



**Chelveston cum Caldecott Parish Council**

# **Chelveston cum Caldecott Neighbourhood Development Plan**

A Report to East Northamptonshire Council of the Independent  
Examination of the Chelveston cum Caldecott Neighbourhood  
Development Plan

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22 November 2016

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## Overall Finding

This is the report of the Independent Examination of the Chelveston cum Caldecott Neighbourhood Development Plan. The plan area is the entire Chelveston cum Caldecott Parish area, which came into effect on 15 October 2014 under the 2014 Parish Review. The Plan period is 2016 to 2031. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum based on the Plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that *“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Chelveston cum Caldecott Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Chelveston cum Caldecott Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Chelveston cum Caldecott Neighbourhood Area which was formally designated by East Northamptonshire Council (the District Council) on 8 April 2015. The Neighbourhood Plan has been prepared by the Chelveston cum Caldecott Neighbourhood Plan Working Party, a properly constituted sub-committee of the Parish Council formed on 10 June 2013.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council has submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The

<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted<sup>3</sup>.
7. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner, I am required to produce this report and must recommend either:

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<sup>3</sup> National Planning Policy Framework paragraph 198 DCLG 2012

- that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
9. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>6</sup> The Guidance states *“it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”*
11. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

## Basic Conditions and other statutory requirements

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>7</sup> A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
  - the making of the neighbourhood plan contributes to the achievement of sustainable development,

<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>8</sup>
13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
14. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>10</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.
15. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 8 April 2015. A map of the Chelveston cum Caldecott 2015 Parish Boundary (which came into effect on 14 October 2014) is included as Figure 3.1 of the Submission Version Plan. Text below Figure 3.1 confirms the Neighbourhood Plan area is aligned with that boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> All requirements relating to the plan area have been met.
16. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a

<sup>8</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>10</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

<sup>11</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004



designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> I am able to confirm that I am satisfied that each of these requirements has been met.

17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>15</sup> The front cover of the Submission Version clearly shows the plan period to be 2016 – 2031.
18. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>16</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
20. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
21. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type)

<sup>13</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>15</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>17</sup>

## Documents

22. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 Submission Plan (Consultation Version 4.0) March 2016
- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 Basic Conditions Statement March 2016
- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 Sustainability Appraisal March 2016
- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 Consultation Statement March 2016
- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 Changes incorporated into Consultation Version 4.0 following consultation on Versions 1.0, 2.0, and 3.0 March 2016
- Chelveston cum Caldecott Parish Neighbourhood Plan 2016-2031 References and Evidence Base March 2016
- Representations received during the Regulation 16 publicity period
- North Northamptonshire Joint Core Strategy 2011-2031 (Local Plan Part 1: strategic policies) July 2016 [In this report referred to as the JCS]
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2016) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*]

<sup>17</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

## Consultation

23. The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
24. An exhibition held in the Village Hall in December 2012 asked residents to consider how the village should develop. A subsequent survey in January 2013 produced a 44% response. The Neighbourhood Plan Working Party has ensured community awareness of progress in plan preparation through dedicated newsletters and articles in the Parish newsletter delivered to every household on alternate months.
25. A call for aspirational development sites closed in November 2013 with submitted proposals displayed at a very well attended two-day exhibition in December 2013 that generated significant feedback. Revised propositions put forward by landowners after public consultation meetings were the focus of a poll of all registered electors in the Parish in March 2014. 80% of residents participated, submitting almost 3,500 comments. Summary results were distributed to all households.
26. An informal consultation period was undertaken for six weeks commencing 1 August 2014 through a newsletter, loan copies of the emerging plan, and a consultation evening. Seven landowners made representations which, along with Parish Council responses, were published.
27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six-week period commencing 26 January 2015. A total of 33 responses were received from statutory consultees and residents during the Regulation 14 Pre-submission consultation period. The report of changes incorporated into Consultation Version 4.0, following consultation on Versions 1.0, 2.0, and 3.0 shows that representations resulted in a number of changes to the Plan, that was approved by the Parish Council for submission to the District Council in March 2016.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 8 April and 23 May 2016. Representations from 11 different parties were submitted to the District Council during the publicity period which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part. Historic England have offered general advice but this does not require modification of the Neighbourhood Plan.
29. Where appropriate I refer to those representations that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies.
30. In a consultation, Government, had put forward a question as follows *“Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?”* The published Government response to the consultation states *“We do not intend to take forward the proposals to introduce a new basic condition...”*<sup>18</sup> The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) Explains how they were consulted;
  - c) Summarises the main issues and concerns raised by the persons consulted; and
  - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>19</sup>
31. The Consultation Statement (March 2016) includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Working Party that has prepared the plan has taken great care to ensure stakeholders have had considerable opportunity to influence the plan content at all stages.

