

Stubton Neighbourhood Plan 2014 - 2026

**A report to South Kesteven District Council of the
Examination of the Stubton Neighbourhood Plan**

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INTRODUCTION

1. This report sets out the findings of the Independent Examination of the Stubton Neighbourhood Plan 2014 to 2026 (SNP).
2. The plan has been submitted to South Kesteven District Council (SKDC) by Stubton Parish Council, which is the qualifying body under the Neighbourhood Planning (General) Regulations 2012. The plan was co-ordinated by a Steering Group with professional support.
3. It is clear that a lot of hard work has gone into preparing the SNP and the Steering Group should be congratulated for pulling it together.
4. The Plan has subsequently been submitted for examination to Trevor Roberts Associates by the District Council, with the agreement of the Parish Council.
5. Neighbourhood Plans were introduced by the Localism Act 2011 with the aim of allowing local communities to take responsibility for guiding development in their area. This role was confirmed in paragraph 183 of the National Planning Policy Framework (NPPF) as follows –

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

 - *set planning policies through neighbourhood plans to determine decisions on planning applications; and*
 - *grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.*
6. This report assesses whether the plan submitted to the District Council is legally compliant and meets the Basic Conditions that neighbourhood plans are required to meet. It then considers the content of the plan and recommends a limited number of changes to the policies and supporting text.
7. Finally, this report recommends whether or not the Plan should go forward to a local referendum.

THE PLAN AREA

8. The village of Stubton is located in the South Kesteven District of Lincolnshire. It has a population of 179 and consists of 77 households. The majority of these are located within the small village itself, with occasional buildings located in the surrounding open countryside. The Stubton Neighbourhood Plan (SNP) area coincides with the boundary of Stubton Civic Parish and covers an area of around 5km².

THE EXAMINER'S ROLE

9. I was appointed by SKDC, with the consent of Stubton Parish Council, to conduct an examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the District Council and the Parish Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
10. I have around 30 years' experience of environmental management, environmental policy and town planning and have been a full member of the Royal Town Planning Institute (RTPI) since 2001. I hold a BSc (Hons) in Biology, an MSc in Environmental Resources and a Postgraduate Diploma in Town and Country Planning. I have undertaken a number of roles within the public and voluntary sectors working on environmental planning issues and have been running my own planning and environmental consultancy since 2007. I am an Associate of Trevor Roberts Associates.
11. As Independent Examiner I am required to recommend one of the following:
- that the Neighbourhood Plan is submitted to a referendum
 - that modifications specified in this report are made and that the modified Neighbourhood Plan is submitted to a referendum
 - that the Neighbourhood Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
12. As Independent Examiner I must consider whether the Neighbourhood Plan meets the Basic Conditions¹. The guidance in the National Planning Practice Guidance (NPPG) relates to legislation in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.
13. These Basic Conditions as set out in the NPPG are as follows:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
 - the making of the neighbourhood plan contributes to the achievement of sustainable development
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
14. My conclusions as to whether the SNP meets these Basic Conditions are included at the end of this report.

¹ National Planning Practice Guidance - Reference ID: 41-065-20140306

LEGAL REQUIREMENTS

15. In examining the SNP I am also legally required² to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area
 - the Neighbourhood Plan meets the requirements to specify the period to which it has effect
 - the Neighbourhood Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been submitted for examination by a qualifying body
 - the voting area should extend beyond the neighbourhood area to which the Neighbourhood Plan relates.
16. Having addressed the matters identified in paragraph 15, I am satisfied that each of the first three criteria has been met. My conclusion as to whether the voting area should be extended is included at the end of this report.

BACKGROUND DOCUMENTS

17. In undertaking this examination, I have considered the following documents:
- Stubton Neighbourhood Plan 2014 to 2026 (Draft)
 - Stubton Parish Landscape Character Assessment (Allen Pyke Associates Nov 2013)
 - South Kesteven Core Strategy to 2026 (adopted July 2010)
 - South Kesteven Local Plan - Site Allocation and Policies Development Plan Document (adopted April 2014)
 - Combined Decision and Report (South Kesteven District Council Sept 2014)
 - Stubton Basic Conditions Statement
 - Stubton NDP SEA Screening Determination
 - Stubton NDP SEA Screening Report
 - Stubton Statement of Consultation
 - Public Notice
 - Stubton Representations.

SITE VISIT

18. I carried out an unaccompanied visit to the Stubton area on 14 December 2014. I walked around the village centre, including many of the side roads. I then walked a footpath circuit starting in the south west of the village, through the village and then around paths to the north and east of the village.

² Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

19. I found that the parish was rural in character with one main nucleated settlement. There were a number of buildings of historic interest, including the church and Stubton Hall. The surrounding countryside consists of agricultural land, typically bounded by hedgerows and hedgerow trees. There are a number of small woodlands to add diversity. There is a comprehensive network of public rights of way covering most of the parish.

