

Fiskerton cum Morton Neighbourhood Plan

**Report by Independent Examiner to Newark and
Sherwood District**

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Summary and Conclusion

1. The Fiskerton cum Morton Neighbourhood Plan has a clear set of key issues. It sets out a well-defined vision which is supported by objectives.
2. The Plan does not allocate any sites for housing, but includes defined Built-Up-Area Boundaries for the two villages and policies to guide new development that may come forward.
3. I have recommended modification to some of the policies in the Plan for the reasons set out below. A large number of the recommended modifications ensure that the policies are precise. In particular, I have recommended that sites are not identified as both Community Facilities and Local Green Spaces. I have recommended strengthening Policy FCM6 with regard to views and vistas to concentrate on referring to the character of the Conservation Areas and the rural landscape and riverside settings of the villages.
4. Even though I have recommended a number of modifications to the Plan, these do not significantly or substantially alter the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Fiskerton cum Morton Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Fiskerton cum Morton Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 15 May 2017 Newark and Sherwood District Council (NSDC) approved that the Fiskerton cum Morton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Fiskerton cum Morton.
7. The qualifying body is Fiskerton cum Morton Parish Council. The Plan has been prepared by a Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2018 to 2033.
8. I was appointed as an independent Examiner for the Fiskerton cum Morton Neighbourhood Plan in August 2019. I confirm that I am independent from the Parish Council and NSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where 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
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- 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; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*
- 1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7)."

12. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter below.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. NSDC prepared the *Fiskerton cum Morton Neighbourhood Plan The Environmental Assessment of Plans and Programmes Regulations 2004 SEA Screening Statement* in January 2018. It concludes that there are no clear significant negative impacts on the environment resulting from the policies and proposals contained in the Plan. Therefore, there is no requirement to conduct an SEA. The statutory consultees have not objected to this conclusion.
16. Based on the screening determination and with no consultee objection, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
17. As regards Habitat Regulation Assessment (HRA), Fiskerton cum Morton Parish is more than 15 kilometres away from the Birklands and Bilhaugh SAC and any other Natura 2000 site. NSDC concludes in the same report that the Plan will not lead to a significant effect on the integrity of the Birklands & Bilhaugh SAC and therefore does not require a full HRA to be undertaken. The statutory consultees have not objected to this conclusion.
18. On this basis and with no consultee objection, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of *the Conservation of Habitats and Species Regulations 2017(7)*.
19. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and, in particular, does not breach the European Convention on Human Rights obligations.

Policy Background

20. The *National Planning Policy Framework* (NPPF) (2019) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
21. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
22. The development plan for the Fiskerton cum Morton Neighbourhood Plan Area includes the Newark and Sherwood Amended Core Strategy (adopted March 2019) and the Allocations and Development Management Development Plan Document (A&DM DPD) (2013). The Neighbourhood Plan has been produced in parallel to the production of the recently adopted Amended Core Strategy. The strategic policies in the development plan include policies regarding the delivery of homes and jobs in the area and conservation and enhancement of the natural and historic environment.

The Neighbourhood Plan Preparation

23. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
24. I usually outline a brief summary of the consultation process. In this instance, there has been so much consultation that I don't know where to start! The initial consultation process included a consultation meeting with residents in July 2017. This was followed by a number of Steering Group

meetings open to the local community. Various local events provided further opportunity to increase local awareness of the process of the Plan. A regular newsletter kept residents informed. Questionnaires sought local engagement. This is only a very brief summary of the many opportunities for local community involvement.

25. The consultation period on the pre-submission draft of the Plan ran from 20 January 2019 to 3 March 2019. A newsletter publicised the consultation period and 'drop in' events which took place during this consultation period. The newsletter was emailed to all registered residents; there were leaflets to every household. The Plan was publicised on the village notice boards, parish website and facebook. Comments and a questionnaire could be returned through survey monkey, email, on the facebook page of the Neighbourhood Plan Working Group, by regular post, or by requesting direct collection.
26. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. Indeed, I am amazed at the amount of consultation and publicity, which went well beyond the requirements. It is clear that the people responsible for consultation and publicity went to considerable lengths to ensure that the local community was able to engage in the production of the Plan. I congratulate them on their enormous efforts.
27. NSDC publicised the submission Plan for comment during the publicity period between 3 June 2019 to 15 July 2019 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of seven responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
28. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions and other legal requirements referred to above. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. The Parish Council has commented on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the NSDC web site.
29. The Basic Conditions Statement refers to the Amended Core Strategy but then goes on to show in a table how the Neighbourhood Plan Policies are in general conformity with the Draft Core Strategy of July 2017.
30. I sought clarification from NSDC as to whether there have been any strategic changes from the Draft Core Strategy Policies referred to in this table to the corresponding policies in the Amended Core Strategy. NSDC helpfully provided a table setting out where changes have occurred between the Draft Core Strategy and adoption of the Amended Core Strategy, and whether these could be considered strategic. NSDC has confirmed that it does not consider those changes with relevance to the Neighbourhood Plan to be strategic. In these circumstances and the fact that the Plan itself refers to

Amended Core Strategy Policies with regard to the compliance of the policies to strategic policy, I have come to the view that no one is prejudiced by the error in the Basic Conditions Statement.