<sup>18</sup> Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

<sup>19</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

## The Neighbourhood Plan taken as a whole

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

33. The Basic Conditions Statement states *“The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>20</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. The Basic Conditions Statement includes *“The NDP was also screened through the East Northamptonshire Equalities Impact assessment. No adverse issues were apparent in this screening”*. From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

34. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council to submit to the District Council either 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. The District Council issued a Screening Opinion on 17 November 2014 concluding that a full Strategic Environmental Assessment (SEA) will not be required.

<sup>20</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

35. The objective of EU Directive 2001/42<sup>21</sup> is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>22</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>23</sup> I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
36. A Sustainability Appraisal report states “The whole of the Neighbourhood Plan was screened against the Habitats Regulations Assessment.” The District Council produced a Screening Report on 17 November 2014 which revealed that it will not be necessary to undertake a full HRA ‘appropriate assessment’ to accompany the Neighbourhood Plan. The Basic Condition Statement confirms it was judged that a formal Habitats Regulations Assessment was not required. The Screening Report however included an error in that it was incorrectly stated that the Parish is at least 3 kilometres from the Nene Valley Gravel Pits Special Protection Area and Ramsar site. The extreme complexity of the site in question no doubt contributed to the miscalculation.
37. In a Regulation 16 representation Natural England refer to the Nene Valley Gravel Pits Special Protection Area and Ramsar site as follows: “The site extends for around 35 kilometres and covers around 1,370 hectares. It is designated as a Special Protection Area (SPA) for its international importance as wetland habitat for non-breeding water birds. The site is also protected under the Ramsar Convention as a wetland of international importance and is designated as a Site of Special Scientific Interest (SSSI). The SPA itself is a composite site, is not uniform, and contains 20 separate blocks of land and water fragmented by various features, extending along the Nene Valley. The various blocks of the SPA have different sensitivities, some being more sensitive to development and recreational disturbance than others”.

<sup>21</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>22</sup> Defined in Article 2(a) of Directive 2001/42

<sup>23</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012



38. Natural England states *“We have noticed that some of the allocations identified in the neighbourhood plan are within the 3km zone of influence for the SPA. The HRA of the North Northamptonshire Joint Core Strategy identified that any new residential developments which are within 3Km of the Nene Valley Gravel Pits SPA would have a likely significant effect, due to recreational disturbance impacts. As a result of this finding a Mitigation Strategy is being developed to ensure the required mitigation measures are delivered. The HRA screening for this Neighbourhood Plan identified that allocations were beyond the 3Km zone of influence and would therefore not have a likely significant effect. We have now discovered that the measuring of the distance from the SPA is actually incorrect for some of the allocation sites. Therefore, to ensure the neighbourhood plan is compliant with the Habitats Regulations, in addition to the above suggested changes we also advise the following:*

- *The neighbourhood plan includes an additional bullet point in Policy H6 (Developer contributions) which requires developers to make a contribution to any mitigation measures as deemed necessary in the North Northamptonshire Joint Core Strategy Mitigation Strategy, to ensure there is no adverse effect either alone or in-combination with other plans or developments.*
- *The HRA of the Neighbourhood Plan is rescreened and the justification for concluding no LSE is changed to say that any new development which results in additional residential dwellings will comply with the mitigation measures set out in the mitigation strategy for the Joint Core Strategy.*
- *Policy H6 (developer contributions) – an additional bullet point is needed which specifies that any new development which results in a net gain in residential units will make an appropriate contribution to deliver any required mitigation measures as specified in the NNJCS Mitigation Strategy”.*