CONSULTATION

The Consultation Process

20. The Steering Group has prepared a Statement of Consultation which clearly sets out the process from the initial decision by the Parish Council to prepare the plan through to the SNP's submission for examination. I am satisfied that the stages outlined are consistent with the necessary Regulations³.
21. The first stage of consultation was an open workshop to which all members of the local community were invited and 28 attended. During the workshop the Steering Group gave a presentation and led discussions to identify the key aims and issues. This was followed up with a questionnaire which received 42 replies. Given the small population of the village I consider this level of response to be acceptable in identifying the key issues to be addressed.
22. Having compiled the responses to the questionnaire and used these to form aims and objectives for the SNP I agree that it was essential to organise a second meeting to report back the findings. I am also satisfied that village notice boards and the village website were suitable methods of further promoting the findings.
23. Once the draft plan had been produced a further meeting was arranged and details of the SNP were circulated more widely in the village and on the website. I consider this to be an appropriate level of consultation.
24. Once the SNP had been submitted SKDC, the Council undertook a further 6-week publicity period as required by Section 16 of the Neighbourhood Planning Regulations. I am satisfied that the process undertaken is consistent with sub-sections (i) to (v) of Section 16⁴.
25. Similarly, the Council has followed the correct process as required by Section 17 of the Regulations⁵ in appointing myself as an independent examiner and in providing all the necessary documents.
26. The Landscape Character Assessment carried out by Allen Pyke Associates included a separate public workshop and questionnaire, which, in my view, adds value to its findings, particularly in identifying which are the most valued features and views.

³ Parts 2,3,and 5 of the Neighbourhood Planning (General) Regulations 2012

⁴ Section 16 of the Neighbourhood Planning (General) Regulations 2012

⁵ Section 17 of the Neighbourhood Planning (General) Regulations 2012

27. In parallel with the public consultations, letters were sent out in the early stages of the plan preparation process to statutory authorities, local businesses and landowners. Whilst I am not in a position to assess whether all the relevant landowners were consulted, I am satisfied that the list of statutory agencies, local authorities and parishes, utility companies and other organisations appears to be comprehensive.
28. The Statement of Consultation sets out some of the comments made and shows that these have clearly influenced the development of the SNP.
29. From the evidence provided to me through the Statement of Consultation I am in no doubt that the preparation of the Neighbourhood Plan has included an inclusive and comprehensive approach to seeking the opinions of all interested parties at all stages of the plan-making process. The Steering Group and their advisers have taken many of the comments on board and incorporated changes into the Neighbourhood Plan. I conclude that the consultation process undertaken fully complies with the requirements of Part 5, Section 14 of the Neighbourhood Planning (General) Regulations 2012.

Representations

30. During the six week publicity period on the submission draft of the SNP, SKDC received a total of 12 responses from 6 different consultees.
 - Natural England supported the approach being taken to landscape and biodiversity issues in the SNP.
 - Lincolnshire County Council made 4 representations supporting the SNP overall and commenting on issues relating to the Community Infrastructure Levy (CIL), internet performance and impact of traffic.
 - The Heritage Trust for Lincolnshire pointed out some formatting errors in the tables in the Appendix.
 - Foston Parish Council supported the SNP and considered that the issues were similar to those in their emerging Neighbourhood Plan.
 - The Highways Agency made some comments in relation to impacts on the strategic road network.
 - The Environment Agency made 4 representations requesting further detail to be included on flood risk; water quality; land contamination and soil; and climate change.

THE NEIGHBOURHOOD PLAN AS A WHOLE

31. In considering the SNP as a whole I am required to consider whether it is legally compliant and whether it meets the Basic Conditions required of a Neighbourhood Plan. The Steering Group has prepared a Basic Conditions Statement in relation to the SNP, which has been agreed with SKDC.

32. In terms of legal compliance, the SNP preparation process clearly follows the requirements of the legislation and accompanying Regulations⁶. The SNP has been submitted by Stubton Parish Council which is a qualifying body and the boundary of the SNP area was approved by South Kesteven District Council on 15 February 2013 and relates to Stubton Civil Parish only.
33. It is clear from the cover of the SNP that the plan period is 2014 to 2026, which is a realistic time period for this type of plan and coincides with the timescale for the South Kesteven Core Strategy (SKCS).
34. In order to comply with the Basic Condition relating to European obligations, the Steering Group requested a formal determination from the District Council as to whether the SNP would require a Strategic Environmental Assessment (SEA) under the SEA Directive⁷ and UK Regulations⁸. I am satisfied that the District Council followed the required process in consulting with Natural England, the Environment Agency and English Heritage. I am also satisfied with their conclusion that the SNP is not likely to have significant environmental effects and that an SEA is not required.
35. Having reviewed the District Council's 'Strategic Environmental Assessment and Habitats Regulation Assessment Report', I am satisfied that a thorough process has been undertaken in accordance with the various regulations. In particular, I agree that the environmental impacts would be limited as the SNP is not proposing to allocate sites for development. In the case of the Habitats Regulations⁹, it is clear to me that, as there are no European protected sites within 20km of Stubton, then a Habitats Regulations Assessment is not required.
36. The Stubton Neighbourhood Plan starts with a section entitled 'Background and Context'. This sets the scene by introducing neighbourhood plans as a concept and the background to why one was considered necessary for Stubton. The main reasons given are pressure from an increased number of planning applications and the potential for change in the village and surrounding landscape due to increased housing developments and changes in agricultural practices. The process sought to give local people a greater say in the future of the parish. I consider that these are sound reasons to justify the need for the Plan.
37. The SNP has been co-ordinated by a Steering Group of local residents, with professional planning and landscape support being acquired through grant aid.
38. Section 2 entitled 'Planning Regulations' gives a brief introduction to the NPPF and the SKCS, which are the key policy documents with which the SNP is required to comply. This section does not include the NPPG or the South Kesteven Sites and Policies Development Plan Document (SAPDPD). Both of these were published in 2014 and therefore not available at the time of drafting the SNP. Later in this report I do refer to these two documents in assessing the individual policies in the SNP.
39. Section 3 of the SNP provides some detailed information about Stubton. The brief history of the village appears to be well researched and clearly presented. The sub-section on 'Stubton Character and Style' has again been well researched and has drawn on the Landscape Character

