

Stamford Neighbourhood Development Plan 2016-2036

**A report to South Kesteven District Council on the
Stamford Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by South Kesteven District Council in March 2021 to carry out the independent examination of the Stamford Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 7 May 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character. It seeks to consolidate the approach towards site allocations in the South Kesteven Local Plan. It proposes a series of key views and open spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Stamford Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
17 May 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Stamford Neighbourhood Development Plan 2016-2036 (the 'Plan').
- 1.2 The Plan has been submitted to South Kesteven District Council (SKDC) by Stamford Town Council (STC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The preparation of the Plan has been overseen by Stamford First.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the integrity and the character of the neighbourhood area and accommodating the planned growth for the Town as set out in the adopted Local Plan. It proposes the identification of important views and the designation of a series of open green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SKDC, with the consent of STC, to conduct the examination of the Plan and to prepare this report. I am independent of both SKDC and STC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the SKDC SEA and HRA screening report;
 - the Character Study and Design Guide;
 - the Wider Town Views Assessment;
 - the Town Council's responses to the Clarification Note;
 - the representations made to the Plan;
 - the adopted South Kesteven Local Plan 2036;
 - the submitted Rutland Local Plan 2018 to 2036 (withdrawn during the examination);
 - the National Planning Policy Framework (July 2021);
 - Planning Practice Guidance; and
 - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 7 May 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I concluded that I was able to examine the Plan in this way.
- 3.4 An updated version of the NPPF was published in July 2021 whilst the examination was underway. Where it is necessary to do so, I assess the Plan against the contents of the 2021 version of the NPPF rather than the earlier 2019 version (which was properly addressed both in the submitted Plan itself and in the associated Basic Conditions Statement).
- 3.5 Whilst the examination was taking place, Rutland County Council (RCC) withdrew the emerging Rutland Local Plan from its own examination. The emerging Local Plan had proposed the allocation of the Quarry Farm site for residential use. The Quarry Farm site lies to the immediate north and west of the Stamford North allocation (as included both in the adopted South Kesteven Local Plan and the submitted Stamford Neighbourhood Plan). I address the implications of this matter in detail in Section 7 of this report.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, STC/Stamford First prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (August to October 2019). It captures the key issues in a proportionate way.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. The measures included:
- the establishment of Stamford First to oversee the production of the Plan (April 2016);
 - the various events with local groups and organisations (March to September 2016);
 - the four consultation events (September to October 2019);
 - the radio interview (August 2019);
 - the use of a dedicated website to raise awareness of the Plan; and
 - the engagement processes with external agencies and other bodies.
- 4.4 The Statement also provides details of the way in which STC and Stamford First engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 The Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 From all the evidence provided to me as part of the examination, I have concluded that the Plan has promoted an inclusive approach towards seeking the opinions of all concerned throughout the process. Consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. This has been undertaken in a fashion that is proportionate to the scale and nature of its policies. SKDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.7 Consultation on the submitted plan was undertaken by SKDC for a six-week period from 8 March to 19 April 2021. This exercise generated comments from a range of organisations as follows:

- Kentucky Fried Chicken
- Longhurst Group
- Burghley House Preservation Trust
- National Grid
- NHS Lincolnshire Clinical Commissioning Group
- Rutland County Council
- Climate Action Group of Stamford Town Council
- Better Healthcare for Stamford
- F.H. Gilman (in Administration)
- Lincolnshire County Council
- Great Casterton Parish Council
- Canal and River Trust
- Sport England
- Anglian Water
- Historic England
- South Kesteven District Council
- Natural England

4.8 In addition eight representations were received from local councillors and residents.

4.9 Where appropriate I refer to specific representations when I address the specific policies in the Plan in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area corresponds with the boundaries of the Town's four parishes (St Martin's, St John's, All Saints and St George's). Its population in 2011 was 19701 persons living in 9384 houses. It was designated as a neighbourhood area on 1 April 2016.
- 5.2 The neighbourhood area is located within attractive countryside 22 miles to the south of Grantham and 14 miles to the north of Peterborough. It is located to the immediate east of the A1 with which it has excellent direct connections. The town developed around the River Welland. This element of its natural setting adds significantly to the attractiveness of the town and provides iconic views of its churches. There are two conservation areas in the neighbourhood area. The Stamford Conservation Area was designated in October 1967.
- 5.3 Stamford is a vibrant, bustling, rural market town and visitor attraction, with a wide selection of pubs, restaurants, coffee shops, an arts centre and theatre, and flourishing independent retailers. These features reflect the town's natural location, its rich built environment, its riverside setting and its accessibility to the strategic road network.

Development Plan Context

- 5.4 The Plan has been carefully developed to take account of the adopted South Kesteven Local Plan. In Policy SP2 of that Plan Stamford is identified as one of three market towns in the settlement hierarchy. Development which would maintain and support the market towns will be supported where it does not compromise their nature and character. The Local Plan gives priority to the delivery of sustainable sites within the built-up part of the town and appropriate edge of settlement extensions.
- 5.5 The Plan also includes three specific policies which affect the neighbourhood area as follows:

Policy STM1-H1	Stamford North Housing Allocation
Policy STM1-H2	Stamford East Housing Allocation
Policy STM2	Stamford Town Centre

- 5.6 Other more general policies in the recently-adopted Local Plan have been particularly relevant in influencing and underpinning the various policies in the submitted Plan, including:

Policy SP6	Community Services and Facilities
Policy E4	Protection of Existing Employment Sites
Policy E5	Expansion of Existing Businesses
Policy EN3	Green Infrastructure
Policy EN6	The Historic Environment
Policy DE1	Promoting Good Quality Design

Policy OS1 Open Space

- 5.7 The submitted neighbourhood plan has been prepared within this wider development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies.
- 5.8 The submitted neighbourhood plan has sought to follow and develop further the cross-boundary approach towards the overall development of the Stamford North housing site (in South Kesteven) and the adjacent Quarry Farm (in Rutland). The Quarry Farm site was allocated for housing development in Policy H4 of the emerging Rutland Local Plan 2018 to 2036. This ambition was affected by the withdrawal of the emerging Local Plan in September 2021.