39. Natural England states *“We appreciate that this advice is different to that which we gave in our response dated 17 December 2014 and in February 2015. However, from reviewing our previous response in 2014 it appears that at that point we hadn’t seen a copy of the detailed draft neighbourhood plan. The advice was also based on an allocation for 9 houses which already had outline planning permission. The application of the 3Km zone of influence has been developing since the last consultation on the neighbourhood plan. Hopefully the suggestions we have made should resolve the Habitats Regulations compliance issue.”*

40. The District Council states “*Natural England is correct in its assessment. The 3km SPA/ Ramsar site zone includes all of the built up area of Chelveston village and most (around two thirds/ three quarters) of the built up area of Caldecott village. Chelston Rise is situated entirely outside the 3km zone. On this basis, Natural England has been correct in highlighting this issue. Suggested additional text (after Table 5.1): Policy H6 relates specifically to matters of **infrastructure**. The SPA mitigation measures contribution are specifically **not** infrastructure; rather they represent specific **mitigation** deemed necessary to alleviate the adverse impact of additional visitor numbers arising from new residential development within the 3km zone. Therefore, the inclusion of an additional bullet point (as suggested by Natural England) within the infrastructure policy would present all sorts of legal issues; viz a viz the 2010 Community Infrastructure Levy regulations. There will be locally significant effects (LSEs) arising from policies and proposals in the Neighbourhood Plan, given that much of the Plan area and many of the site specific development proposals are situated within the 3km SPA zone. The newly adopted JCS, and SPA Mitigation Strategy already cover these issues. Instead, it is recommended that additional text be included at section 5.1, after Table 5.1, to provide clarification, with reference to the SPA Mitigation Strategy. The Local Plan (Joint Core Strategy, Policy 4) requires the preparation and implementation of a mitigation strategy, in relation to **all** future residential development within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/ Ramsar site (including many of the sites specified in Table 5.1). Given that most of the built up area of Chelveston and Caldecott (although not Chelston Rise) is situated within this 3km zone, any residential development within the area will incur a financial contribution to cover the mitigation measures necessary to alleviate the adverse impacts of development upon the SPA/ Ramsar site. Further details about these requirements are set out in the Addendum to the SPA Supplementary Planning Document: Mitigation Strategy<sup>24</sup>”.*
41. Natural England considered the District Council’s suggested amendments. In response, Natural England (7 September 2016) stated: “*Whilst we take on board the point that inclusion of our suggested wording in Policy H6 may cause problems, we would want to see the requirement for mitigation measures to be included somewhere in policy rather than supporting text to ensure there was*

<sup>24</sup> [http://www.east-northamptonshire.gov.uk/info/200181/planning\\_policy/1783/addendum\\_to\\_the\\_spa\\_spd\\_mitigation\\_strategy](http://www.east-northamptonshire.gov.uk/info/200181/planning_policy/1783/addendum_to_the_spa_spd_mitigation_strategy)



*sufficient weight attached.*” The District Council responded to this outstanding concern suggesting that the relevant text be incorporated into Policy H1.<sup>25</sup> I agree with this approach and have recommended an appropriate modification. On this basis, I conclude the Neighbourhood Plan affords necessary safeguards in respect of the Nene Valley Gravel Pits Special Protection Area and Ramsar site and that the requirements of the EU Habitats Regulations have been met.

**Recommended modification 1:**

**In Policy H1 insert a new second paragraph “For residential development within the Upper Nene Valley Gravel Pits SPA/Ramsar site 3km buffer zone, as shown in the Local Plan, financial contributions to mitigate the adverse impacts of development within the SPA/Ramsar site will be sought in accordance with the addendum to the SPA Supplementary Planning Document: Mitigation Strategy”**

42. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.
43. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
44. I conclude that the Neighbourhood Plan:
- is compatible with the Convention rights
  - does not breach, and is otherwise compatible with, EU obligations
  - is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects
45. The Guidance<sup>26</sup> states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and

<sup>25</sup> [http://www.east-northamptonshire.gov.uk/info/200181/planning\\_policy/178](http://www.east-northamptonshire.gov.uk/info/200181/planning_policy/178) These exchanges between Natural England and the district council have informed the subsequent HRA re-screening that was finalised on 7 November 2016.