⁶ Localism Act (2011) and the Neighbourhood Planning (General) Regulations 2012.

⁷ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

⁸ Environmental Assessment of Plans and Programmes Regulations 2004 Section 9(1).

⁹ The Conservation of Habitats and Species Regulations 2010.

Assessment prepared by Allen Pyke Associates. I consider the description of the village to be a very accurate one, having visited the village to view a number of the features described. The 'Village Demographic' sub-section provides useful 2011 Census information to back up the policies. Background information on the economy and leisure also help to set the scene.

40. Section 4 sets out the SNP process and includes the questionnaire surveys referred to above and refers to compliance with SKDC policy and the Landscape Character Assessment.
41. Aims and Objectives were developed during the community engagement process and are included in Section 5. The list appears to me to be fairly comprehensive, based on what I saw on my site visit. Whilst the list does not infer any order of priority, I consider that the current order, with the natural environment first is appropriate. This is not in the same order as the policies and I shall address this inconsistency later in this report. The sub-section on 'Opportunities and Constraints' adds additional information to assist in making the link between the Aims and Objectives and the Plan policies.
42. One of the sub-sections relates to renewable energy and refers, in particular, to the possibility of large scale wind energy developments in the local area. At the time of my site visit in December 2014 there was a current application for 5 X 126.5 turbines in the neighbouring parish of Hough on the Hill, which could have an impact on the setting of the village. Also, I noticed that there were a number of smaller scale roof-mounted solar panel developments in various locations around the village. I am surprised, therefore, that this issue has not been specifically addressed in either the Vision Statement or the Plan policies. In the absence of a specific policy, decisions would need to be made in accordance with the natural environment and built environment policies.
43. Section 6 sets out the Vision for Stubton. The Vision is, in my view, very appropriate to Stubton and is based on the community engagement questionnaire. The use of Quality Benchmarks to support the Vision and to measure change against is likely to be very useful, particularly when it comes to reviewing the SNP in the future.
44. The last sentence on page 32 contains a double negative that would encourage developments that compromise aesthetic and economic viability. The wording needs to be changed as follows:
*...The Steering Group holds the view that any development proposals which compromise its aesthetic and economic viability would not be ~~unacceptable~~ **acceptable**.*
45. There are a number of instances where the section headings in the Table of Contents differ slightly from the section headings within the body of the Plan. I recommend that the Steering Group review this in order to make the Plan contents more consistent.

THE NEIGHBOURHOOD PLAN POLICIES

46. The SNP states that the Regulations¹⁰ have informed the preparation of policies for the Stubton Neighbourhood Plan, in particular:

¹⁰ Neighbourhood Planning (General) Regulations 2012.

- Ensuring that the Neighbourhood Plan contributes to the achievement of sustainable development (which is defined below).
 - Ensuring that the Neighbourhood Plan is in general conformity with the strategic policies of South Kesteven District Council.
47. The definition of sustainable development used in the SNP is that used in the NPPF, which seeks to integrate economic, social and environmental roles for planning. In my view, this is the relevant and recent definition to use.
48. I consider that in developing the SNP, the Steering Group and its consultants have sought to integrate the three strands of sustainable development into the Aims and Objectives, Vision and policies of the SNP. They are also looking to take a long term view by setting policies up to 2026 and identifying quality benchmarks beyond that.
49. The list of Aims and Objectives included in the table on page 26 and on pages 35-36 seems to me to be a reasonable list which covers the economic, social and environmental roles of sustainable development. Although the SNP does not appear to suggest that these are in any order of priority, I consider that it would be clearer if the policy sections followed the same order as the Aims and Objectives ie:
- Natural Environment
 - Built Environment
 - Recreation
 - Traffic and road safety.
50. This change would require some reorganisation of the supporting text under the built environment and natural environment sub-sections. There are one or two places where landscape issues would be better referred to under 'natural environment' rather than 'built environment'. Therefore I suggest the following re-ordering of the paragraphs:

Natural Environment

Stubton is located within the open countryside....lifestyle of residents.

In response to residents' views....underpinning this Plan.

The following section describes the local landscape....main characteristics.

Map

The topography of the parish is....issues set within this context.

Map

Policies NE1, NE2 and NE3

Built Environment

Stubton is a small residential village...east of the village on Brandon Road.