Unaccompanied Visit

- 5.9 I visited to the neighbourhood area on 7 May 2021. I drove into the town along the A43 from the south-west. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system in general, and to the A1 in particular.
- 5.10 I looked initially at the northern part of the neighbourhood area and the way in which it sought to add value to the allocation of land for housing in the Local Plan. I looked at the wider area from the footpaths opposite Arran Road off Casterton Road. I then drove to the north along Little Casterton Road to Little Casterton itself. In doing so, I took the opportunity to look at the allocated Stamford North housing site in the Local Plan. I saw the way in which the wider area related to agricultural parcels of land and sat in an open and undulating landscape. I then looked at the residential allocation from Churchill Road to the east. I then drove to Stamford Fitness off Ryhall Road so that I could understand the full extent of the Stamford North allocated site. During this part of the visit, I was able to understand the identified Views 1 and 2 as included in Policy 10 of the Plan.
- 5.11 I then looked at the variety of retail and commercial premises off Ryhall Road and Uffington Road. I saw the way in which they contributed towards a vibrant local economy. I also looked at the Stamford East as allocated in the South Kesteven Local Plan.
- 5.12 I parked in the town centre so that I could complete the remainder of the visit on foot. I looked initially at Rutland Terrace. I saw its scale and significance as one of the few terraces in the town. I saw the adjacent site of the former Austin Priory, the Hopkins Hospital, and St Peter's Gate and the Bastion. I walked along Kings Mill Road into Bath Row. I saw the attractive way in which the town interacted with the River Welland at this point. The pleasant weather meant that the Town Meadows were bustling with

people. I took the opportunity to walk to the west into the quieter Freeman's Meadow.

- 5.13 I walked over the River to the Railway Station. I saw its attractive buildings and the way in which the railway had been sensitively incorporated into the town. I then worked my way through to High Street St Martins. I saw the attractive office and commercial buildings and the various former coaching inns. I walked along St Mary's Street into the commercial and retail part of the town. I then took the opportunity to walk around the historic core of the town based on High Street, Broad Street and St Mary's Street. Its significance as a retail core was heightened by the attractive market.
- 5.14 I then walked to the east along Priory Road to St Leonard's Priory. I was rewarded for my efforts with very pleasant gardens, interesting architecture and a very helpful interpretation board setting out the Priory's history and former layout. I then walked along Cherryholt Road to look at the parcels of land within the proposed River Welland Green Corridor to the east of the town. I found the attractive path which ran along the northern bank of the River Welland.
- 5.15 I walked back to the town centre along Albert Road and over the attractive pedestrian bridge. This gave me the opportunity to look at the area off Water Street. I saw several attractive buildings including the Old Station House at the eastern end of the street and the attractive riverside gardens to the west. I then saw the wonderfully-preserved Lord Burghley's Hospital at the junction of Station Road and High Street St Martins.
- 5.16 I finished my visit by driving along Casterton Road to Great Casterton. This part of the visit highlighted the relationship between the neighbourhood area and its wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The approach in the submitted Basic Conditions Statement was based on the 2019 version of the NPPF which was in place when the Plan was submitted.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Stamford Neighbourhood Plan:

- a plan-led system – in this case the relationship between the neighbourhood plan and the South Kesteven Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area within the context of its importance in the District's settlement hierarchy and its built and natural environment. In particular, it includes a series of policies on the scale and nature of new development. It proposes a series of open green spaces and important views. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for housing development (Policies 1 and 2) and for employment development (Policy 4). In the social role, it includes policies on housing type and mix (Policy 3), educational facilities (Policy 14) and community facilities (Policy 15). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on a proposed River Welland Green Corridor (Policy 5), heritage assets (Policy 9), important views (Policy 10) and on character areas (Policy 11). STC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in South Kesteven in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement the SKDC undertook a screening exercise (October 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, SKDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening exercise includes a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such it concludes that Appropriate Assessment is not required.
- 6.17 The HRA report is very thorough and comprehensive. It assesses the impact of the Plan on the following protected sites:
- Barnack Hills and Holes SAC;
 - Grimsthorpe SAC;
 - Baston Fen SAC;
 - Rutland Water SPA and Rasmar;
 - Nene Washes SAC, SPA and Rasmar;
 - Orton Pit SAC;
 - Fenland SAC (Woodwalton Fen Ramsar);
 - Upper Nene Valley Gravel Pits SPA and Ramsar; and
 - Great Casterton Road Banks SSSI.

The report is thorough and well-prepared. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.18 Having reviewed the information provided as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various

regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and STC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Community Aspirations. They are appropriately distinguished from the land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary, I have identified the inter-relationships between the policies. The Community Aspirations are addressed after the policies.
- 7.6 For clarity, this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-8)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate and effective way. The Plan is presented in a very professional fashion. It makes a very effective use of well-selected photographs and maps. The large-scale photographs at the beginning of each section of the Plan are of the highest quality and appropriate to that element of the Plan. A very clear distinction is made between the Plan's policies and the supporting text. The Plan also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Plan is underpinned by a series of other documents. The Basic Conditions Statement and the Consultation Statement are good examples of such documents. The Character Study and Design Guide is a particularly impressive piece of work. It will do much to secure high standards of design in the execution of new development in the Plan period. In addition, the Views Assessment provides an excellent context for Policy 10 of the Plan.
- 7.10 Section 1 comments about the role and status of Stamford. It comments about the way in which the built heritage of the town has become its overriding feature as a result of Stamford Neighbourhood Plan – Examiner's Report

a lack of the traditional industrialisation of the nineteenth century. It comments that in 1969 it was designated the first Conservation Area in the country. Nevertheless, the Plan highlights that the town still remains as an important regional market centre in which people live and work - but with the recent added bonus of a thriving tourist industry.

7.11 Section 2 comments about the way Stamford First was established to oversee the production of the Plan. It highlights that it included representatives from Stamford Town Council, South Kesteven District Council, Lincolnshire County Council, local business groups and residents.

7.12 Section 3 comments about the planning policy context for the District and the town. It draws attention both to the NPPF and the adopted Local Plan. It also comments about the designation of the neighbourhood area and the Plan period (2016-2036). It includes a map showing the neighbourhood area (Map 1). For clarity I recommended that the Plan period is also indicated on the front cover.

Insert the dates of the plan period (2016 to 2036) on the front cover of the Plan.

7.13 Section 4 comments about the way in which the public was engaged in the preparation of the Plan. It helpfully overlaps with the Consultation Statement.

7.14 Section 5 comments about the identification of topic themes for the Plan and how they have fed into the details of the Plan.

7.15 Section 6 sets out the Vision for the Plan. It is as follows:

‘Stamford’s Neighbourhood Plan will enable the towns’ residents to shape the development of Stamford over the next two decades without loss of its special and distinctive character. The Plan will seek to ensure that Stamford’s defining assets as an historic and vibrant rural market town and tourist destination are retained and enhanced and that Stamford’s important heritage assets and precious green spaces are protected. In order to harness the town’s growth potential, the plan will ensure appropriate improvements to infrastructure and services and enable all sections of the community to enjoy a sustainable way of life’

This Vision properly reflects the character of the town. In addition, it provides a clear and distinctive approach for the Plan period.

7.16 Section 7 sets out fourteen objectives for the Plan.

7.17 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1: Integration of New Residential Allocations (Stamford North)

7.18 This policy seeks to add value to Policy STM1 of the Local Plan. That Plan sets out to ensure the comprehensive development of land to the north and north-west of the Town for residential development. The majority of the overall site is in Stamford/South Kesteven. However, a smaller part of the wider site consists of the Quarry Farm site. It is located to the immediate north west of the majority of the site in Rutland County.