The Fiskerton cum Morton Neighbourhood Plan

Background To The Neighbourhood Plan

31. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.
32. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
33. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
34. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
35. There are a number of incorrect references to paragraphs in the NPPF. I suspect that the Plan has not been updated with regard to the new NPPF of February 2019. In the interest of precision, I have identified the following paragraphs which need updating.
36. **To meet the Basic Conditions, I recommend modification to the following paragraphs:**
 - 1) **Paragraph 3.1.1 incorrectly refers to core planning principles in the NPPF and paragraph 17 in the NPPF. I recommend modification to paragraph 3.1.1 to read as follows:**

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment, including valued landscapes and heritage assets. The NPPF supports sustainable development in rural villages, as explicitly mentioned in paragraph 78. The NPPF emphasises the importance of protecting the intrinsic character and beauty of the countryside. Policy FCM1 sets out the

scale and location of development that will ensure that growth makes a positive contribution towards the achievement of sustainable development.

2) The quote in paragraph 3.4.1 is not from the current version of the NPPF. In the interest of precision, this should be altered to include reference to the content of paragraph 81 d) in the NPPF as follows:

The National Planning Policy Framework states that planning policies should allow for new and flexible working practices (such as live-work accommodation). As this has not been directly interpreted into a Core Strategy policy by NSDC, this Neighbourhood Plan makes some provision through this policy.

3) The NPPF quotes in Paragraph 3.5.1 are not from the 2019 version of the NPPF. This paragraph should be updated.

4) The quote at the end of paragraph 3.6.1 is not from the NPPF of 2019. This paragraph should be updated.

5) Paragraphs 3.8.1 and 3.8.2 are not quotes from the NPPF of 2019. These need to be updated to refer to Paragraph 112 in the NPPF.

6) Paragraph 3.10.01 refers to core planning principles, but they are no longer in the NPPF. Paragraph 3.10.02 refers to paragraph 59 in the NPPF. This is not the correct reference. These need to be updated.

7) The second quote in paragraph 3.12.1 is not from the NPPF of 2019. I suggest that the first sentence of paragraph 170 in the NPPF is quoted instead.

8) Paragraph 3.13.1 incorrectly refers to paragraphs 89 and 90 in the NPPF. These references should be deleted.

37. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
38. Paragraph 1.3 refers to *the Conservation of Habitats and Species Regulations (2012)*. This should be dated 2017 rather than 2012. **I see this as a minor editing matter.**
39. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations these have to be clearly differentiated from policies for the development and use of land. Paragraph 2.3 refers to Community Aspirations in an Appendix to the Plan. They are actually in Chapter 5 rather than in an Appendix. Thus paragraph 2.3 needs to be amended accordingly. **I see this as a minor editing matter.**
40. There is no reason to include references to the compliance of the Neighbourhood Plan Policies to the former 2011 Core Strategy. There are many such references throughout the Plan. I will not highlight them, but will leave this as **a minor editing matter.**

41. PPG states: *While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order. (Extract from paragraph: 040 Reference ID: 41-040-20160211).*
42. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

FCM1: RESIDENTIAL DEVELOPMENT

43. Paragraph 77 in the NPPF states: *in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.* In addition, it supports the provision of rural exception sites for the provision of affordable housing.
44. Paragraph 59 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
45. Paragraph 79 in the NPPF seeks to avoid the development of isolated homes in the countryside unless they comply with one or more of a list of criteria. This list includes criteria regarding being an essential need for a rural worker, the optimal value of a heritage asset, re-use of redundant buildings, subdivision and design of an exceptional quality.
46. Core Strategy Spatial Policy 1 sets the settlement hierarchy for the District. Fiskerton cum Morton is recognised as part of the rural areas where Core Strategy Spatial Policy 3 applies. This policy states: *local housing need will be addressed by focusing housing in sustainable accessible villages.* In addition it states: *where Neighbourhood Plans define village envelopes, development will only be supported beyond them if they meet the requirements of relevant policies within the Core Strategy or Allocations & Development Management DPD.*
47. A&DM DPD Policy DM8 strictly controls development away from the main built up areas of villages.
48. Core Strategy Core Policy 9 expects new development proposals to demonstrate a high standard of sustainable design. Core Strategy Core Policy 2 supports the provision of affordable housing on rural affordable housing exceptions sites.
49. The Plan does not identify sites for new housing. Policy FCM1 identifies Built Up Area Boundaries for Fiskerton and Morton. Small scale residential

development is supported within these boundaries subject to a list of criteria. In particular the need for accommodation for elderly people and young families is encouraged. This approach and such a current need is identified in supporting evidence, in particular in *A Detailed Investigation into the Housing Needs of Fiskerton cum Morton* produced by Midlands Rural Housing in 2016.