<sup>26</sup> National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

46. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>27</sup> which requires plans to be “*consistent with national policy*”.
47. Lord Goldsmith has provided guidance<sup>28</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
48. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made to how the Neighbourhood Plan has specifically responded to paragraphs 14-16 of the Framework.
49. The Neighbourhood Plan includes a positive vision that Chelveston-cum-Caldecott should remain as a small but sustainable rural area. This is consistent with the Framework’s underlying principles and specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system. The statement in the vision relating to a strong sense of community is consistent with the component of the Framework relating to ‘promoting healthy communities.’ References in the vision to “*three distinct*

<sup>27</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>28</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

*settlements”; “each retaining its unique character”* are consistent with the components of the Framework relating to ‘conserving and enhancing the natural environment’ and ‘conserving and enhancing the historic environment.’

50. The Vision is further supported by a statement of objectives that refers to growth of up to 20%, and positive statements relating to housing, employment, a community facility, and access to public transport. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework.
51. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*
53. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>29</sup> The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”*<sup>30</sup>.

<sup>29</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>30</sup> National Planning Practice Guidance (Ref ID:41-072-20140306)

54. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
55. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section that seeks to demonstrate the social and environmental attributes of the Neighbourhood Plan.
56. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by providing for a significant level of growth whilst affording protection to environmental qualities. In particular, I consider the Neighbourhood Plan seeks to:
- Provide for housing growth on identified sites;
  - Provide for new infill housing development;
  - Re-use redundant farm buildings;
  - Ensure new development is of good quality design;
  - Secure infrastructure changes that support new developments;
  - Retain the amenity of identified community facilities;
  - Provide additional allotments;
  - Protect and improve the rights of way network;
  - Encourage employment opportunities and commercial activities; and
  - Support renewable energy generation.
57. I note the Neighbourhood Plan includes a Monitoring and Review of the Plan Section (section 5.4). I consider this represents good practice.
58. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

59. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.<sup>31</sup> “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.<sup>32</sup>
60. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”<sup>33</sup>
61. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Chelveston cum Caldecott neighbourhood area and relevant to the Neighbourhood Plan comprises the North Northamptonshire Joint Core Strategy 2011-2031 (Local Plan Part 1: strategic policies) July 2016 and that all of its policies are considered to be strategic.
62. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.
63. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.*”<sup>34</sup> The use of ‘general’ allows for the possibility of conflict. Obviously,

<sup>31</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>32</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>33</sup> National Planning Practice Guidance (ID: 41-04720 140306)

<sup>34</sup> Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole. In this case, the strategic policy framework is that defined by the North Northamptonshire Joint Core Strategy 2011-2031.

64. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>35</sup>*

65. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.<sup>36</sup>

66. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

<sup>35</sup> National Planning Practice Guidance (ID ref: 41-074 201 40306)

<sup>36</sup> Section 38(5) Planning and Compulsory Purchase Act 2004



## The Neighbourhood Plan policies

67. The Neighbourhood Plan includes a range of policies several of which have multiple parts:

Policy H1: Restricted in-fill development within clearly defined settlement boundaries

Policy H2: Windfall re-use of redundant, traditional farm buildings

Policy H3: Discouraging backland and tandem development

Policy H4: Preserving the sensitive street scenes which define the settlements

Policy H5: Development site allocations

Policy H6: Developer contributions policy

Policy ACV: Protecting Assets of Community Value and Local Heritage Assets

Policy ALT: Provision of allotment gardens

Policy LGS: Designated Local Green Spaces

Policy RoW: Protecting and improving the Rights of Way network

Policy TRF: Traffic management and parking

Policy EC: Employment opportunities and commercial activities

Policy REN: Renewable energy policies

Policy REN1: Specific policy statements relating to the Chelveston Airfield

68. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>37</sup>

<sup>37</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

69. The Guidance 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.”*
70. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... 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”.*
71. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”<sup>38</sup>*
72. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.
73. Several policies include the phrases *“will be permitted”* or *“will not be permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*. This basis for decision making should be made clear through inclusion of an introductory statement, and policies should use the term *“will be supported”* or *“not be supported”* in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a

<sup>38</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.



policy that states development will be permitted or not permitted. I have recommended a modification of policies so that the basis of decision making on planning applications should be clarified.