Whilst early village development took place....delineate property boundaries.

A small number of farms....character of the buildings(s) or their setting.

The Stubton Neighbourhood Plan supports...for the purposes of the Stubton Neighbourhood Plan.

Policies BE1 and BE2.

51. Including the South Kesteven Spatial Strategy paragraphs at the end of the built environment text will lead more easily into the policy wording for the built environment.
52. In assessing the effectiveness of the proposed policies in the SNP, I have taken my own view on the policies, based on experience from elsewhere and have reviewed them against national and local planning policy and guidance. At the time the SNP was drafted the relevant policy documents were the NPPF and the SKCS. As the Core Strategy pre-dates the NPPF its policies can be given weight in accordance with their degree of consistency with the NPPF. Since the SNP was drafted, the Government has published the NPPG in 2014 to support the NPPF, and SKDC adopted the SAPDPD in 2014. I have taken all four documents into account in my assessment of the policies.
53. Where relevant I have also taken into account representations made during the recent six-week publicity period.

Built Environment – Policies BE1 and BE2

54. Policies BE1 and BE2 set out the types of uses that would be supported in terms of new built development. The policies are slightly unclear in their reference to ‘appropriate uses’ without defining in the policies what these are. However I notice from the final paragraph of page 38 that this term refers to the ‘uses’ set out within the South Kesteven District Council Spatial Strategy as referred to in Policy SP1 on page 37 of the SNP. The uses in the Spatial Strategy are stated to be ‘acceptable uses’, so there is some possibility for confusion. To resolve this I suggest below a change to the last paragraph on page 38 (in addition to the reordering referred to above).
55. As currently worded Policy BE1 appears to advocate the protection and enhancement of the setting of the village rather than the village itself. I have therefore suggested a minor amendment to the wording (see below) in order to clarify this point.
56. Policy BE2 seeks to ensure that any future development in the parish is compatible with the character of the existing landscape and buildings. As currently worded I consider this policy to be clear and would expect it to be effective in influencing development in the parish.

Table of conformity/compliance – Policies BE1 and BE2

Policy Document	Neighbourhood Plan Conformity/Compliance
National Planning Policy Framework (NPPF)	<ul style="list-style-type: none"> • These policies are consistent with paragraph 17 of the NPPF, which sets out core planning principles. The key paragraphs of relevance relate to the role of neighbourhood planning, high quality design, the character of different areas and conserving heritage assets. • These policies will contribute to meeting the requirement for development to be sustainable under paragraphs 7 and 14.

	<ul style="list-style-type: none"> • As stated in the SNP, it would be consistent with Section 7 of the NPPF requiring good design. In particular it would meet the requirements of paragraph 58 relating to sense of place, local character and history. • The wording is also consistent with the NPPF in relation to Sections 11 and 12 regarding the natural and historic environment.
National Planning Practice Guidance (NPPG)	<ul style="list-style-type: none"> • The wording of the policies contains a positive strategy for conservation of the historic environment. The inclusion of a specific policy in relation to the use of buildings and design of new development and infrastructure is consistent with guidance on the historic environment in the NPPG¹¹. • The SNP includes a comprehensive description of the local built environment to support these policies. This, combined with the policies, is consistent with the suggested approach to the historic environment in Neighbourhood Plans, as set out in the NPPG¹².
South Kesteven Core Strategy 2010	<ul style="list-style-type: none"> • These policies are consistent with the Vision statement and Objectives 11 and 12, included within the SKCS. • Policy SP1 of the SKCS relating to the Spatial Strategy has been referenced in the Neighbourhood Plan and its requirements in relation to villages and countryside development have been directly incorporated into the SNP. The exceptions to policy SP1 have been identified as ‘appropriate uses’ within the Plan. • Policies BE1 and BE2 are wholly consistent with Policy EN1 of the SKCS. Whilst the SNP policies are less detailed than that in the SKCS, I am satisfied that the detailed assessment of the local area included in the SNP will enable these policies to be implemented effectively in conjunction with Policy EN1. • The focus on new housing in rural areas being restricted to affordable housing is consistent with the requirements of Policy H1 of the SKCS. I note that there is an inconsistency here in that Policy H1 restricts affordable housing to meeting local needs whereas Policies BE1 and BE2 do not include local need in the appropriate uses.
South Kesteven Site Allocations and Policies Development Plan Document 2014 (SAPDPD)	<ul style="list-style-type: none"> • The SAPDPD was adopted in April 2014 and may have been too late to be included in the Neighbourhood Plan. The SAPDPD includes Policy SAP2, which relates to Rural Exception Affordable Housing. As with the SKCS policy, this relates specifically to local affordable housing and Stubton is specifically identified as one of the “areas of search”. The policy includes a number of criteria, including avoiding impacts on local character, landscape and historic assets. Therefore I consider that Policies BE1 and BE2 are consistent with Policy SAP2.

¹¹ National Planning Practice Guidance – Reference ID 18a-004-20140306.

¹² National Planning Practice Guidance – Reference ID 18a-007-20140306.