At the time that the neighbourhood plan was submitted, the Quarry Farm site was proposed as a housing allocation (Policy H4) in the emerging Rutland Local Plan. The overall approach of Policy 1 is that development on the wider site should accord with the Stamford North masterplan and a series of design principles. It is a very good example of a neighbourhood plan policy that seeks to add specific value to a policy in an adopted Local Plan. In general, the submitted policy is in general conformity with an important strategic policy in the development plan. In particular, it requires that development on the site conforms with the emerging master plans that were being prepared for the two sites at that time. In addition, it sets out a series of design principles. In several cases, the principles will overlap with the emerging master plans for the two strategic sites.

7.19 In September 2021, RCC withdrew its emerging Local Plan. Whilst this was related to the County Council's approach to wider strategic residential development in the County, it has had inevitable consequences on the extent to which the wider approach taken in the submitted neighbourhood Plan was now taking an appropriate approach which meets the basic conditions. RCC and SKDC met separately to address the implications of the withdrawal of the Rutland Local Plan on the delivery of the overall Stamford North housing site. In this uncertainty, the examination of the neighbourhood plan was postponed. However, in the absence of any definitive conclusion to the matter in strategic policy terms, SKDC, STC and I concluded that it would be appropriate to proceed with the examination. By way of wider context in February 2022 an outline planning application was submitted for the development of Quarry Farm for 650 homes and a local centre.

7.20 As originally submitted, the policy has generated a series of detailed representations from SKDC, the development industry and from RCC. In summary they address the following matters:

- whilst the initial part of the policy addresses the two housing allocations in Stamford other elements of the policy do not do so;
- detailed comments about the design criteria; and
- the policy can only apply to that part of the Stamford North allocated site within SKDC (and not to the adjacent site at Quarry Farm being promoted by RCC in its emerging Local Plan at that time).

7.21 Circumstances have moved on significantly since the Plan was submitted. In relation to the Stamford East site (in the South Kesteven Local Plan), two related planning permissions have now been granted as follows:

S21/0938

Erection of 200 dwellings with associated infrastructure and landscaping
Land to the north of Uffington Road, Stamford

The report to the SKDC Planning Committee commented as follows on the relationship of the planning application to the allocation of STM1-H2 (Allocation at Stamford East) in the South Kesteven Local Plan

The site forms part of Local Plan allocation site STM1-H2: Stamford East. The site allocation is for an indicative 162 dwellings in total at an approximate 30dph. The allocation incorporates the proposed development site, with expansion of the proposed site outside of the allocation, however it also takes account that part of the wider site that benefitted from an extant outline permission for 100 dwellings. The indicative 162 dwellings identified in the policy therefore increases to an indicative 262 dwellings to take account of the outline permission S17/0613.

Revised plans submitted in November 2021 included the submission of a revised and standalone Masterplan document. The Masterplan again covers the wider Local Plan allocation site and sets out constraints across the wider site, including areas of noise impact, the TPO tree belt, changes in land levels and foul water and storm water sewer easements across the whole allocation site. A site allocation wide street hierarchy has been identified that utilises two access from Uffington Road, each serving each side of the site and the newly constructed Aldi and that link in a loop to the northern end of the site. Further, an access point to the allocated employment land to the north of the site is shown through the neighbouring residential site.

The submitted Masterplan includes the identification of key buildings and feature squares through the site and also highlights the linkages across the allocation of blue and green infrastructure, including linked tree lined streets and linked public open space. Within the public open space, the Masterplan demonstrates the potential for a footpath/cycle path to continue through the site, initially to the west of the TPO tree belt, before moving east to the neighbouring site and then north of the site to join an existing footpath alongside the River Gwash and to enable a circulatory footpath around the town with future links into Stamford North.

The submitted Masterplan is comprehensive and covers the whole site allocation, not just the application site. The masterplan demonstrates sufficient vehicular and pedestrian linkages through the two sites and to the completed Aldi supermarket and includes a proposed vehicular link to the allocation employment land (ST-E1) to the north. The submitted masterplan is considered to provide a framework for a future application on the neighbouring site north of the Aldi....'

S20/0955

Erection of retail food store with access, car parking. Servicing and landscaping
Land off Uffington Road, Stamford

The report to the SKDC Planning Committee commented as follows on the relationship of the planning application to the allocation of STM1-H2 (Allocation at Stamford East) in the South Kesteven Local Plan

'The key issue is the impact of this development upon the delivery of housing within South Kesteven. The allocation refers to the site providing up to 162 homes to meet the district wide need housing need. This figure is based upon a low density of 30 homes per hectare across the entire site. The applicant has submitted an indicative masterplan (as required by the policy) that demonstrates that the remainder of the site (what is left following the construction of the Aldi) can comfortably accommodate the

indicative number of dwellings referred to in the policy. This has been reviewed and there is no reason to believe that this cannot be achieved or that a higher density would not be appropriate on the site.'

In these circumstances, I recommend that the references to the Stamford East site in both the policy and on Map 2 are deleted. In effect the Plan's intentions have been properly delivered by planning applications in general, and through the delivery of an agreed masterplan in particular.

- 7.22 In relation to the Stamford North site, I recommend modifications to take account of the withdrawal of the Rutland Local Plan. In general terms I recommend that the direct references to the Quarry Farm site are removed from the policy itself and from Map 2. Whilst the withdrawal of the Rutland Local Plan has no direct implications on the adopted South Kesteven Local Plan, it is not within the remit of the neighbourhood plan to address the strategic issues in relation to residential development at Stamford North with which SKDC and RCC are currently grappling.
- 7.23 Plainly this situation is likely to remain fluid. In particular RCC is now considering a free-standing planning application for the proposed development of the Quarry Farm site. Nevertheless, the supporting text retains reference to the broader arrangements which are in place to secure the comprehensive development of the overall site. This is a matter which STC may wish to consider in a potential future review of the Plan
- 7.24 I also recommend a series of detailed modifications to the policy both to bring the clarity required by the NPPF and to take account of the various representations. In some cases, the changes suggested by the various organisations are wording preferences rather than changes required to meet the basic conditions. My recommended modifications are those required to ensure that the different elements of the Plan meet the basic conditions. Whilst they may appear to be extensive at first glance, in most cases they refine the existing policy (insofar as it applies to the Stamford North site).

In the opening element of the policy replace 'sites STM1-H1 and STM1-H2 as identified on Map 2' with site STM1-H1 as identified on Map 2'

In the opening element of the policy delete 'only' and 'where appropriate'

In the opening element of the policy replace 'where they have demonstrated that they have regard to a Stamford North Masterplan' with 'where they positively respond to the appropriate masterplan for the site concerned'

In a) replace 'a social space' with 'an urban space'

Replace b) with: 'new developments should be designed with a perimeter block approach and follow the alignment of streets. New buildings should respect the alignment, position and set-back of adjacent existing buildings or structures. New development should be sympathetic to connecting and natural features that are retained within a development for a balanced transition to open landscapes.'

