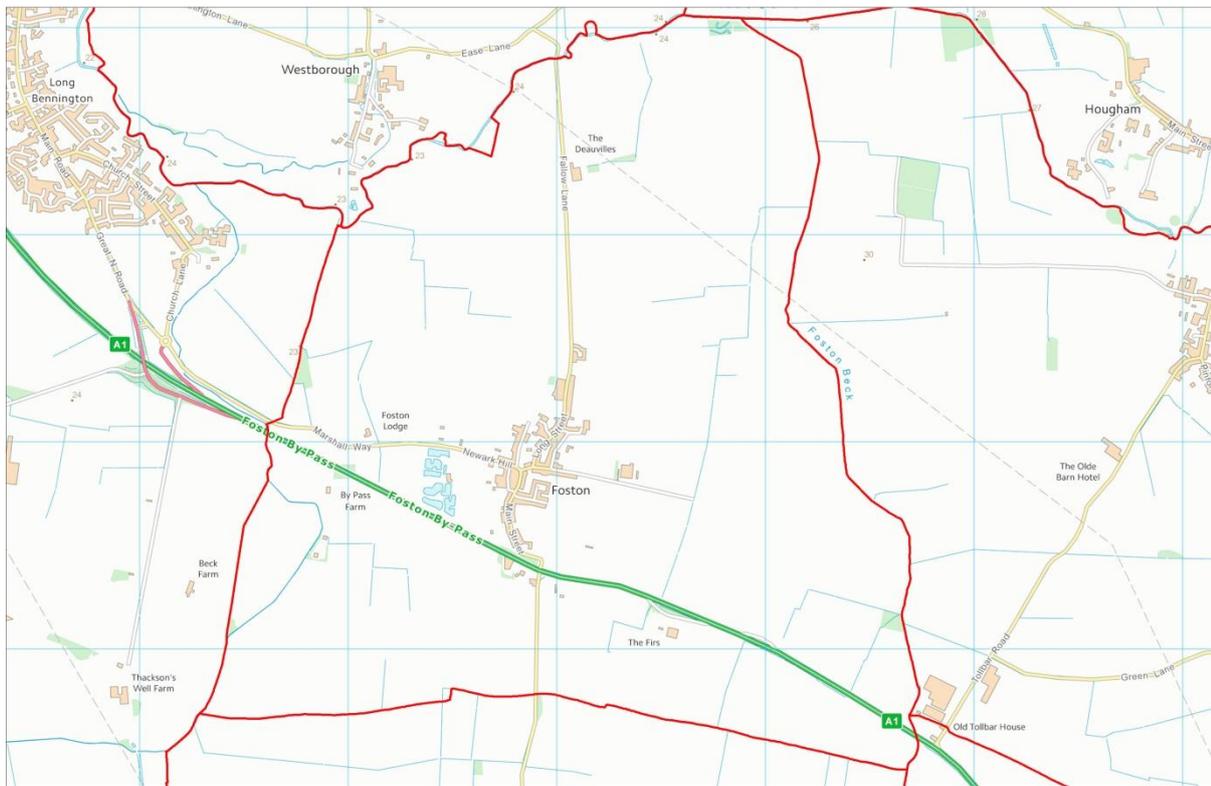
The proposed neighbourhood plan length will run from 2016 to 2026 in line with South Kesteven's District Council Core Strategy.

### **The policies do not relate to excluded development**

The neighbourhood plan proposal do not deal with County Matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

## Confirmation of the area covered by the Foston Neighbourhood Plan

The Foston Neighbourhood Plan does not relate to any other Neighbourhood Area and there are no other Neighbourhood Plans in place within the area. Therefore, the Neighbourhood Plan relates solely to the Parish of Foston, see **Map 1** below.



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## Parish Council Approval

It is a legal requirement that Foston Parish Council submit the Neighbourhood Plan, the Basic Conditions Statement and the Consultation Report, each of which were approved at the Parish Council meeting held on 1<sup>st</sup> March 2016

## Basic Conditions

The Basic Conditions required for Neighbourhood Plans are prescribed by the Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. Neighbourhood Plans must meet the following basic conditions:

- (i) to have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
- (ii) to contribute to the achievement of sustainable development;
- (iii) to be in general conformity with the strategic policies of the development plan for the area (the adopted South Kesteven District Council Core Strategy (2010));
- (iv) to meet the relevant EU obligations

## Have Appropriate Regard to National Policy

The Foston Neighbourhood Plan has been prepared with regard to national Policies set out in the National Planning Policy Framework (NPPF). In general terms, Paragraphs 14 -16 of the NPPF set out the presumption in favour of sustainable development which is at the heart of national policy. The Foston Neighbourhood Plan recognises that it is necessary to positively support local development while at the same time respecting the local environment by seeking to protect valued green spaces and historic assets.