57. **Representations** – In their consultation response (STUB9) the Environment Agency (EA) requested that an additional flood risk policy was added to this section. They asked that this should include a reference to the sequential test in relation to flood risk that is included in paragraph 100 and 101 of the NPPF.
58. Policy EN2 of the SKCS (Reducing the Risk of Flooding) requires flood risk to be fully assessed using the sequential approach. Whilst the SKCS pre-dates the NPPF and the references to PPS25 are now out of date, I consider that the requirements of Policy EN2 can still be implemented through the provisions of the NPPF and NPPG.
59. With flood risk being referred to in the supporting text to the Built Environment section and the existing policies at national and district level, I do not agree with the Environment Agency that a specific additional policy should be included in the Neighbourhood Plan.
60. **Recommended amendments to the policy BE1 –**

“New development for appropriate uses, which is in accordance with the other policies of this plan, will be supported where it can be demonstrated that opportunities to protect and enhance the landscape and/or built environment setting of Stubton and/or its setting have been considered and incorporated.”

61. **Recommended amendments to the supporting text -**

Last paragraph on page 38 –

“The Stubton Neighbourhood Plan supports developments which accord with the South Kesteven District Council spatial strategy, as outlined previously, where it maximises opportunities to protect and enrich the landscape and built setting of the village and its environs as defined within the Stubton Landscape Character Assessment. The list of uses set out within the South Kesteven District Council spatial strategy as ‘acceptable uses’ are considered to be ‘appropriate uses’ for the purposes of the Stubton Neighbourhood Plan and the built environment policies in particular.”

62. I recommend that the Steering Group consider whether they wish affordable housing to be restricted to identified local need so as to be consistent with Policy H1 of the SKCS and Policy SAP2 of the SAPDPD. This is a matter for the Group to decide on and if they wish to add in a reference to this it would be best in incorporated into the paragraph above.

Natural Environment - Policies NE1, NE2 and NE3

63. These policies relate to remoteness and tranquillity; landscape character and visual appearance; and biodiversity. As mentioned above, I recommend that these policies are put before the built environment policies to be consistent with the order in the Aims and Objectives table and other sections set out earlier in the SNP document.
64. Policy NE1 is a very short policy relating to remoteness and tranquillity. It directly relates to a clause in Policy EN1 of the SKCS, so its inclusion is therefore justified. There is no reference in

the accompanying text as to how remoteness and tranquillity are defined and this might lead to different interpretations and make it more difficult to implement (see recommendation below).

65. Policy NE2 is the main landscape policy, which aims to ensure new development is appropriate to the landscape character of Stubton, including its natural, historic and cultural attributes and features. The three paragraphs relate to landscape character, trees and woodlands, and visual appearance. These are the three key aspects of landscape that are relevant to Stubton. In particular, on my site visit, I noticed the importance of hedgerows, hedgerow trees and small woodlands to the character of the landscape in and around Stubton. Views into and out of the village are also important features. I consider the wording to be effective and the back-up evidence provided by the Landscape Character Assessment will be very valuable in influencing planning decisions in the parish.
66. I am satisfied that the Landscape Character Assessment (LCA) has been developed using a nationally recognised standard which is supported by the Landscape Institute. It provides a comprehensive assessment of the character of the SNP area and divides Stubton into 3 distinct Parish Character Areas. It also identifies key views into and out of the village that are worthy of retention. As well as considering the physical attributes of the area it also takes on board the views of the local community. It complements LCAs carried out at national, regional and district level and a Historic Landscape Characterisation carried out for South Kesteven District. The LCA has clearly influenced the development of the landscape and built environment policies in the SNP and will be a very useful document in providing evidence to support decisions made in relation to Policy NE2 in particular.
67. Policy NE3 is a positive policy that encourages enhancement to biodiversity, the local environment and the landscape.

Table of conformity/compliance – Policies NE1, NE2 and NE3

Policy Document	Neighbourhood Plan Conformity/Compliance
National Planning Policy Framework (NPPF)	<ul style="list-style-type: none"> • These policies are consistent with paragraph 17 of the NPPF, which sets out core planning principles. The key paragraphs of relevance relate to the role of neighbourhood planning, high quality design, the character of different areas and conserving and enhancing the natural environment. • These policies will contribute to meeting the requirement for development to be sustainable under paragraphs 7 and 14. • As stated in the SNP, they would be consistent with Section 7 of the NPPF requiring good design. In particular they would meet the requirements of paragraph 58 relating to sense of place, local character and visually attractive developments. • The wording is also consistent with the NPPF in relation to Section 11 regarding conserving and enhancing the natural environment. Policies NE1, NE2 and NE3 are particularly consistent with paragraphs 117 and 118 of the NPPF.