Existing tree and hedgerows should be retained in new development proposals where possible'

In c) insert a comma after 'Primary'

Replace d) with: 'development adjoining public open spaces and important gaps should enhance the character of these spaces by either providing a positive interface (properties facing onto them to improve natural surveillance) or a soft landscaped edge. Appropriate landscaping should be provided in sensitive locations at the edge of the development insofar as landscaping mitigation is required.'

Replace e) with: 'trees and woodland of demonstrable value to biodiversity, green connectivity, health or recreation should be protected and retained as natural features within new development'

Replace g) with: 'development proposals should take account of key views identified within in the relevant masterplan and/or in Policy 10, by controlling development densities, building heights and layouts. In particular views of local landmarks and framed views of the surrounding countryside should be safeguarded in new development'

Replace h) with: 'buildings should be orientated to face areas of open space'

In i) (first sentence) replace 'up to two and a half storeys' with 'of increased height, stature or detail'

In i) (second sentence) replace 'They may' with 'Gateway features should'

Replace j) with: 'Gateway buildings should reflect the local character of the area in their use of local materials, the design of chimneys and fenestration details.'

In l) replace 'that will guide the visitor legibly' with 'it will provide clear legibility' (first sentence) and 'will' with 'should' (third sentence).

In m) add 'surrounding' before 'materials'

In p) replace 'they neighbour agricultural fields' with 'there is landscape sensitivity as the development adjoins the countryside'. Thereafter delete the final sentence.

At the beginning of q) add: 'development proposals should'

Replace r) with: 'new development that is adjacent to existing residential development should be similar in height to the existing dwellings to avoid any privacy or overlooking issues'

Replace s) with: ‘buildings should be well proportioned, built with appropriate materials, and of high-quality design using principles drawn from the particular quality architectural character of Stamford’

In t) replace ‘Such measures include, but are not limited to:’ with ‘Proposals should strike a balance between placemaking, health and well-being, and sustainability through such measures including (but not limited to)’

At the end of t) add: ‘Where appropriate, consideration should be given to delivering new places that encourage low carbon lifestyles with integrated green infrastructure and sustainable drainage. The integration of measures to minimise CO2 emissions should not be to be detriment to the viability of the proposals’

Change to Policy title to read: New Residential Allocation (Stamford North).

On Map 2 remove the Quarry Farm allocation (including the related element of the key) and the inset box commenting about the road layout.

In the supporting text incorporate paragraph 8.5 into paragraph 8.4.

Renumber paragraph 8.6 to 8.5.

In the submitted paragraph 8.6 retain the first two sentences. Thereafter replace the remainder of the paragraph with:

‘In the adopted South Kesteven Local Plan, some of the proposed Stamford North site is situated within the adjoining county of Rutland at Quarry Farm which is outside but directly adjoining the Neighbourhood Area. The Quarry Farm site was included as an allocation in the emerging Rutland Local Plan. However, in September 2021 Rutland County Council withdrew its Local Plan. The relationship between the two elements of the overall site is being discussed at a strategic level by South Kesteven District Council and Rutland County Council. The ambition remains to secure a comprehensive development of the wider site which would include a distributor road’

Add a new paragraph 8.6 to read: ‘A smaller housing site in the South Kesteven Local Plan, known as Stamford East will provide fewer homes, but is located near key infrastructure and local services. It now has detailed planning permission and as such is not directly addressed in this Plan.’

Examiner’s Note: The reference in criterion g) is to the policy number in the Plan as examined. The policy numbers may change in the referendum version of the Plan in the event that my recommended modifications are accepted.

Policy 2: Additional Residential Development

- 7.25 This policy provides guidance for residential development both within the town and on its edges. It seeks to add local value to Policies SP3 (Infill Development) and SP4 (Development on the Edge of Settlements) of the adopted Local Plan. The policy

comments proposals 'will only be supported' where they comply with a series of criteria.

- 7.26 This approach is inherently negative whereas Policies SP3 and SP4 of the Local Plan are positive in their nature. As such, I recommend the deletion of the word 'only' in both cases. I also recommend a series of detailed modifications to the policy to bring the clarity required by the NPPF and to take account of the various representations. In some cases, the changes suggested by the various organisations are preferences rather than required to meet the basic conditions. The recommended modifications are only those which are required to ensure that the different elements of the Plan meet the basic conditions. In effect they refine the existing policy.

In the opening element of the first part of the policy delete 'only'

In 1b delete 'of the proposal' and replace 'it can' with 'should'

Replace 1c with: 'it safeguards the amenity of existing garden space'.

In 1e replace 'it will not' with 'it should not'.

In the opening element of the second part of the policy replace 'and they can demonstrate, where appropriate:' with 'and where appropriate, the following criteria:'

In the opening element of the second part of the policy delete 'only'

Replace 2b with: 'Appropriate landscaping measures should be used between Stamford and the open countryside to prevent the formation of a hard edge'

In 2d replace 'a lower density is used' with 'demonstrate how a lower density 'has been used' and replace 'emphasis' with 'emphasise'.

In both 2e/f/g replace 'it will not' with 'it should not'

In 2g replace 'proposals' with 'proposal'

Policy 3: Housing type and mix on new developments

- 7.27 This policy comments that proposals for eleven or more dwellings should demonstrate in their design and access statement how they would meet the need for 1-, 2- and 3-bedroom properties. A separate part of the policy comments that, where possible, proposals for new care facilities and accommodation for the older people should be located close to public transport services, walking and cycling routes and be easily accessible to nearby shops.
- 7.28 The policy overlaps with the contents of Policy H2 of the Local Plan. In this context, I am satisfied that it adds distinctive local value to that policy. SKDC suggests that some elements of the policy are deleted as they largely duplicate elements of Policy H2 of the Local Plan. This approach would have merit. However, it would detract from the overall effectiveness and comprehensive nature of the policy. The Burghley House Preservation Trust suggest that the policy includes a detailed component about

circumstances where viability issues may not allow the delivery of the anticipated yield of affordable housing. Its suggestion incorporates a very detailed set of changes. In all the circumstances I recommend that the supporting text is expanded to draw reference to the details of Policy H2 of the Local Plan insofar as it refers to viability issues.

Replace the final sentence of the opening element of the first part of the policy with: ‘Development proposals should also demonstrate’

In the second part of the policy delete ‘and meet the most recent housing standards’

In the third part of the policy replace ‘possible’ with ‘practicable’

At the end of paragraph 8.24 add: ‘Policy 3 of the Plan sets out a specific policy to address this important matter. It mirrors the approach taken in Policy H2 of the adopted South Kesteven Local Plan. In circumstances where there are site-specific viability issues which would make the requirement in the policy for affordable housing impractical to achieve, this issue will be considered on the basis of the contents of the penultimate paragraph of Policy H2 of the South Kesteven Local Plan.’