In addition, the Foston Neighbourhood Plan reflects the general intent of Paragraphs 183 – 185 of the NPPF which describe how Neighbourhood Planning can be used to give communities direct power to develop a shared vision for their neighbourhood and provide the sustainable development they need.

In more specific terms, the table set out in **Appendix 1** to this document shows how each of the Policies in the Foston Neighbourhood Plan relate to specific paragraphs of the NPPF and to the policies in the adopted Core Strategy.

## Contribute to the Achievement of Sustainable Development

A definition of sustainable development is provided in the National Planning Policy Framework (2012). It notes that there are three dimensions to sustainable development and that these require planning to perform a number of roles:

**an economic role;** contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including infrastructure provision;

**a social role;** supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

**an environmental role;** contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The Neighbourhood Plan Working Group has encompassed the principles of sustainable development throughout the preparation of the Neighbourhood Plan, endeavouring to ensure that Foston Parish continues to be a sustainable community and that all relevant issues relating to social, economic and environmental issues have been fully considered and reflected in the policies proposed in the Plan.

The Foston Neighbourhood Plan has been drafted to be in compliance with the South Kesteven Local Development Plan and the sustainable development objectives that underpin it. The Neighbourhood Plan Policies include proposals to promote sensitive development whilst protecting and enriching the landscape and conserving the Historic setting of the Parish dwellings especially those that are locally important Heritage Assets that have been identified in the Built Character Assessment.

The Foston Neighbourhood Plan recognises the importance of the local rural economy and seeks to ensure its continued sustainability through support for rural diversification of an appropriate scale and identifies areas of open space which are significant and locally important as identified in the Foston Landscape Character Assessment. The Neighbourhood Plan seeks to protect and enhance key features, support nature conservation and promote biodiversity; includes policies to encourage energy efficiency and the use of appropriate renewable and low carbon sources of energy; includes policies to enhance and improve leisure and recreational opportunities for residents and visitors thus contributing to the promotion of healthy and active communities.

### **General conformity with the Strategic Policies of the Development Plan**

The Parish of Foston lies within South Kesteven District Council (SKDC) in the County of Lincolnshire. The development plan for the area comprises the SKDC Core Strategy adopted in 2010 which sets out high level planning policies and the Site Allocation and Policies Development Plan Document, adopted in 2014.

The Core Strategy does not regard Foston Parish as a 'sustainable location' for development. The Neighbourhood Plan recognises this constraint and seeks to provide additional clarifications relating to the protection of key landscape and historic features, and to provide guidance on appropriate design approaches for any development which the South Kesteven policies permit.

In more specific terms, the table set out in **Appendix 1** to this document shows how each of the Policies in the Foston Neighbourhood Plan relate to the policies in the adopted Core Strategy and to specific paragraphs of the NPPF.

### **Compatible with EU Obligations**

#### *Environmental Considerations - Strategic Environmental Assessment*

In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment (SEA) under the relevant EU Directive. Government planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the neighbourhood plan. An SEA may be required, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered in a sustainability appraisal of the Local Plan.

In the case of the Foston Neighbourhood Plan:

- it does not allocate specific sites for development
- it does not contain sensitive natural or heritage assets that may be affected by the proposals in the plan
- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004

- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal on the South Kesteven Core Strategy and Site Allocations Document.

However, in accordance with recommended practice, a screening of the Neighbourhood Plan has been undertaken by South Kesteven District Council to determine whether a SEA is required. The screening outcome/determination is set out in Appendix 2. The Environment Agency, Natural England and Heritage England have been consulted on the draft Neighbourhood Plan and on the SEA screening. On the basis of this screening, the District Council has concluded that the Plan does not require a SEA and is not in breach of the relevant EU Directive.

In addition, the Core Strategy and the Site Allocations Document were required, under European Directive 92/43/EEC, to be subject to a Habitats Regulations Assessment (HRA). A HRA screening of the Core Strategy did not identify any significant effects arising within or adjoining the Neighbourhood Plan area. The Parish Council therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

Finally, it is considered that the making of the Foston Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects). There are no internationally designated wildlife sites within, or within a reasonable distance (20km) of, the Neighbourhood Area.

It is concluded that the making of the Plan does not breach, and is otherwise compatible with EU obligations with regard to Habitats Regulations.