50. There has been objections to the Built Up Area Boundaries. NSDC has questioned whether the inclusion of the small area to the north of Morton Manor Farm provides for a justifiable and defensible boundary. The Built Up Area Boundary for Morton is predominately that identified in a previous District Wide Local Plan adopted in 1999 and includes this area of concern. For Fiskerton, the boundary has been extended from that in the previous District Wide Local Plan adopted in 1999 to include further areas of development along Claypit Lane and Gravelly Lane.
51. The Fiskerton cum Morton Neighbourhood Character Profile provides comprehensive detail of the characteristics of the villages. The local community has been consulted on the extent of the Built Up Area Boundaries and there is limited objection. I note that the Built Up Area Boundaries were designed to align with the previous 1999 boundaries as tightly as possible and to expand only to acknowledge the existence of continuous built up frontages. I am satisfied that the approach taken justifies the Built Up Area Boundaries and contributes towards sustainable development in this rural location.
52. As the built up areas are defined within new Built Up Area Boundaries, I recommend, in the interest of precision, that these are specifically referred to in the first sentence in Policy FCM1.
53. To ensure that housing development takes account of both existing and future needs throughout the Plan period, in the interest of precision I suggest that criterion 1) b) ii) includes reference to the latest evidence of need. I have suggested revised wording.
54. I have suggested revised wording to criterion 1) b) iii) in the interest of clarity.
55. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 56 in the NPPF. Therefore, new development cannot be expected to improve the current situation for existing development. I have therefore suggested revised wording to the 'impact' criteria.
56. Sustainable Urban Drainage systems are now referred to as Sustainable Drainage Systems. Indeed, PPG refers to them as Sustainable Drainage Systems. Therefore, I recommend modification to criterion 1 c) i) in this regard. I see no relevance to the cross reference to Policy FCM 11 in criterion 1) c) vi).
57. The extra word 'to' has crept into the first sentence of Policy FCM1.

58. Criterion 2 refers to residential development in the countryside. This does not take into account the provision of rural affordable housing exception sites or all the criteria in Paragraph 79 in the NPPF. Thus, criterion 2 does not have regard to national policy and is not in general conformity with strategic policy and I have no clear justifiable evidence before me to support this approach. Therefore, I recommend modification to criterion 2. New housing development within the countryside in the Parish will still be strictly controlled, in accordance with national and strategic policy.

59. Subject to the above modifications, Policy FCM1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM1 meets the Basic Conditions.

60. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM1 to read as follows:**

FCM1: RESIDENTIAL DEVELOPMENT

1) Residential development proposals will be supported within the Built Up Area Boundaries of the villages (as shown in Policy Map 1.1 and Policy Map 1.2), provided that all of the following criteria are met:

a) Scale: new housing proposals should be small in scale, and should be of a density consistent with the character of the neighbouring area;

b) Need: new development proposals demonstrably address:

i) the need to provide suitable accommodation for the ageing population of the Parish, in line with the latest evidence. In particular, 1-2 bedroom bungalows will be supported; or,

ii) the need to provide suitable and affordable accommodations for young families moving into the Parish in line with the latest evidence. In particular, 1-2 bedroom houses and Starter Homes will be supported; or,

iii) the promotion of the re-use and redevelopment of brownfield sites as infill within the main built-up area of the villages.

c) Impact: new development proposals will need to demonstrate how they:

i) do not exacerbate flood risk on site or elsewhere, and where possible improve resilience to flooding on site through Sustainable Drainage solutions; and,

ii) are acceptable in terms of their impact on traffic and parking in the area, presenting sensible access solutions and on-site parking provision; and,

iii) are acceptable in terms of their impact on current broadband and telecommunication connectivity; and,

iv) are acceptable in terms of their impact on utility service infrastructures local residents are currently enjoying, including fresh water supply, sewage, and gas distribution; and,

v) are acceptable in terms of their impact on the existing services local people are currently enjoying, in line with Policy FCM7: Community Facilities; and

vi) are acceptable in terms of their impact on the natural environment and amenities local people are currently enjoying, in line with Policy FCM12: Green Infrastructures.

d) Character: Development proposals will be supported where they do not have a detrimental impact on the Character of the Parish, as detailed in the Fiskerton cum Morton Neighbourhood Profile, and instead contribute to maintaining and enhancing the existing character of the villages, in line with Policy FCM5: Character and Design.

2) Residential development outside the Built Up Area Boundaries will be strictly controlled and restricted to uses which require a rural setting. Such development should comply with the Scale, Impact and Character criteria listed in Section 1 of this policy.

FCM2: AFFORDABLE HOUSING

61. Core Strategy Core Policies 1 and 2 set out the NSDC policies on affordable housing with regard to thresholds and rural affordable housing.
62. Policy FCM2 supports the provision of affordable housing for elderly people, smaller properties and starter homes. This approach is endorsed by the evidence in *A Detailed Investigation into the Housing Needs of Fiskerton cum Morton* produced by Midlands Rural Housing in 2016. Policy FCM2 has regard to national policy, particularly contributing towards supporting housing developments that reflect local needs, contributes towards the social objective of sustainable development and is in general conformity with strategic policy. Policy FCM2 meets the Basic Conditions.

FCM3: LOCAL CONNECTION CRITERIA

63. The NSDC local connections policy is set out in the NSDC *Affordable Housing Supplementary Planning Document* (July 2013). Policy FCM3 sets local connection criteria for the allocation of affordable housing. NSDC has confirmed that the criteria in Policy FCM3 is in line with their current criteria. As such, Policy FCM3 has regard to national policy, contributes towards the social objective of sustainable development and is in general conformity with strategic policy. Policy FCM3 meets the Basic Conditions.