National Planning Practice Guidance (NPPG)	<ul style="list-style-type: none"> • The preparation of the Landscape Character Assessment and the inclusion of these three policies is wholly consistent with the landscape guidance in the NPPG¹³. • Policy NE1 is consistent with the NPPG relating to areas of tranquillity in that it is seen as part of the intrinsic character of the area¹⁴. • Policies NE2 and NE3 are consistent with the NPPG in that they take a positive approach to the conservation and enhancement of biodiversity¹⁵.
South Kesteven Core Strategy 2010	<ul style="list-style-type: none"> • These policies are consistent with the Vision statement and Objectives 11 and 12, included within the SKCS. • Policies NE1, NE2 and NE3 are wholly consistent with Policy EN1 of the SKCS. Whilst the SNP policies are less detailed than that in the SKCS, I am satisfied that the detailed assessment of the local area undertaken, including the Landscape Character Assessment, will enable these policies to be implemented effectively in conjunction with Policy EN1.
South Kesteven Site Allocations and Policies Development Plan Document 2014 (SAPDPD)	<ul style="list-style-type: none"> • Policies NE2 and NE3 are consistent with Objective 8 of the SAPDPD, which requires allocated sites, amongst other things, to protect and enhance wildlife sites and landscape character. • The same two policies are consistent with Policy SAP2, which requires that rural exception affordable housing in villages such as Stubton must have no or limited impact on the character of the village and surrounding landscape.

68. **Representations** – there were no specific representations on these policies.

69. **Conclusion** – The policies are consistent with national and local planning policy and guidance. Policy EN1 of the SKCS already includes a comprehensive list of issues that need to be considered (see pages 24-25 of the SNP). I consider the wording to be effective and therefore no changes are recommended.

70. **Recommended amendments** – None.

71. **Recommended amendments to the supporting text** – I recommend that a brief paragraph is included in the supporting text to explain the terms “remoteness” and “tranquillity” in the context of Stubton Parish.

¹³ National Planning Practice Guidance – Reference ID 8-001-20140306.

¹⁴ National Planning Practice Guidance – Reference ID 30-012-20140306.

¹⁵ National Planning Practice Guidance – Reference ID 8-008-20140306.

Recreation - Policy R1

72. The purpose of this policy is to maintain and enhance access to the countryside. I walked a number of these paths on my site visit and it is clear to me that they are an essential part of the character of Stubton parish.

Table of conformity/compliance – Policy R1

Policy Document	Neighbourhood Plan Conformity/Compliance
National Planning Policy Framework (NPPF)	<ul style="list-style-type: none">• Policy R1 is entirely consistent with paragraph 75 of the NPPF, which forms part of Section 8 relating to Promoting Healthy Communities. Both include a pro-active approach to enhancing access to the countryside through new development.
National Planning Practice Guidance (NPPG)	<ul style="list-style-type: none">• The NPPG contains brief guidance in relation to rights of way¹⁶. Policy R1 does not conflict with this guidance.
South Kesteven Core Strategy 2010 (SKCS)	<ul style="list-style-type: none">• Policy R1 is consistent with Spatial Objective 10 of the SKCS as it aims to support new and existing community infrastructure including facilities for leisure.• Policy SP3 of the SKCS makes provision for promoting opportunities for walking and securing them through conditions or planning obligations. Policy SP4 goes further in relation to developer contributions, allowing for the provision of, or financial contributions towards, infrastructure and community benefits through the Community Infrastructure Levy and planning obligations under S106 of the Town and Country Planning Act 1990. There is nothing in Policy R1 that conflicts with these policies.
South Kesteven Sites and Policies Development Plan Document 2014 (SAPDPD)	<ul style="list-style-type: none">• The SAPDPD makes provision for the improvement of footpaths in Table 2 relating to infrastructure on page 101. This will support policy R1 in the event of new development being proposed within Stubton.

73. **Representations** – there were no specific representations on this policy.

74. **Conclusion** – The policy as written is effective and justified, and is consistent with national and local planning policy.

75. **Recommended amendments** – None.

¹⁶ National Planning Practice Guidance – Reference ID 37-004-20140306.

Traffic and road safety - Policy T1

76. This policy seeks to ensure that road safety measures are incorporated into any new developments in the Neighbourhood Plan area.
77. Whilst the term “appropriate uses” has been defined elsewhere in the SNP, I am concerned about the use of the term “appropriate measures” without any explanation of what it means. The key issue is that the measures incorporated must be identified through an assessment of the likely impacts of the development on the local road network and road safety. I have therefore recommended a minor amendment (see below) to add clarity to the policy.

Table of conformity/compliance – Policy T1

Policy Document	Neighbourhood Plan Conformity/Compliance
National Planning Policy Framework (NPPF)	<ul style="list-style-type: none"> Section 4 of the NPPF (Promoting sustainable transport) is the most relevant section to this policy. Although there is no specific paragraph on road safety issues, paragraphs 34, 35 and 39, in particular, set out the needs for assessments to be made of the impacts of development on sustainable transport and for measures to be incorporated into new developments. Policy T1 is therefore consistent with the NPPF.
National Planning Practice Guidance (NPPG)	<ul style="list-style-type: none"> The NPPG provides guidance on the need for Transport Assessments and Statements in relation to new developments¹⁷. The need for such assessments needs to be proportional to the scale of the development. If a development is small with very limited effects then a formal assessment is unlikely to be required. Policy T1 is consistent with this guidance.
South Kesteven Core Strategy 2010 (SKCS)	<ul style="list-style-type: none"> Policy SP3 (sustainable integrated transport) supports the approach being advocated through Policy T1.
South Kesteven Sites and Policies Development Plan Document 2014 (SAPDPD)	<ul style="list-style-type: none"> Policy SAP2 relates to rural exception affordable housing and refers to Stubton by name as one of the areas of search. Amongst the criteria in the policy, against which any sites will be assessed, is a requirement “that the site can be safely accessed”. This is consistent with the requirements of Policy T1.