### *Human rights*

The preparation of the Foston Neighbourhood Plan has had full regard to the fundamental rights and freedom guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. No proposals for new housing or health/community facilities are included within the Neighbourhood Plan and therefore it has no implications for peoples' access to fundamental services.

The inclusive nature of the preparation of the Plan is a further benefit. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages. In addition, the consultation, (see below and in the Statement of Community involvement) has been inclusive, with particular efforts made to visit older people in their place of residence and younger people at school, or in organised groups.

## **Reflecting the involvement of the local community and stakeholders.**

The Foston Neighbourhood Plan has been regarded as a community plan which should derive its objectives, actions and authority from the community. From the outset the Neighbourhood Plan Working Group were determined that the residents should be kept informed and given every opportunity to express their views to the Working Group. Communication and consultation, in various forms, played a major role in formulating the Plan. A programme of communication was established to:

- a) promote a high degree of awareness of the project;
- b) invite residents to join the team;
- c) encourage all (adults & children) to contribute to the development of the Plan;
- d) promote consultation events;
- e) provide regular updates on the status of the Plan and its development.

During the development of the Neighbourhood Plan, a number of questionnaires have been distributed to each residence and business in the Parish, supported by open consultation events.

The timeline of these initiatives is:

- January 2014 – Initial Questionnaire
- January 2014 – Open Consultation Event
- April 2014 – Young People’s Questionnaire
- June 2014 – Open Consultation Event
- October 2014 – Issues Questionnaire
- November 2014 – Housing Needs Survey
- May 2015 – Summary of outline policies distributed
- June 2015 – Information provided at annual Village Fair
- September-October 2015 – Statutory consultation period of draft Plan.

Key to this programme was publicity, public events and the use of print and electronic media, including the local press, to provide regular updates. All events were promoted via a leaflet-drop invitation to each property (residential and commercial) and each was followed up in the dedicated Neighbourhood Plan Newsletter, again distributed to every property.

Foston Parish Council supported the regular communication plan, including any Neighbourhood Plan updates in their quarterly Newsletter. Additionally, a new section was developed on the Parish Council’s website, devoted to Neighbourhood Planning to ensure access to up-to-date information. Extensive information has been available to the whole village to encourage participation at every stage.

More information on each of these events, with full details of questionnaires, response analysis and publicity, is outlined within the separate Consultation Report, which form part of the suite of Submission Documents.

**Appendix 1** Conformity with National Planning Policy Framework (NPPF) and the Development Plan for South Kesteven

<b>Foston Neighbourhood Plan Policy</b>	<b>NPPF Section or Paragraph</b>	<b>Core Strategy &amp; Sites &amp; Development Management Policies &amp; Relevant SPDs</b>
<b>FNP1</b> Local Landscape Character	Paras. 109 - 125	SP1, EN1
<b>FNP2</b> Landscape & Built Character	Paras 126 - 141	SP1, EN1
<b>FNP3</b> Community Facilities & Local Services	Para. 69	EN1
<b>FNP4</b> Design for Safety & Security	Paras. 58 & 59	
<b>FNP5</b> Landscape & Nature Conservation	Para. 109	EN1
<b>FNP6</b> Access to the Countryside	Paras. 69 & 75	
<b>FNP7</b> Listed Buildings	Paras. 58, 59 & 64	EN1
<b>FNP8</b> Positive Unlisted Buildings/Structures	Paras. 126, 133 & 135	EN1
<b>FNP9</b> New Housing in the Village	Paras. 50 & 54	SP1, H1 & H3 and SAP2
<b>FNP10</b> Design & Local Character	Paras. 57, 58 & 64	EN1
<b>FNP11</b> Single dwellings & Infill Development		EN1
<b>FNP12</b> Local employment	Paras. 42 & 43	SAP4
<b>FNP13</b> Telecommunications	Paras. 42 - 46	
<b>FNP14</b> Domestic Scale Renewable Energy	Paras. 95 & 97	EN3 Wind Energy SPD (2013)
<b>FNP15</b> Community Led Renewable Energy	Paras. 95 & 97	EN3 Wind Energy SPD (2013)
<b>FNP16</b> Local Business & Renewable Energy	Paras. 95 & 97	EN3 Wind Energy SPD (2013)
<b>FNP17</b> New Recreation Facilities	Paras. 28, 70, 73 & 74	EN1 & SP4 and SAP10
<b>FNP18</b> New Retail, community etc. facilities	Paras 28 & 70	SP1, SP2, E1 and SAP1 & 4
<b>FNP19</b> Transport Related to New Development	Para. 32	SP3
<b>FNP20</b> The A1 Services		SP3
<b>FNP21</b> Implementation	Paras. 203 - 206	SP4