FCM4: LOCAL EMPLOYMENT

64. Paragraph 81 d) in the NPPF states that planning policies should *be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*
65. The NPPF supports a prosperous rural economy. Core Strategy Core Policy 6 seeks to help *the economy of Rural Areas by rural diversification that will encourage tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.*
66. Core Strategy Spatial Policy 3 supports the rural economy. A&DM DPD Policy DM8 provides further detail and emphasises strict controls on development away from the main built up areas of villages.
67. Policy FCM4 lists criteria for small scale employment premises. For the same reasons as specified under my comments on Policy FCM1, I have suggested revised wording to the ‘impact’ criteria in this policy and to reference to the Built Up Area Boundaries.
68. Each planning application has to be determined on its merits. To prevent development because of proposed or recently approved development, which may or may not be developed, would not contribute towards sustainable development. Therefore, I recommend the deletion of such references in Policy FCM4.
69. Section 2 refers to conformity with criteria listed in Section 1. As Section 1 requires the site to be inside a village and Section 2 is concerned with the countryside outside, this does create some internal conflict within the policy. I have suggested revised wording.
70. Subject to the above modifications, Policy FCM4 has regard to national policy with regard to supporting a prosperous rural economy, contributes to the economic objective of sustainable development and is in general conformity with strategic policy. Modified Policy FCM4 meets the Basic Conditions.
71. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM4 to read as follows:**

FCM4: LOCAL EMPLOYMENT

1) Within the Built Up Area Boundaries of the villages (as shown in Policy Map 1.1 and Policy Map 1.2), employment-generating development proposals will be supported provided that they comply with the following criteria:

a) Scale: the development proposal is small in scale,

b) Need: the development proposal:

i) provides additional services and amenities for the local residents. In particular, A3, A4, A5, D1 and D2 Use Class development or development supporting existing activity in one of these use classes will be supported; or,

ii) supports the tourism industry in Fiskerton cum Morton. In particular, C1 Use Class development or development supporting existing activity will be supported.

c) Impact: new development proposals will need to demonstrate how they:

i) do not exacerbate flood risk on site or elsewhere, and where possible improve resilience to flooding on site through Sustainable Drainage solutions; and,

ii) are acceptable in terms of their impact on traffic and parking in the area, presenting sensible access solutions and on-site parking provision; and,

iii) are acceptable in terms of their impact on current broadband and telecommunication connectivity; and,

iv) are acceptable in terms of their impact on utility service infrastructures local residents are currently enjoying, including fresh water supply, sewage, and gas distribution; and,

v) are acceptable in terms of their impact on the existing services local people are currently enjoying, in line with Policy FCM7: Community Facilities; and,

vi) are acceptable in terms of their impact on natural environment and amenities local people are currently enjoying, in line with Policy FCM12: Green Infrastructures.

d) Character: The development proposal does not have a detrimental impact on the Character of the Parish, as detailed in the Fiskerton cum Morton Neighbourhood Profile, and instead contributes to maintaining and enhancing the existing character of the villages, in line with Policy FCM5: Character and Design.

2) In the countryside, employment-generating development proposals will be supported provided that they comply with the Scale, Impact and Character criteria listed in section 1 of this policy, and the following Need criteria:

a) Need: the development proposals support:

i) local agriculture and farm diversification; or,

ii) tourism and recreational activities in connection with existing rural activities, countryside attractions or visitor facilities.

3) Residential development proposals which comply with FCM1 and that enable working from home, or that enables businesses to operate from integrated home/work locations, will be supported provided that:

a) the proposal will not result in conflict with neighbouring uses and will not have an unacceptable impact on residential amenity; and,

b) adequate access and parking can be achieved for the proposed use, considering parking requirements of clients and users of the business.

FCM5 CHARACTER AND DESIGN

72. Paragraph 124 in the NPPF emphasises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
73. Paragraph 125 in the NPPF states: *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 plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
74. Paragraph 127 in the NPPF lists criteria for design policies, including that developments *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
75. Core Strategy Core Policy 9 expects new development proposals to demonstrate a high standard of sustainable design. A&DM DPD Policy DM5 details design criteria for consideration in all new development and Policy DM6 specifies criteria for household development.
76. Policy FCM5 is a general character and design policy to guide development. It is supported by the Neighbourhood Character Profile which is a comprehensive character assessment. I note that this document is a supplementary planning document that will be used in conjunction with Policy FCM5. My concern is that the Neighbourhood Character Profile contains many policies and policy recommendations which are not all included within the Plan itself. This creates a conflict. For the Neighbourhood Character Profile to become a supplementary planning document, this needs to be resolved. Either the Neighbourhood Character Profile is significantly amended to accord with the policies in the Plan, or it is made clear in the Plan and in the Neighbourhood Character Profile that the Neighbourhood Character Profile policies are superseded by the policies in the Plan.

77. Having regard to the above, criterion 2) in Policy FCM5 should remove reference to 'other advice' in the Neighbourhood Character Profile.
78. Due to my recommendations below for modification to Policies FCM6 and FCM10, I have suggested revised wording to criteria 1 c) and g).
79. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Therefore, I recommend the deletion of criterion 3) with regard to building standards and for the first sentence of criterion 4) regarding construction to specify that this only applies to non-residential development.
80. It may not always be possible to implement Sustainable Drainage solutions. Thus, I recommend the inclusion of 'where possible' in criterion 4). This aligns with both Policies FCM1 and FCM4 on this matter.
81. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development does not need to provide parking. Therefore, in the interest of precision, I suggest that 'where appropriate' is added to criterion 5) regarding parking.
82. Subject to the above modifications, Policy FCM5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM5 meets the Basic Conditions.
83. During the course of this examination, the Government published updated design guidance, including the National Design Guide. I had already examined Policy FCM5 and come to the above conclusions. Having subsequently read the new guidance, I see no reason to alter my conclusions as I am satisfied that my recommendations to the policy are also in accordance with this guidance. Had this not been the case, in the interest of fairness I would have sought the views of the Parish Council with regard to the impact of the new guidance on Policy FCM5.
84. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) either the Neighbourhood Character Profile is significantly modified to accord with the policies in the Plan, or it is made clear in the Plan and in the Neighbourhood Character Profile that the Neighbourhood Character Profile policies are superseded by the policies in the Plan.**