Policy 4: Enabling Employment Opportunities

- 7.29 This policy expects new employment development to be concentrated within existing employment areas. It identifies a series of criteria with which any employment proposals elsewhere should comply.
- 7.30 There is a degree of mismatch between the supporting text and the policy itself. Paragraph 9.16 comments that ‘while taking an approach that protects all employment sites as a matter of principle, Policy 4 sets out the criteria by which protected employment sites may be considered for redevelopment for non-employment creating uses. It takes account of locational and viability issues, which are regarded as being the key issues that can affect the attractiveness of an employment site to the market’. The policy itself simply comments on proposals for employment use which may come forward outside the identified employment sites in the town. It comments that proposals that generate new business and employment opportunities outside the identified employment sites on Map 2a, will only be supported subject to meeting a series of criteria.
- 7.31 I recommend that this matter is remedied by modifications both to the policy and to the supporting text. In combination they will bring the clarity required by the NPPF. I also recommend detailed consequential grammatical modifications to the criteria. Finally, I recommend that the second part of the policy is modified so that its effect is clear.

Replace the opening element of the policy with: ‘Development proposals for new business and employment opportunities outside the identified employment sites (as shown on Map 2a) will only be supported where they meet the following criteria as appropriate to site concerned:’

In a)-d) and f) replace ‘it’ with ‘they’. In the case of a) replace ‘it is’ with ‘they are’

In a) delete ‘be’

In g) replace ‘it does not have’ with ‘they should not have’

In the second part of the policy insert ‘employment’ between ‘new’ and ‘development’

Replace paragraph 9.16 with: ‘Policy 4 sets out the Plan’s approach to new employment-related development other than in the identified employment sites in the town. In particular it identifies a series of criteria with which new employment sites should comply’

General comments on Policies 5 and 6 - Evidence Base and changes between the pre-submission plan and the submitted plan.

- 7.32 Policies 5 and 6 comment about a proposed River Welland Green Belt Corridor and Important Open Spaces respectively. They reflect the importance of the River Welland corridor and open spaces in the town. In both cases, the extent of parcels of land captured by the policies expanded significantly between the pre-submission and submission versions of the Plan. This has generated representations from both SKDC (in a general and process sense) and by the Longhurst Group (both generally and in relation to land at Cherryholt in particular).
- 7.33 In its response to the clarification note, STC supplied two schedules in relation to Policy 6 (Important Open Spaces). The first was the list of spaces included in the pre-submission Plan and which were not included in the submitted Plan. The second is the list of sites included in the submitted Plan and which were not included in the pre-submission Plan.
- 7.34 Plainly there is a degree of flexibility for neighbourhood plans to be refined between the two stages of the plan-making process. This takes account of refinements which naturally stem from the feedback from consultees and landowners on the process. Traditionally the changes between the two stages involve a refinement of policy wording and the refinement of the boundaries (or in some cases the deletion) of land designations. In the case of Stamford, the removal of some of the proposed important open spaces is a good example of this process.
- 7.35 It is expected that the contents of pre-submission plans are underpinned by proportionate evidence and are subject to consultation. This is also the case with submitted plans. Moreover, it is inappropriate for submitted plans to develop alternative or additional policies or proposals as an outcome of the consultation process and/or to respond to changing circumstances without reverting to the pre-consultation plan stage. These matters underpin my assessment of both policies against the basic conditions in the following sections of the report.

Policy 5: The River Welland Green Corridor

- 7.36 This policy proposes a River Welland Green Corridor. It comments that new development proposals should take account of the identified Green Corridor and be designed to respect their significance in the wider neighbourhood area. It also

comments that development proposals for leisure or recreational uses and/or to preserve wildlife which would have a direct or an indirect positive effect on the Green Corridor will be supported. Finally, it comments that proposed developments that would have an unacceptable impact on the character and appearance of its immediate setting and/or on the integrity of the River Welland Green Corridor will not be supported.

- 7.37 There is no equivalent policy on the River Welland in the Local Plan. Its Policy EN5 comments more generally about the water environment and flood risk management. In this context, it is technical in its nature.
- 7.38 There are significant differences between the policy in the pre-submission Plan and in the submission Plan. The first is the approach of the policy. In the former, the focus is on the preservation of a corridor of land for its public access and biodiversity. In the latter, the focus is on preventing built development. The second is the spatial extent of land affected. In the pre-submission Plan, the land is primarily that to the west of the town centre. In the submitted Plan, it includes land both to the east and to the west of the town. Neither the supporting text in relation to this policy nor the Consultation Statement provides an explanation for the changes to the policy.
- 7.39 In all the circumstances, I am not satisfied that there is appropriate evidence to justify the approach taken in the policy in the submitted Plan. In particular, there is no evidence to justify the approach taken to extend the spatial extent of the policy.
- 7.40 Nevertheless I am satisfied that it would be appropriate for the Plan to retain a policy on the River Welland. It is an important element of the environment of the town. In particular, it contributes to public accessibility/informal recreation activities and biodiversity in equal measure. I recommend that the policy follows the approach taken in the pre-submission Plan with necessary recommended modifications. I recommend that its spatial coverage is that as included in the pre-submission Plan.
- 7.41 I also recommend consequential modifications to the supporting text.

Replace the policy with: ‘Development proposals which would enhance the setting of the River Welland Green Corridor (as shown on Map 3) will be supported where they meet the following criteria:

- **they retain and where practicable enhance public access (including through the development of additional access routes) and to and from the town centre in particular;**
- **they avoid any increased risk of flooding or surface water run off;**
- **they safeguard and where practicable enhance visual amenity, biodiversity, significant trees and hedgerows; and**
- **they safeguard and where practicable enhance the wider recreational value of the identified corridor’**

Replace Map 3 with the equivalent plan included in the pre-submission Plan.

Replace paragraph 10.3 with: ‘The River Welland is an important natural and recreational feature to the immediate south of the town centre. The Plan designates a

Green Corridor to the south and west of the town centre. Public rights of way provide connections to and from the River Welland and from residential areas into the town centre. This green corridor also provides a haven for local wildlife and recreation'

Delete paragraph 10.5.

Delete the photographs on page 46 and 47 (replacing them with photographs within the recommended modified Green Corridor if considered necessary).