**Policy H1: Restricted in-fill development within clearly defined settlement boundaries**

74. This policy seeks to establish new housing will be developed on identified in-fill sites within defined settlement boundaries for Chelston Rise, Caldecott, and Chelveston, and that housing development will not be considered on open land outside or adjacent to the defined settlement boundaries.
75. The policy includes the term “*considered*”. Proposals put forward in planning applications must be considered. I have recommended a modification to use the term “supported” so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
76. Northamptonshire County Council states deliverability of sites identified as suitable for in-fill development will be subject to highway access being satisfactorily achieved. Use of the term “will be supported” recognises the basis of decision making is the development plan unless material considerations indicate otherwise. I am satisfied a material consideration at the time of determination of a future planning application will be the achievement of satisfactory highway access.
77. A representation on behalf of the owners of the Star and Garter public house repeats a submission made earlier in the plan preparation process stating the Chelveston village boundary is drawn too tightly and should include the field at the rear of the public house and adjoining allotments, and land in other locations. It is stated “*a boundary that provides a clear demarcation between settlement and countryside will be more stable and defensible in the long term, whilst allowing flexibility within the boundary to meet the settlement’s evolving needs.*” It is stated inclusion of the field at the rear of the pub within the settlement boundary “*will give a degree of flexibility that will allow the provision of new pub facilities, such as additional car parking; and development, including housing, to create capital for reinvestment in the pub.*” The Joint Core Strategy states, Neighbourhood Plans may define village boundaries that can provide a tool to plan positively for growth. It is not within my role to assess whether or not alternative

settlement boundaries would achieve a more sustainable or more sound solution.

78. The Neighbourhood Plan identifies sites where approximately 37 new dwellings will be supported. Policy H1 does not explicitly support housing development within the settlement boundary other than on identified sites. In this respect the policy fails to pay sufficient regard to plan positively to support local development, and the policy does not adequately demonstrate a presumption in favour of sustainable development, both of which are required by the Framework. The approach of Policy H1 is not in general conformity with Policy 11 of the North Northamptonshire Joint Core Strategy 2011-2031 (Local Plan Part 1: strategic policies) July 2016 which states “*Small scale infill development will be permitted on suitable sites within Villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.*” I recommend Policy H1 should support small scale infill development proposals within the defined settlement boundaries subject to the limitations set out in Policy 11 of the Joint Core Strategy. In the absence of this modification the policy would not have sufficient regard for national policy and indeed this issue is of such significance that the Neighbourhood Plan should not proceed to referendum without the modification. As recommended to be modified, the Policy will make provision for new dwellings on identified sites, and place no cap on development that can occur within the settlement boundaries. As recommended to be modified, the Neighbourhood Plan also envisages some residential development will occur outside the settlement boundaries subject to limiting criteria. In this way, Policy H1 would not limit or cap the amount of development that can occur in the Plan area. The Neighbourhood Plan will boost significantly the supply of housing, and in turn enhance or maintain the vitality of the rural communities of the Plan area. The overall approach to new housing development is consistent with the role for Neighbourhood Plans, identified in the Framework, to shape and direct development in their area and, subject to the modification indicated, will be consistent with the presumption in favour of sustainable development.

79. The Guidance states where a Neighbourhood Plan allocates sites, an appraisal of options and an assessment of individual sites against clearly identified criteria must be undertaken. Links are provided to ‘*Housing and economic land availability assessment*’ and ‘*viability*’ within the Guidance. The Guidance states “*it is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to*

*determine which of those sites are the most suitable to meet those needs.” I have already referred to the part of the Guidance that states “While there are prescribed documents that must be submitted with a neighbourhood plan ... 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”.*