2) modification to Policy FCM5 to read as follows:

FCM5: CHARACTER AND DESIGN POLICY

1) Developments will be supported provided that their design and specifications complement the established character of the villages as

described in the Fiskerton cum Morton Neighbourhood Profile, taking particular account of:

- a) the ways in which the overall form, scale, massing, layout and proportions of new buildings and extensions relate to neighbouring buildings and impact on the character and appearance of the villages as a whole; and,
 - b) the visual impact of materials used for external walls and roofs, and the desirability of selecting these from a locally distinctive palette; and,
 - c) the ways in which the development impacts on designated and non-designated heritage assets as described in Policy FCM10; and
 - d) the visual importance of defining boundaries - particularly boundaries between public and private realms - in ways that are consistent with the mixture of hedges and brick walls that traditionally contribute to the character and distinctiveness of the villages; and,
 - e) the importance of retaining existing mature trees, hedgerows and verges, and to include in new development appropriate landscaping solutions to mitigate visual impact, preferably using native species; and,
 - f) the desirability of echoing and interpreting locally distinctive architecture and building elements of traditional buildings and heritage assets in the design and construction of new buildings and structures; and,
 - g) the impact of new buildings and structures on the setting of the villages within the wider landscape.
- 2) Where appropriate, applicants should explain how these issues have been taken into account in the design of developments for which planning permission is sought.
- 3) New non-residential development should be designed to be resilient in the long-term, taking into account the potential impacts of climate change. New development will be required to demonstrate adequate consideration of Flood Risk and adoption of best practices in the provision of Sustainable Drainage solutions where possible.
- 4) Where appropriate, new development will be required to demonstrate provision of adequate access and off-street parking. Where development includes a garage or any other form of car shelter, it will need to be demonstrated that the garage or car shelter is able to accommodate an average family car, leaving enough room for the driver to comfortably get in and out of the vehicle.

FCM6 VIEWS AND VISTAS

85. Paragraph 170 in the NPPF requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.
86. Core Strategy Spatial Policy 3 is a strategic policy for the rural areas. In particular, it states that new development should not have a detrimental impact on the character of the location or its landscape setting. This is further emphasised in A&DM DPD Policies DM5 and DM8. Core Strategy Core Policy 13 seeks to ensure that landscapes, including valued landscapes, have been protected and enhanced.
87. Policy FCM6 seeks to protect views and vistas, with emphasis on views of the Conservation Areas, open countryside and the riverside. The Views and Vistas Overview (April 2019) identifies a series of views and vistas examples, but does not identify specific views or vantage points and it is not a definitive list.
88. PPG requires proportionate, robust evidence to support the choices made and the approach taken to policy making in a neighbourhood plan. As views and vistas to be protected are not specifically identified in the policy, it makes it extremely difficult to implement and defend this policy for development control purposes.
89. It is clear that The Views and Vistas Overview has identified the local historic and rural character. In particular, it identifies the importance of protecting the rural setting of the Conservation Areas and the riverside setting of Fiskerton. In this context, I recommend modification to Policy FCM6 to seek to protect these characteristics of the Parish that have been identified by the local community. This does not mean that all the hard work in The Views and Vistas Overview has been for nothing. It simply ensures that the important characteristics of the area identified in this Overview can be defensibly protected by the policy. I have suggested revised wording.
90. As regards the supporting text in paragraphs 3.6.2 to 3.6.5, in the interest of precision I suggest that it is made clear that The Views and Vistas Overview has resulted in identifying the unique character and landscape setting worthy of protection. I have suggested revised wording.
91. Subject to the above modifications, Policy FCM6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM6 meets the Basic Conditions.
92. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy FCM6 to read as follows:**
- New development should not have a detrimental impact on the character and appearance of the Conservation Areas and the rural landscape setting of the villages. For Fiskerton, this includes the riverside setting of the village.**

2) modification to paragraphs 3.6.2 – 3.6.5 to read as follows:

Compliance with local plan

3.6.2. FCM6 conforms with the amended Core Strategy (March 2019) Core Policy 13 (Landscape Character) and the Allocations and Development Management DPD (2013) DM5 policy, which pursues a landscape strategy to improve the condition and sensitivity of the Landscape with respect to local character. FCM6 conforms with these policies by supporting protection of the character and appearance of the Conservation Areas and the rural landscape and riverside settings, which were identified through a neighbourhood profile.

Compliance with consultation result.

3.6.3. Fiskerton and Morton both have distinctive landscape settings and villagescapes. Views and vistas, both of natural / semi-natural features, and of buildings and building groups, are valued by local people and contribute significantly to each village's distinctive character and identity. New development can have a significant visual impact upon locally important characteristics and settings, so consideration needs to be given to the visual impact of development proposals so as to protect that which is valued, and manage change appropriately.