Policy 6: Important Open Spaces

- 7.42 This policy identifies a series of important open spaces for recreation, sport, growing of food or biodiversity. It comments that the loss or change of use of any of the identified spaces will not be supported unless it can be satisfactorily demonstrated through the criteria within Policy OS1 of the Local Plan. It also comments that proposals for the improvement of an Important Open Space, including the provision of new facilities or equipment, will be supported where it can be demonstrated that the proposal will improve the spaces intended use.
- 7.43 Paragraph 10.15 helpfully sets out the purpose of the policy. It comments that:
- 'Stamford has a significant amount of existing open space and a good mix of open space typologies. This Neighbourhood Plan identifies those spaces it believes should be covered by Local Plan Policy OS1. The list on page 51 is a combination of sites from SKDC and those identified through the Neighbourhood Plan process.'*
- 7.44 Policy OS1 of the Local Plan comments that all existing open space including allotments, parks, equipped play space, sport pitches and informal natural open space, route ways and corridors will be protected. In detail it comments that development proposals for existing open spaces will only be permitted where it is demonstrated that the proposal will provide increased or improved open space and/or recreational facilities; or the site is not required to meet the local standard set out above; or equivalent (or better) replacement provision is to be made within the locality; and the site does not support important or protected habitats or species.
- 7.45 Paragraph 2.145 of the Local Plan comments that 'A Study of Open Space, Sport and Recreation in South Kesteven (2009) assessed the open space and sports needs of the District. The study examined the quantity, quality and accessibility of open space provision and considered the local needs of the population and the demands that will be made by future development. An audit of the existing provision of open space was carried out in 2017 to refresh the evidence base for determining the appropriate open space requirements for new development, ensuring that it remains robust and up-to-date. This is summarised by the South Kesteven Open Space, Sports and Recreation Facilities Report (2017)'.
- 7.46 I have considered the details and the purpose of the policy very carefully. Plainly it seeks to safeguard important areas of open space in the town. However as submitted the policy does not provide the following elements of evidence:

- details on why the range of open spaces addressed in the South Kesteven study is inappropriate. The upgrade of the Study in 2017 is relatively recent and has been undertaken whilst the neighbourhood plan was being prepared; and/or
- specific details on the importance of the proposed additional sites.

7.47 In addition, as set out in paragraph 7.35 of this report, there is a significant administrative issue to the extent that several of the proposed open spaces in the submitted Plan did not feature in the pre-submission Plan. As such, they have not been included within the expected two-stage consultation process for a neighbourhood plan. Finally, the approach taken in the submitted Plan does not follow the approach in the Local Plan which generally captures ‘all existing open space including allotments, parks, equipped play space, sport pitches and informal natural open space, route ways and corridors’ as underpinned by the 2017 study.

7.48 In the circumstances I recommend the deletion of the policy. This approach will not affect the way in which Policy OS1 of the Local Plan applies in the neighbourhood area. However, I recommend that with appropriate modifications that the initial elements of the supporting text remain in the Plan to signpost the reader to the way in which this important matter in the neighbourhood area is addressed in the adopted Local Plan.

Delete the policy.

At the end of paragraph 10.8 add the contents of paragraph 10.14.

At the end of paragraph 10.9 add: ‘A Study of Open Space, Sport and Recreation in South Kesteven (2009) assessed the open space and sports needs of the District. The Study examined the quantity, quality and accessibility of open space provision and considered the local needs of the population and the demands that will be made by future development. An audit of the existing provision of open space was carried out in 2017 to refresh the evidence base for determining the appropriate open space requirements for new development, ensuring that it remains robust and up-to-date. This is summarised by the South Kesteven Open Space, Sports and Recreation Facilities Report (2017). The identified open spaces in the neighbourhood area are shown in that document’

Delete paragraph 10.14.

Delete paragraph 10.15, the two lists and Map 4.

Policy 7: Diversifying Stamford Town Centre

7.49 This policy sets out to ensure that Stamford continues to retain a range of shops and services, including an appropriate concentration of hot food takeaways. To achieve this ambition, it sets out a series of land use policy components.

7.50 The policy was developed in good faith in the period leading up to the submission of the Plan. However, in September 2020 the Use Classes Order was substantially revised. It introduces three new use classes as follows:

Class E	Commercial, business and service uses
Class F1	Learning and non-residential uses
Class F2	Local community uses

- 7.51 The new Use Class E incorporates several former use classes including A1(shops), A2 (financial and professional services) and A3 (cafes or restaurants). In this context, there is now considerable flexibility for different business functions to be undertaken in town centres without the need for planning permission. I recommend modifications to the policy so that it has regard to national policy. I also recommend consequential modifications to the supporting text.
- 7.52 I also recommend that the first and second parts of the policy are combined into a single part of the policy. In most cases the format and composition of the primary and secondary frontages will change as a result of proposed changes of use rather than through new development – this reflects the existing built-up nature of the primary and secondary shopping frontages and the significance of their heritage protection. In addition, their various criteria are overlapping in their nature.
- 7.53 The submitted third part of the policy sets out the process about how applications for A5 units (hot food take away) would be determined rather than establishing a policy approach. In these circumstances I recommend that it is deleted and repositioned into the supporting text.

Replace the policy with:

‘Proposals for new development within the Primary and Secondary Shopping Frontages, as identified on Map 5, will be supported where they:

- a) are for employment or retail-generating uses (Use Class E, A4 and A5) and do not lead to a net loss of such space in the primary and secondary shopping frontages;**
- b) do not adversely impact the character of the building or neighbouring buildings;**
- c) improve the vitality and viability of the town centre;**
- d) provide active frontages during the daytime hours;**
- e) provide suitable parking and turning facilities (where appropriate); and**
- f) do not cause an unacceptable impact to the amenity of nearby residential properties or business in terms of noise, smell or light pollution.’**

In the first sentence of paragraph 11.3 replace ‘percentage...A5 uses’ with ‘percentage of retail uses and food and drink use (Use Class E) and hot food take-aways (Use Class A5)

At the end of paragraph 11.5 add: ‘These uses now fall within Use Class E’

In paragraph 11.6 replace ‘A’ with ‘E’

At the end of paragraph 11.11 add the submitted third part of the policy.

Policy 8: Public Realm in Stamford Town Centre

- 7.54 This policy intends to establish a positive context for the enhancement of the public realm in the town. It comments that proposals to enhance the Town Centre's existing public realm, including the surfacing, street furniture, signage and public artwork within the town centre, will be supported where they comply with three criteria.
- 7.55 The policy sets out a positive approach to this matter. The implementation of the policy will have the ability to provide a public realm to complement the exceptional built heritage of the town centre.
- 7.56 I recommend that the policy acknowledges that some improvements to the public realm may be entirely in the highway and will therefore not need planning permission. I also recommend a detailed modification to the wording of the criteria. Otherwise, the policy meets the basic conditions. It will contribute towards the delivery of each of the three dimensions of sustainable development.