78. **Representations** – Lincolnshire County Council submitted a representation in relation to the reference to the Community Infrastructure Levy (CIL) in this policy. Whilst the Council had previously requested that references to CIL be removed from the SNP, it is satisfied that the proposed wording would give the District Council sufficient flexibility, should the CIL be introduced, to secure contributions towards necessary infrastructure improvements.
79. **Conclusion** – The policy as drafted is consistent with national and local policy and guidance, but I consider it would be more clear with the minor amendments set out below.

¹⁷ National Planning Practice Guidance – Reference ID 42-004-20140306.

80. Recommended amendments –

Policy T1

*New development for appropriate uses will be supported where **an assessment has been made of its likely impacts on local traffic** ~~it incorporates appropriate~~ **and measures have been incorporated** to ensure road safety on site and in relation to the public highway.*

If introduced by South Kesteven District Council, Community Infrastructure Levy (CIL) will be used as contribution to highway improvements and traffic calming initiatives as may be identified and agreed with the Highway Authority.

SUPPLEMENTARY ACTION PLANS

81. Section 8 of the SNP includes a series of Supplementary Action Plans. As the SNP states, these issues are outside the scope of planning policy. Therefore, they cannot be considered to be part of the Neighbourhood Plan and will operate alongside the SNP. This seems to me to be a sensible approach as there are clear links between planning and other community issues and it is important that if these have been raised and discussed that they are not lost.
82. I do not intend to address these in any detail, but they seem to be sensible approaches to the issues raised and will operate effectively alongside the SNP. I cannot see any areas where these Action Plans would impede the implementation of the SNP.
83. I note that there were two representations from Lincolnshire County Council relating to services (STUB4) and impact of traffic (STUB5) which need to be incorporated into this section.
84. Amongst the representations received from the Environment Agency there were three relating to water quality (STUB10), land contamination and soil (STUB11) and climate change (STUB12). The issues raised are very complex and relate to the whole village rather than specifically to potential development sites. I consider that, rather than add these as additional policies in the SNP, they could be dealt with by an additional Action Plan that could be developed by the Steering Group in partnership with the Environment Agency and others. Much of this work would be outside the planning remit of the SNP. Water quality and land contamination are controlled through separate regulatory processes. There is already a reference to the impact of development on controlled waters in Policy EN1 of the SKCS.
85. For the sake of clarity, I recommend that Section 8 becomes an Appendix and is not therefore seen as part of the main SNP.

APPENDIX

86. The Heritage Trust for Lincolnshire has pointed out in its representation (STUB6) inconsistencies in the formatting of the Appendix. I agree that it is unclear and that the questions should come before the table summarising the relevant responses.
87. Also in the 4th table 'Visitor information re footpaths, views and village' should be in the same box as 'history on display boards'.

CONCLUSIONS ON BASIC CONDITIONS

88. I have covered all the issues relating to the Basic Conditions in the report above and have come to the conclusion that the SNP meets all the Basic Conditions and that it is therefore appropriate to make the Neighbourhood Plan. My conclusions on each Basic Condition in turn are as follows.

Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan

89. In examining the Stubton Neighbourhood Plan I have considered how both the plan preparation process and its content comply with national policy and guidance.
90. The plan preparation process is clearly consistent with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012, the National Planning Policy Framework and National Planning Practice Guidance. I have considered all other extant national planning policy, but I find none of significance that would have a bearing on the Neighbourhood Plan. The process has been carried out following the required stages and there have been ample opportunities for local people to engage with the process.
91. I have assessed the content of the SNP including both supporting information and the proposed policies. I have found these, subject to a few minor amendments, to be consistent with the NPPF and NPPG.
92. I conclude that this Basic Condition has been met in full and that it is therefore appropriate to make this Neighbourhood Plan.

The making of the neighbourhood plan contributes to the achievement of sustainable development

93. In my assessment I have referred to the fact that the SNP has adopted the definition of sustainable development set out within the NPPF. I consider that the SNP has taken a balanced approach to meeting the economic, social and environmental needs of the area and has taken a long term approach.
94. By including the proposed policies relating to the natural and built environment in particular, I consider that if development is to take place in Stubton it is likely to be carried out in a sustainable manner.
95. Therefore I consider that the SNP is fully consistent with this Basic Condition.

The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

96. I have assessed the SNP against both the South Kesteven Core Strategy and the Site Allocations and Policies Development Plan Document and have found the supporting text and policies to be in general conformity.

97. With the Core Strategy pre-dating the NPPF I have also had to consider the extent to which Core Strategy policies are consistent with the NPPF and give them weight accordingly. I have found no significant areas of conflict between policies in those topics included in the SNP.
98. Even though the SAPDPD was published after the SNP, I have not found any areas of conflict between the policies of these two documents.
99. Therefore, in relation to this Basic Condition I consider that the requirements are met.