3.6.4. The following characteristics and settings are considered to be of particular importance:

- i) the character and setting of the Fiskerton Conservation Area within an open rural and riverside setting; and**
- ii) the character and setting of the Morton Conservation Area within an open rural setting.**

3.6.5. As part of the preparation of the Neighbourhood Profile, a number of views and vistas have been identified by participants as distinctive of Fiskerton and Morton. Photographic evidence of such views and short descriptions of them have been collected in a Views and Vistas Overview. The document is meant to provide some examples and a general flavour of the unique landscape characteristics of the Parish and settings of the villages worthy of protection.

FCM7 COMMUNITY FACILITIES

93. Paragraph 92 in the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters, plan positively for the provision of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

94. Core Strategy Spatial Policy 8 resists the loss of existing identified community facilities.
95. Policy FCM7 supports the retention of existing community facilities and lists those important to the community. This is in general conformity with criteria in Core Strategy Spatial Policy 8. My main concern is that the Arthur Radford Sports Ground and Hall, Village Green and Fishermen's Car Park are also designated as Local Green Spaces in Policy FCM11. Policies for managing development within a Local Green Space (LGS) should be consistent with Green Belt Policy. My concern is that the criteria in FCM7 regarding the loss of the community facilities may well conflict with the restrictions on development in a LGS.
96. In the interest of precision, I suggest that the Arthur Radford Sports Ground, Village Green and Fishermen's Car Park are deleted from Policy FCM7 and retained as LGS in Policy FCM11. The Arthur Radford Hall can be retained as an important community facility in Policy FCM7. Maps 7.1 and 7.2 should be amended accordingly. **I see these map amendments to be minor editing matters.**
97. The last sentence of Policy FCM7 is a statement rather than policy. Therefore this should be deleted from the policy. If the Parish wishes for this sentence to be included in the accompanying text, **I see this as a minor editing matter.**
98. Subject to the above modifications, Policy FCM7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM7 meets the Basic Conditions.
99. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM7 to read as follows:**

FCM7: COMMUNITY FACILITIES

1) Proposals involving the loss of the local community facilities will not be supported unless:

- a) an alternative facility to meet local needs is available that is both equally accessible and of equal benefit to the community, or**
- b) all options for continued use have been fully explored and none remain that would be financially viable. This would require demonstration that the facility has been marketed for its current use for an adequate period of time, at an appropriate price, and through adequate advertising strategies, and that no interest has been received.**

2) The community facilities listed below and in Policy Map 7.1 and 7.2 are deemed to be important to the community and are, therefore, protected in accordance with to Section 1 of this policy:

i) Full Moon Inn

- ii) St Denis' Church
- iii) Morton Church Hall
- iv) Railway Station
- v) Former Methodist Chapel
- vi) The Bromley Pub
- vii) Fiskerton Village Shop
- viii) Fiskerton Post Office
- ix) Fiskerton Salon
- x) Arthur Radford Hall

3) Developers are encouraged to engage with the Parish Council prior to the preparation of any planning application to confirm what the local priorities are, to ensure that, where appropriate and viable, the facilities proposed to complement any development proposals reflect these aspirations.

FCM8 BROADBAND AND SERVICES

- 100. Paragraph 112 in the NPPF states: *advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks.*
- 101. Core Strategy Core Policy 9 refers to future provision of guidance with regard to sustainable development, including the provision of broadband.
- 102. Policy FCM8 seeks to ensure continued high speed broadband and supports advanced connectivity technologies in mobile communication. I note that Fiskerton and Morton are currently served by a full fibre broadband network which places the majority of properties in the Parish in the top 4% for broadband connectivity nationally and that the village fibre network is completely buried.
- 103. As previously mentioned, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. As such, new developments cannot be required to contribute to improvements in service for existing residents and businesses as specified in criterion 2).
- 104. As the village fibre network is completely buried, I see no need for the last sentence in criterion 3) with regard to burying existing lines.
- 105. Following on from my recommendation with regard to views and vistas in Policy FCM6, I recommend modification to criterion 4).

106. Subject to the above modifications, Policy FCM8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM8 meets the Basic Conditions.

107. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM8 to read as follows:**

FCM8: BROADBAND

1) Development proposals that improve existing and provide new access to a high-speed broadband network to serve properties in the Parish will be supported.

2) New development should provide the means for new residents to access the most advanced high-speed broadband network technologies.

3) Where possible, new development should include solutions to install all necessary telecommunications cables and fibres in ducting underground and not on new or existing roadside poles.

4) Development proposals that contribute to the improvement of phone coverage and the most advanced connectivity technologies in mobile communication will be supported, provided that the installation, size and siting of the equipment will have no unacceptable detrimental impact on the character and setting of the villages.

FCM9 ACCESS TO RAILWAY STATION PARKING

108. The NPPF promotes sustainable transport, including opportunities to promote walking, cycling and public transport.

109. Core Strategy Spatial Policy 7 promotes an improved and integrated transport network with an emphasis on non-car modes as a means of access to services and facilities. Core Strategy Core Policy 11 promotes rural accessibility.