At the beginning of the policy add: 'Insofar as planning permission is required'

In the first criterion replace 'understand' with 'navigate'

Policy 9: The Historic Environment

- 7.57 This policy sets out a comprehensive approach towards the historic environment. It includes parallel approaches on both designated and non-designated assets. It also takes a specific approach towards views of taller heritage assets.
- 7.58 In general terms the policy takes a positive approach to the rich heritage in the neighbourhood area. Whilst the supporting text in Section 12 refers in a general sense to the town's conservation areas, it makes no specific mention of the Stamford Northfields Conservation Area. To remedy this matter, I recommend that paragraphs 12.1 and 12.8 of the Plan provide additional information on this matter and that the Stamford Northfields Conservation Area is shown on a separate Map.
- 7.59 The second part of the policy provides comprehensive information on the requirements for the justification for alterations to heritage assets. However, this information is process-based rather than policy. In these circumstances I recommend that it is repositioned into the supporting text.

Delete the second part of the policy.

In paragraph 12.1 add as a separate sentence after the first sentence to read 'Stamford has two conservation areas – the Stamford Conservation Area (as shown on Map 6) and the Stamford Northfield Conservation Area (as shown on Map [insert number]).'

At the end of the first sentence of paragraph 12.8 add: 'as shown on the District Council's website'.

At the end of paragraph 12.10 add the deleted second part of the policy (with its footnote).

Show the Stamford Northfields Conservation Area on a separate Map.

Policy 10: Locally-important landscape views

7.60 This policy identifies nine locally important views. The Plan incorporates descriptions and photographs of each of the identified views. Thereafter, it requires that new development respects the views.

7.61 Paragraphs 12.11 and 12.12 provide a helpful context to this policy and comment as follows:

‘In addition to the historic views identified within the Conservation Area Appraisals, one other key feature of Stamford is its relationship with its wider landscape setting and the uninterrupted views of its Georgian historic skyline and architecture particularly from the south along the River Welland Green Corridor and from Burghley Estate. The views in and around the area are integral to the character of the town, serving to bring both the countryside into the more built-up areas and as important wildlife corridors that connect habitats and spaces in the wider landscape. They also help to keep Stamford as a distinct settlement, allowing it to have its own sense of place and providing easily accessible amenity space for residents and visitors’.

7.62 In general terms, I am satisfied that the policy is both appropriate to the characteristics of the neighbourhood area and is non-prescriptive in its approach. The general elements of the policy meet the basic conditions. In turn they expect new developments to take account of the identified views, offer support to proposals for leisure or recreational uses and/or to preserve wildlife which would have a direct or an indirect positive effect on a locally important landscape view. The policy also comments that developments that would have an unacceptable impact on the character and appearance of its immediate setting and/or on the integrity of an identified local view will not be supported.

7.63 Nevertheless the representations from Burghley House Preservation Trust, RCC and SKDC draw attention either to the real likelihood of a tension between the following identified views in this policy and other policies in the plan (principally Policy 1) or that some of the views are principally of parcels of land outside the neighbourhood area:

- View 1: Casterton Road (North and east);
- View 2: Ryhall Road (West, east & south);
- View 3: A1175 Uffingham Road (north & south);
- View 4: A606 Empingham Road (south); and
- View 9: B1443 Barnack Road (north & south)

7.64 I looked at the views in general during my visit to the neighbourhood area. I looked in particular at V1, V2 and V3. Taking account of all the circumstances, I recommend the deletions of V1/V2/V3/V4 and V9 from the Plan. Plainly they are important existing

views in their own right. However, they will be significantly altered once the developments planned in the Local Plan (and also in the submitted Plan) are implemented during the Plan period. In this context, it would be inappropriate for the neighbourhood plan to include a policy which pulls in a different direction to strategic policies in the Local Plan. This would create particular difficulties for the decision-maker. Plainly as Policy 1 of the submitted Plan consolidates the approach for strategic development in the adopted Local Plan there is the potential conflict with the adopted development plan. It is also inappropriate for a neighbourhood plan to seek to control (directly or indirectly) development outside the neighbourhood area.

In the policy delete V1/V2/V3/V4/V9.

Renumber the retained views.

Remove V1/V2/V3/V4/V9 from the details on pages 69-76

Remove V1/V2/V3/V4/V9 from Map 8

Policy 11: Character Areas

- 7.65 This is a key policy in the overall Plan. It seeks to relate new development proposals to the characteristics of identified Character Areas. The commissioned Character Assessment identifies a series of character areas in the town. It is an excellent piece of work. The Character Areas are clear and distinctive. In a wider sense the policy is an excellent local response to the design agenda as included in the NPPF 2021. Whilst the Plan had been submitted before the most recent version of the NPPF was published in July 2021, it addresses the contents of the NPPF in a very positive fashion. Paragraph 127 of the NPPF comments that:

'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'

The wider policy comfortably achieves this approach.

- 7.66 In terms of its details the policy itself comments that proposals should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings of the character area in which it is located. In addition, it comments that development proposals should improve a character area's visual or physical connection with the built and natural features. In areas of poor or ill-defined character, development should build on the positive attributes that can contribute to establishing an enhanced character for the future function of the character area.

- 7.67 The policy reflects the quality of work undertaken on the Character Study and Design Guide. It has been carefully prepared to be non-prescriptive in its effects. It meets the basic conditions. In addition, it will contribute significantly to the delivery of the environmental dimension of sustainable development.
- 7.68 The Burghley House Preservation Trust raises detailed comments on the contents of elements of the Character Study and Design Guide insofar as they may affect the development of the Stamford North housing allocation. I have addressed those comments in relation to Policy 1 of the submitted Plan.

Policy 12: Sustainable Transport

- 7.69 This policy seeks to ensure that development proposals are underpinned by sustainable transport. It comments that proposals for large scale developments of 10 or more dwellings, or those that are proposed in areas not directly served by public transport, should demonstrate, in their design and access statement, how they have had regard to a series of criteria.
- 7.70 The policy takes a robust approach to this matter. However, the element on locations not directly served by public transport does not have the clarity required by the NPPF. I recommend that it is deleted from the policy and repositioned with modifications to the supporting text. I also recommend a detailed modification to the fourth criterion.

Delete ‘or those..... public transport’

In d) replace ‘have adequate bicycle provision, including safe storage’ with ‘have adequate bicycle parking and storage’

In paragraph 14.2 replace ‘village’ with ‘town’. At the end of the paragraph add: ‘Policy 12 has a focus on the larger developments. However, its application may be appropriate for sites where there is poor or limited public transport accessibility’

Policy 13: Town Centre parking

- 7.71 This policy seeks to consolidate and extend the range of car parking spaces in the town centre. It has three related elements as follows:
- That support will be given to proposals where they are either enhancing an existing car park(s) or are providing additional spaces through an extension of an existing car park or the creation of a new one. Proposals must consider the use of appropriate surfacing materials, boundary treatments, signage, lighting and how the inclusion of these will not negatively impact the character of the area;
 - the redevelopment of existing car park(s) within the town centre should not result in the net loss of the number of parking spaces in the affected car park; and
 - the provision of electric vehicle charging points within cars parks will be supported.