The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations

100. The Steering Group has met its obligations under the SEA Directive by seeking a Screening Opinion from the District Council. I am satisfied that the process carried out complies with the regulations and that the decision that no strategic environmental assessment is required is a reasonable one.
101. As far as the Habitats Directive is concerned, there are no European protected sites within 20km of Stubton, so it is reasonable to conclude that a Habitats Regulations Assessment is not required.
102. Although I have not raised any issues relating to human rights above, I have seen nothing in the SNP that would give me any cause for concern. There has been plenty of opportunity for individuals and organisations to engage with the plan preparation process and to ensure their interests have been covered.
103. I conclude, therefore, that the SNP meets this Basic Condition and is consistent with the necessary requirements of EU obligations and the European Court of Human Rights.

REFERENDUM

104. I recommend to South Kesteven District Council that, subject to the modifications proposed, the **Stubton Neighbourhood Plan should proceed to a Referendum.**
105. I am required to consider whether the Referendum Area should be extended beyond the Stubton Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the SNP should proceed to a Referendum based on the Stubton Neighbourhood Area as approved by South Kesteven District Council on 15 February 2013.

Colin Blundel BSc MSc DipTP MRTPI
Trevor Roberts Associates
January 2015

APPENDIX 1 - SUMMARY TABLE OF RECOMMENDED AMENDMENTS

Policy or Section	Recommended Amendment
Last sentence on page 32 of SNP	<p><i>...The Steering Group holds the view that any development proposals which compromise its aesthetic and economic viability would not be unacceptable <u>acceptable</u>.</i></p>
Examiner's Report paragraph 45	<p>There are a number of instances where the section headings in the Table of Contents differ slightly from the section headings within the body of the Plan. I recommend that the Steering Group review this in order to make the Plan contents more consistent.</p>
Reordering of supporting text in relation to natural environment and built environment – Examiner's Report paragraph 50	<p>Recommended order –</p> <p>Natural Environment</p> <p><i>Stubton is located within the open countryside....lifestyle of residents.</i></p> <p><i>In response to residents' views....underpinning this Plan.</i></p> <p><i>The following section describes the local landscape....main characteristics.</i></p> <p><i>Map</i></p> <p><i>The topography of the parish is....issues set within this context.</i></p> <p><i>Map</i></p> <p><i>Policies NE1, NE2 and NE3</i></p> <p>Built Environment</p> <p><i>Stubton is a small residential village...east of the village on Brandon Road.</i></p> <p><i>Whilst early village development took place....delineate property boundaries.</i></p> <p><i>A small number of farms....character of the buildings(s) or their setting.</i></p> <p><i>The Stubton Neighbourhood Plan supports...for the purposes of the Stubton Neighbourhood Plan.</i></p> <p><i>Policies BE1 and BE2.</i></p>

Policy BE1	<p><i>“New development for appropriate uses, which is in accordance with the other policies of this plan, will be supported where it can be demonstrated that opportunities to protect and enhance the landscape and/or built <u>environment setting</u> of Stubton <u>and/or its setting</u> have been considered and incorporated.”</i></p>
Last paragraph on page 38 of the SNP	<p><i>“The Stubton Neighbourhood Plan supports developments which accord with the South Kesteven District Council spatial strategy, as outlined previously, where it maximises opportunities to protect and enrich the landscape and built setting of the village and its environs as defined within the Stubton Landscape Character Assessment. The <u>list of uses</u> set out within the South Kesteven District Council spatial strategy <u>as ‘acceptable uses’</u> are considered to be ‘appropriate uses’ for the purposes of the Stubton Neighbourhood Plan <u>and the built environment policies in particular.</u>”</i></p>
Examiners report paragraph 62	<p>I recommend that the Steering Group consider whether they wish affordable housing to be restricted to identified local need so as to be consistent with Policy H1 of the SKCS and Policy SAP2 of the SAPDPD. It is a matter for the Group to decide on and if they do wish to add in a reference to this it would be best incorporated into the paragraph above.</p>
Supporting text to Policy NE1 (Examiner’s report paragraph 71	<p>I recommend that a brief paragraph is included in the supporting text to explain the terms “remoteness” and “tranquillity” in the context of Stubton Parish.</p>
Policy T1	<p><i>“Policy T1</i></p> <p><i>New development for appropriate uses will be supported where <u>an assessment has been made of its likely impacts on local traffic</u> it incorporates appropriate <u>and</u> measures <u>have been incorporated</u> to ensure road safety on site and in relation to the public highway.</i></p> <p><i>If introduced by South Kesteven District</i></p>

	<i>Council, Community Infrastructure Levy (CIL) will be used as contribution to highway improvements and traffic calming initiatives as may be identified and agreed with the Highway Authority.”</i>
Section 8: Supplementary Action Plans	For the sake of clarity, I recommend that Section 8 becomes an Appendix and is not therefore seen as part of the main SNP.
Appendix	The Heritage Trust for Lincolnshire has pointed out in its representation (STUB6) inconsistencies in the formatting of the Appendix. I agree that it is unclear and that the questions should come before the table summarising the relevant responses.
Appendix	Also in the 4 th table ‘Visitor information re footpaths, views and village’ should be in the same box as ‘history on display boards’.