110. Paragraph 3.9.1 should refer to Core Strategy Spatial Policy 7 (Sustainable Transport) not Spatial Policy 9 (Sustainable Transport). **I see this as a minor editing matter.**

111. Policy FCM9 supports improvement in parking provision for the station and improvement to access to the station. I note that there is local concern regarding the existing parking arrangements. I have seen for myself the existing arrangements and the distance from the station to both villages. Policy FCM9 encourages sustainable transport. As such it has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy FCM9 meets the Basic Conditions.

FCM10 HERITAGE ASSETS

112. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
113. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 185 in the NPPF refers to the desirability of sustaining and enhancing the significance of heritage assets.
114. Paragraph 197 in the NPPF states: *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
115. Core Strategy Core Policy 14 seeks: *the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy.*
116. A&DM DPD Policy DM 9 supports Core Strategy Core Policy 14.
117. Recently updated PPG states:
- There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
- Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*
- (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).
118. Policy FCM10 identifies unlisted buildings of local interest. Those within the Conservation Areas are identified in the Conservation Area Appraisals for each village. I sought confirmation from NSDC as to whether these properties are already on their register of non-designated heritage assets. NSDC has confirmed that they are on the register, along with the former Methodist Chapel.
119. Four additional properties are identified in Policy FCM10 as unlisted buildings of local interest. In accordance with recently updated PPG, criteria used for selection of non - designated heritage assets should be available

and such designations should be based on sound evidence. Other than being identified by residents as part of a walkabout, I have no robust evidence to justify that the properties have been identified based on sound evidence. At least, I would have expected this list to be compiled using criteria for selection as advised by Historic England in *the Historic England Advice Note 7: Local Heritage Listing*, or similar criteria.

120. As these four properties have not been chosen using clear criteria for selection and have not been identified on sound evidence, I am afraid that their designation in this neighbourhood plan does not have regard to national policy. I see this as only a slight set back. NSDC can be asked to consider whether these properties satisfy the criteria for inclusion on their list of non - designated heritage assets. NSDC will then be able to fully assess the potential for these properties to be listed as non-designated heritage assets against a suitable list of criteria, in accordance with guidance in PPG.
121. Paragraph 3.10.7 can be amended in accordance with the modification I am suggesting to Policy FCM10 and can state that NSDC will be requested to consider whether these properties satisfy the criteria for inclusion on their list of non - designated heritage assets. **I see this as a minor editing matter.**
122. Sections 3) and 4) do not have regard to national policy for determining planning applications that may affect non-designated heritage assets. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Therefore, I have suggested revised wording.
123. Section 1 of Policy FCM10 refers to various heritage assets. I sought clarification as to whether all of these heritage assets are actually in the Parish. I was informed that there are no Registered Historic Parks and Gardens in the Parish. Therefore, in the interest of clarity, this reference should be deleted from the policy. In addition, rather than 'respect existing heritage assets', to have regard to national policy, reference should be made to having regard to the significance of these assets. I have suggested revised wording.
124. In the interest of precision, Policy Map 10 and Appendix 1 need to include Scheduled Monuments and other archaeological sites, as identified in Section 1) of Policy FCM10.
125. Subject to the above modifications, Policy FCM10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM10 meets the Basic Conditions.
126. Paragraphs 3.10.5 and 3.10.7 will need revising to accord with modified Policy FCM10. **I see this as a minor editing matter.**
127. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy Map 10 and Appendix 1 to include all heritage assets referred to in Policy FCM10 and exclude The former Station House, The Old Mill, Vine Cottage and Wheelwright Cottage.**

2) update Appendix 1 to accord with Policy FCM10.

3) modification to Policy FCM10 to read as follows:

FCM10: HERITAGE ASSETS

1) Development proposals within the village centres of Fiskerton and Morton should have regard to the significance of existing heritage assets, including Scheduled Monuments and other archaeological sites, Listed Buildings and Conservation Areas. In determining applications for development that directly or indirectly affect properties on the NSDC register of non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Such heritage assets are shown and listed, respectively, in Policy Map 10 and in Appendix 1 of the Plan.

FCM11 LOCAL GREEN SPACE

128. The NPPF in paragraphs 99 - 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

129. Core Strategy Core Policy 12 seeks to conserve and enhance the biodiversity and geological diversity of the District.

130. During my visit to the Parish I was able to view all the Local Green Spaces. The Local Green Space Assessment (April 2019) provides a detailed

justification for each site. I am satisfied that they all meet the criteria for designation. As mentioned under Policy FCM7, in order for the Arthur Radford Hall to be identified as a community facility under that policy, it should be removed from the LGS designation on Policy Map 11. This will ensure clarity in that there will be no internal conflict within the Plan.

131. It is clear in the NPPF that development on LGS is only allowed in very special circumstances, consistent with Green Belt policy. These very special circumstances are not defined in the NPPF and it is not for me to decide whether development relating to the function of the LGS is a very special circumstance. Therefore, to have regard to national policy, I recommend modification to the last sentence in Policy FCM11. I have suggested revised wording.
132. Subject to the above modifications, Policy FCM11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM11 meets the Basic Conditions.
133. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy Map 11 to remove the Arthur Radford Hall from the LGS designation.**

2) modification to Policy FCM11 to read as follows:

FCM11: LOCAL GREEN SPACE

1) To ensure the protection of areas of high natural value and ensure the delivery of adequate green infrastructure, the sites listed below, identified in Policy Map 11, and listed in the Local Green Space Assessment are designated as Local Green Spaces;

i. Fiskerton Village Green

ii. Arthur Radford Sports Ground

iii. Riverside Car Park and Picnic Area

iv. Fishermen's Car Park and Picnic Area

Proposals for development on the Local Green Spaces will only be permitted in very special circumstances.