80. The Consultation Statement sets out details of the process leading to site allocations. A call for aspirational development sites sent to land owners resulted in 21 sites being put forward in November 2013. The landowner submissions were subject to public consultation through an exhibition, and circulation of details of proposals to all households. Six consultation events were held to review each of the potential development sites in detail. Landowners were able to present their proposals, and residents were able to raise questions at the time, or subsequently through an online facility. 80% of residents participated in a poll to select sites to be supported. It is evident the site assessment process is based on the criterion of public support. This approach is consistent with the national policy intention that neighbourhood planning should seek to shape and direct sustainable development to ensure that local people get the right type of development for their community.
81. Section 2 of the Neighbourhood Plan Sustainability Appraisal sets out the results of a review of housing development sites against a series of clearly identified criteria. I am satisfied the site assessment process has provided information on a reasonable range of sites that are available to meet need, and that the Neighbourhood Plan has determined which of those sites are the most suitable to meet those needs. I have stated earlier in my report that it is not within my role to test the soundness of the Neighbourhood Plan. In this context, it is not within my role to test the soundness of the approach adopted, nor to test whether the strategy adopted is the most appropriate. Independent examination of a neighbourhood plan cannot consider whether the proposed strategy is justified by a proportionate evidence base<sup>39</sup>. Representations have been considered in the context of my assessment whether the Neighbourhood Plan has met the Basic Conditions and other requirements.
82. The approach to development outside the settlement boundaries does not reflect the approach in the Framework. I consider the wording of

<sup>39</sup> Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

Policy H1 does not have sufficient regard to the relevant provisions of the Framework that support a prosperous rural economy, nor to the recognition in the Framework of special circumstances to allow new isolated homes in the countryside. The Framework states *“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”*

I have recommended an appropriate modification of Policy H1 in this respect.

83.A representation on behalf of Mr Mommersteeg states the development to the west of Caldecott Road is long standing and relatively extensive and is an important part of the character of the settlement of Caldecott. I have stated earlier in my report that my role is to consider whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements and does not extend to considering the soundness of the Plan, nor whether some alternative plan would offer a more sustainable solution.

84.A representation by Davies and Co states the Neighbourhood Plan should not be found sound. This is not a matter for my consideration. The representation also proposes housing development on the *“underutilised playing fields and basketball court”* at Chelston Rise. Whilst the representation has put forward additional land as being suitable for allocation in the Neighbourhood Plan I find that Policy H1, as recommended to be modified, meets the Basic Conditions and the existence of any sites outside the settlement boundary, whether they are suitable for development or not, as additional sites, is not a matter against which the Neighbourhood Plan is to be examined. The representation also states the Policy is contrary to the aim of the Framework to boost significantly the supply of housing and does not make provision for circumstances where allocated sites do not come

forward for development. I have earlier in my report found that the Neighbourhood Plan, as recommended to be modified, will boost significantly the supply of housing, and in turn enhance or maintain the vitality of the rural communities of the Plan area. I am satisfied that the Neighbourhood Plan would, if modified as recommended, include no cap on housing development and will include sufficient flexibility to respond to intended allocations not proceeding to development as anticipated.

85. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and conserving and enhancing the natural environment. Subject to the recommended modification 2 below, and subject to recommended modification 1 referred to earlier in my report, this policy meets the Basic Conditions. I refer to the need to adjust Policy titles and supporting text to reflect modification of Policies in the annex to my report.

**Recommended modification 2:**

**Replace Policy H1 with**

**“New small scale infill housing proposals will be supported within the settlement boundaries defined on Figures 5.2, 5.3 and 5.4 where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. Housing development will not be supported outside or adjacent to the defined settlement boundaries unless it is a rural exception scheme, or there are special circumstances for an isolated new home such as:**

- **the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or**
- **where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or**
- **the design of the dwelling is of exceptional quality or innovative nature.”**

**I have earlier in my report recommended an additional modification to Policy H1 (Recommended modification 1)**

**Policy H2: Windfall re-use of redundant, traditional farm buildings**

86. This policy seeks to establish conditional support for re-use of traditional stone/brick built redundant farm buildings as residential dwellings. The policy also seeks to clarify this support will not be extended to demolition or re-development of modern farm buildings.
87. The policy includes the terms “*considered*” and “*considered during the lifetime of this Neighbourhood Plan*”. As all policies apply during the plan period it is unnecessary and confusing for part of a policy to confirm this. Proposals put forward in planning applications must be considered. I have recommended a modification to use the term “supported”. The word “*amenity*” is imprecise. I have recommended an expansion. These modifications are recommended so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
88. The policy justification and Figure 5.5 could lead to an understanding the policy only applies to Manor Farm and Poplar Farm. It should be made clear the policy is not limited in this way so that the policy has greater regard for the approach of the Framework to the creation of homes in the countryside, and the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
89. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:  
In Policy H2**