- 7.72 The policy addresses these important matters in a positive way. I saw first-hand the pressures on the town centre car parks during my visit to the town. In its response to the clarification note, STC clarified that the second part of the policy would allow limited development to take place in existing car parks where the overall availability of parking spaces was retained. Similarly, it confirmed that the policy would support development proposals which retained the car parking provision above or below any such proposed development in an existing car park.
- 7.73 I recommend that the first part of the policy is recast so that it becomes a criteria-based policy. Whilst its effect would be unchanged, the format of the policy would have the clarity required by the NPPF. Otherwise, the policy meets the basic conditions.

Replace the first part of the policy with:

‘Proposals for the enhancement of car parks, the provision of additional spaces within existing car parks or the development of new car parks will be supported where they:

- **incorporate the use of appropriate surfacing materials, boundary treatments, signage, lighting; and**
- **do not have an unacceptable impact on the character and appearance of the immediate locality.’**

Policy 14: The provision of new education facilities in Stamford

- 7.74 This policy reflects the limited capacity in primary schools across Stamford. The two largest, located on the west of the town, are over-subscribed. Any primary school capacity exists in schools that are clustered together in the east of the town and travel to these from the main Stamford community increases traffic through the town.
- 7.75 The policy offers support to the development of new educational facilities subject to a series of criteria.
- 7.76 It takes a positive approach to this important matter. For clarity, I recommend that the reference to ‘have considered’ is replaced with ‘meet the following criteria’. On this basis, the policy would become criteria-based rather than simply requiring that a developer had considered the matters concerned. I also recommend detailed modifications to the wording of the criteria to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute towards the delivery of the social dimension of sustainable development.

In the opening part of the policy replace ‘have considered’ with ‘meet the following criteria’.

In b) replace ‘has a’ with ‘should provide’.

In c) replace ‘in a significant loss of amenity to residents’ with ‘in an unacceptable impact on the amenity of residential properties in the immediate locality’.

Policy 15: The provision of new cultural or creative facilities in Stamford

- 7.77 Stamford has several cultural or creative spaces that are regularly used and provide the necessary space for creative arts, dance and theatre. These spaces are important to the local economy and to the social well-being of the local community. They also contribute towards a diverse town centre and support the local visitor economy. The policy comments that new or improved facilities will help to diversify the cultural offer to residents in the town will be supported.
- 7.78 For clarity, I recommend that the reference to ‘have considered’ is replaced with ‘meet the following criteria’. On this basis the policy would become criteria-based rather than simply requiring that a developer considered the matters concerned. I also recommend that the detailed wording of the criteria is modified to reflect the revised wording in the initial part of the policy.

In the opening part of the policy replace ‘have considered’ with ‘meet the following criteria’

Replace the criteria with the following:

- ‘a) the facility would be accessible to pedestrians, cyclists and those using public transport;**
- b) the development would not have an unacceptable impact on the amenity of residential properties in the immediate locality;**
- c) the development would not have an unacceptable impact on the character, appearance and important views of the area in which it is located;**
- d) the development would not have an unacceptable impact on the historic environment including heritage assets and the setting of Burghley Park; and**
- e) the development would not have an unacceptable impact on the social, built, historic cultural and natural assets of the town.’**

Policy 16: Overnight accommodation

- 7.79 This policy offers support for proposals which would bring forward additional overnight accommodation. It is associated with a series of criteria.
- 7.80 For clarity I recommend that the reference to ‘have considered’ is replaced with ‘meet the following criteria’. On this basis, the policy would become criteria-based rather than simply requiring that a developer considered the matters concerned. I also recommend that the detailed wording of the criteria is modified to reflect the revised wording in the initial part of the policy.

In the opening part of the policy replace ‘have considered’ with ‘meet the following criteria’

Replace the criteria with the following:

- 'a) the facility would be accessible to pedestrians, cyclists and those using public transport;**
- b) the development would not have an unacceptable impact on the amenity of residential properties in the immediate locality;**
- c) the development would not have an unacceptable impact on the character, appearance and important views of the area in which it is located;**
- d) the development would not have an unacceptable impact on the historic environment including heritage assets and the setting of Burghley Park; and**
- e) the development would not have an unacceptable impact on the social, built, historic cultural and natural assets of the town.'**

Community Aspirations

- 7.81 The Plan includes a series of community aspirations which have naturally arisen during the preparation of the Plan. They are contained in a separate section of the Plan to distinguish them from the land use policies. This is best practice
- 7.82 I am satisfied that the Aspirations are distinctive to the neighbourhood area. In some cases, they complement the approach taken in the policies. The following Aspirations are particularly noteworthy:
- to develop a Stamford Green Wheel;
 - to improve public/green spaces;
 - to improve and increase the range of public car parks;
 - to promote active travel; and
 - to provide network of electric vehicle charging points.

Monitoring of the Plan

- 7.83 Section 17 of the Plan correctly identifies the need for the Plan to be monitored.
- 7.84 Paragraph 17.5 comments that the Town Council will consider a review of the Plan if the broader package of housing sites identified in the Plan does not come forward or there are other material changes to policy that will require a more comprehensive review of the Plan. As with the monitoring element of this section of the Plan, the approach taken is entirely proper. Given the implications of the withdrawal of the Rutland Local Plan and the associated recommended modifications in this report, I recommend that an additional sentence is included in this paragraph to address the circumstances which have arisen since the Plan was submitted.

At the end of paragraph 17.5 add: 'In particular the Town Council will monitor the ongoing production of the emerging Rutland Local Plan and the determination of planning applications on the Quarry Farm site to the immediate north and west of the neighbourhood area'

Other matters - General

- 7.85 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SKDC and STC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.86 SKDC has made specific comments on the opening parts of the Plan. I have found them very helpful. I recommend the following modifications which are necessary to ensure that the Plan meets the basic conditions.

Replace paragraph 1.11 with: ‘The town has several open spaces. They are an important element of its social and environmental attractiveness. Policies 5 and 6 of the Plan address this matter’

Delete paragraph 2.6 (as it is a duplicate of paragraph 2.5).

- 7.87 Some local residents have raised a series of proof-reading matters. In its response to the clarification note, STC agreed to incorporate the various corrections into the final version of the Plan. It is appropriate that SKDC and STC ensure that the Plan is both accurate and internally-consistent as part of the final stages of the plan-making process.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Stamford Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to South Kesteven District Council that subject to the incorporation of the modifications set out in this report that the Stamford Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by South Kesteven District Council on 1 April 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient fashion. In particular those concerned have responded constructively to the implications of the withdrawal of the emerging Rutland Local Plan on Policy 1 of the submitted Plan.

Andrew Ashcroft
Independent Examiner
17 May 2022