FCM12 GREEN INFRASTRUCTURE AND ACCESS TO COUNTRYSIDE

134. Paragraph 170 in the NPPF requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes, minimising impacts on biodiversity, providing net gains in biodiversity where possible and recognising the wider benefits gained from trees and woodland. One of the principles to protect

and enhance biodiversity in Paragraph 175 states: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

135. Core Strategy Core Policy 12 seeks to conserve and enhance the biodiversity and geological diversity of the District. It seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District.
136. *A&DM DPD Policy 7 states: new development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision.*
137. A&DM DPD Policy DM5 seeks to ensure that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.
138. Policy FCM12 seeks to conserve, protect and enhance identified green infrastructure. As previously mentioned, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where it would be unreasonable for small scale development to be required to contribute towards the enhancement and management of existing green infrastructure or contribute to the provision of new green spaces. Therefore, I have recommended revised wording for criterion 1.
139. Criterion 2 mixes the purpose or function of existing green infrastructure with its related ecological value. As mentioned above, paragraph 175 in the NPPF is specific with regard to loss of biodiversity. Criterion 2 in Policy FCM12 does not have regard to this national policy requirement. I have suggested revised wording in this respect.
140. Subject to the above modifications, Policy FCM12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy FCM12 meets the Basic Conditions.
141. Paragraph 3.12.2 makes reference to Core Strategy Core Policy 11, but that policy is not relevant and thus the reference should be deleted. **I see this as a minor editing matter.**
142. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM12 to read as follows:**

FCM12 GREEN INFRASTRUCTURE AND ACCESS TO COUNTRYSIDE

1) Where appropriate, new development proposals will be encouraged to:

a) contribute to the enhancement and management of existing green corridors and infrastructure assets, where practicable; and

b) contribute to the provision of new public green spaces and enhance green infrastructure linkages, where practicable.

2) Development proposals that result in a detrimental impact on the purpose or function of existing green infrastructure will not be supported unless they;

a) demonstrate that the detrimental impact on the purpose or function of the green infrastructure is unavoidable and significantly and demonstrably outweighed by the benefits of the development; and

b) provide for the implementation of alternative solutions as part of the development, that reinstate green infrastructures purpose or function to the previous quality and connectivity.

3) Development proposals that result in significant harm to the biodiversity of existing green infrastructure and that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, will not be supported.

4) For the sake of this policy, green infrastructure includes, but is not limited to, the following green corridors, linkages, and green assets:

i. Network of footpaths linking Morton and Fiskerton villages with other villages

ii. Public footpath from Morton to Station Road

iii. Public footpath from Morton to Longmead and Green Drive

iv. Public footpath along the riverside (River Tow Path)

v. Public footpath (Trent Lane)

vi. Ditches and dykes

vii. Grass verges, mature trees and hedgerows

FCM13 FLOOD RISK

143. The NPPF in paragraph 155 seeks to direct development away from areas at highest risk of flooding. Paragraphs 163-164 specify the need for site-specific flood risk assessments, and sequential and exception tests, as applicable, in areas at risk of flooding. Applications for some minor

development, including change of use should not be subject to these tests but should meet the requirements for site-specific flood risk assessments.

144. Core Strategy Core Policy 10 and A&DM DPD Policy DM5 aim to steer development away from areas at highest risk of flooding.
145. Policy FCM13 seeks to ensure that national policy regarding the sequential test and exceptions test is applied to development proposals in areas at risk of flooding. To have regard to national policy with respect to some minor development, including change of use, this should be reflected in Policy FCM13. I have suggested revised wording.
146. Subject to the above modification, Policy FCM13 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy FCM13 meets the Basic Conditions.
147. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FCM13 to read as follows:**

FCM13 FLOOD RISK

1) Both Fiskerton and Morton are subject to varying degrees of flood risk. Development proposals will therefore be supported in areas of potential risk of flooding subject to their ability to pass the sequential test and where appropriate the exception test, where such tests are required, in line with Core Policy 10 and Policy DM5.

Referendum and the Fiskerton cum Morton Neighbourhood Plan Area

148. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
149. **I am pleased to recommend that the Fiskerton cum Morton Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
150. I am required to consider whether or not the Referendum Area should extend beyond the Fiskerton cum Morton Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Minor Modifications

151. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular the Introduction and Process Overview sections need updating and supporting text may need modification due to the proposed modifications to policies.

Janet Cheesley

Date 14 October 2019

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
Regulation 16 Representations
Newark and Sherwood Amended Core Strategy (March 2019)
NSDC Allocations and Development Management Development Plan Document (2013)
NSDC Affordable Housing Supplementary Planning Document (July 2013)
Fiskerton cum Morton Neighbourhood Character Profile
The Views and Vistas Overview (April 2019)
The Local Green Space Assessment (April 2019)
A Detailed Investigation into the Housing Needs of Fiskerton cum Morton produced by Midlands Rural Housing (2016)
Fiskerton An Appraisal of the Character and Appearance of the Conservation Area (designated 2002)
Morton An Appraisal of the Character and Appearance of the Conservation Area (designated 2003)