- replace “considered” with “supported”



- before “amenity” insert “residential or landscape”
- replace “considered within the lifetime of this Neighbourhood Plan” with “supported”

The Policy justification and Figure 5.5 should be adjusted to state Manor Farm and Poplar Farm represent examples of potential schemes

### **Policy H3: Discouraging backland and tandem development**

90. This policy seeks to establish criteria for the assessment of proposals for development behind, in front of, or within the gardens of existing dwellings.
91. The policy includes the term “*will be considered in accordance with*”. Proposals put forward in planning applications must be considered. I have recommended a modification to use the term “supported where they meet” so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
92. The policy requires use of a development to be “*ancillary to the occupation of the main dwelling, within the curtilage of which it is located*”. The Guidance states “*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*”. No justification is presented for this requirement. I have recommended its deletion.
93. The term “*potential loss of amenity of neighbouring properties*” is imprecise. I have recommended a modification in this respect.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; and requiring good design. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 4:**

#### **In Policy H3**

- delete “considered in accordance with” and insert “supported where they meet”

- delete “ancillary to the occupation of the main dwelling, within the curtilage of which it is located”
- delete “does not have the potential for loss of amenity of neighbouring properties” and insert “will not adversely affect residential amenity”

**Policy H4: Preserving the sensitive street scenes which define the settlements (also Policies H4a to H4i)**

95. This policy seeks to establish that development proposals in sensitive street scenes should demonstrate how they preserve or enhance visual amenity. The Policy is followed by eight policies (H4a to H4h) that are headed “*Preserving the street scene of*” named locations or in the case of H4g headed “*Preserving and enhancing the street scene around*” Bidwell Lane. A ninth policy H4i is headed “*Preserving the character of Chelston Rise settlement*”. Where I refer to the H4 Policies I am making reference to Policy H4 and Policies H4a to H4i inclusive. Policy 11 of the Joint Core Strategy states, Neighbourhood Plans “*may designate sensitive areas where infill development will be resisted or subject to special control*”. The H4 Policies and their supporting statements do not adequately define the sensitive street scenes so that individual proposals cannot be judged to be located within the sensitive street scene. The Policies do not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have recommended that they are deleted.

96. A representation by Davies and Co states Policy H4i is contrary to the aims of the Framework, to boost significantly the supply of housing, and to include flexibility should allocated site not proceed to development. I have earlier in my report found that the Neighbourhood Plan, as recommended to be modified, will boost significantly the supply of housing and in turn enhance or maintain the vitality of the rural communities of the Plan area. I have also stated I am satisfied that the Neighbourhood Plan would, if modified as recommended, include no cap on housing development and will include sufficient flexibility to respond to intended allocations not proceeding to development as anticipated. A representation on behalf of the owners of the Star and Garter public house repeats a submission made earlier in the plan preparation process supporting Policy H4a.



97. I have concluded the H4 Policies are imprecise in that their spatial application is not adequately defined such that they do not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have also noted other aspects of the H4 Policies do not meet the Basic Conditions as follows:

H4a – the policy is imprecise as it is unclear as to the type of properties the policy applies to and so the Policy does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4b – the policy is imprecise as it is unclear how a design should complement the 305<sup>th</sup> War Memorial, or recognise the proximity of the Green. Reference is made to development outside the settlement boundary however this is already a matter subject to Policy H1. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4c – the policy is imprecise as it is unclear how development will preserve the “*open aspect*” of the approach to the centre, and the meaning of “*set well back*” in respect of site NDP S006 is also unclear. The relationship with Policy H5e in this latter respect is also unclear. Reference is made to development outside the settlement boundary however this is already a subject matter of Policy H1. The significance of the reference to a land drain defining the “*natural*” settlement boundary is unclear, and the relationship to Policy H1 in this respect is also unclear. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4d – the policy is imprecise as it is unclear how development will preserve the “*open aspect*” of the approach to the centre. It is also unclear how developments must take into account the proximity of the White House and the Green, or preserve the amenity of the lay-by. Reference is made to development outside the settlement boundary however this is already a subject matter of Policy H1. The significance of the reference to a land drain defining the “*natural*” settlement boundary is unclear and the relationship to Policy H1 in this respect is also unclear. Overlap and duplication of content between different policies does not provide a practical framework within which decisions

on planning applications can be made as required by paragraph 17 of the Framework.

H4e – the policy is imprecise as it is unclear how development will preserve the “*open aspect*” of the approach to the centre. Reference is made to development outside the settlement boundary in two locations however this is already a subject matter of Policy H1. The significance of reference to a brook defining the “*natural*” settlement boundary is unclear and the relationship to Policy H1 in this respect is also unclear. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4f. – there is no justification presented why this policy refers to “*housing, commercial or industrial building developments*”. Reference is made to development outside the settlement boundary, however this is already a subject matter of Policy H1. Reference is made to Local Green Space designations but these are the subject matter of Policy LGS. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4g – there is no justification why the policy approach that, no further housing developments will be supported, should only become operative on completion of the Duchy Farm redevelopment. No explanation is given for the proposed change of policy in 2010, nor is there explanation why site NDP-S001 should be developed in the period 2020-2031. I refer to a representation by the Duchy of Lancaster, with which I agree, objecting to the phasing of development of the site when I consider Policy H5 later in my report. The splitting of policy requirements between Policy H4g and Policy H5a does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. Reference is made to development outside the settlement boundary in two locations however this is already a subject matter of Policy H1. Reference is made to the development, replacement or refurbishment of agricultural buildings at Manor Farm however this is a matter dealt with in Policy EC1e. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

H4h - Reference is made to development inside or outside the settlement boundary in two locations however this is already a subject matter of Policy H1. The policy refers to development, replacement or refurbishment of agricultural buildings at Poplar Farm, however this is a matter dealt with in Policy EC1e. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

98.H4i - The Policy is imprecise in that it refers to the unique nature of the site without explaining the unique characteristics. Reference is made to development inside the settlement boundary and infill development however these are already subject matters of Policy H1. I have noted the representation of Davies and Co in this respect. The representation also states the Policy is contrary to the aim of the Framework to boost significantly the supply of housing and does not make provision for circumstances where allocated sites do not come forward for development. I have earlier in my report found that the Neighbourhood Plan as recommended to be modified will boost significantly the supply of housing, and in turn, enhance or maintain the vitality of the rural communities of the Plan area. I am satisfied the Neighbourhood Plan would, if modified as recommended, include no cap on housing development and will include sufficient flexibility to respond to intended allocations not proceeding to development as anticipated. Reference is made to Local Green Space designations, but these are the subject matter of Policy LGS. Reference is made to development sites NDP-S019c and NDP-S019d, however these are matters dealt with in Policy H5h. Phasing of redevelopment of the old school and boiler house to be from 2021 is not explained or justified. Overlap and duplication of content between different policies does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

99.I conclude the H4 Policies do not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I recommend the H4 Policies should be deleted.

#### **Recommended modification 5:**

#### **Delete Policy H4 and Policies H4a to H4i inclusive**

I have referred to consequential renumbering of Policies in the annex to my report.

## **Policy H5: Development site allocations (also Policies H5a to H5h)**

100. This policy seeks to establish a quantum of development of new “properties”, which I have taken to refer to residential properties, to occur over the plan period on eleven allocated sites, and also to establish an “*anticipated*” delivery trajectory stating a number of properties and timescale for the allocated sites. The policy is followed by eight policies (Policies H5a to H5h inclusive) that seek to establish policy constraints in respect of each of the allocated sites.
101. The Environment Agency states “*Site Allocation NDP-S007 lies partly within Flood Zone 2 and 3 defined by the Environment Agency Flood Map as having a ‘medium’ and ‘high probability of flooding’ and “Paragraphs 101 and 103 of the National Planning Policy Framework (NPPF) require decision-makers to steer new development to areas at the lowest probability of flooding by applying the Sequential Test. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”* Whilst the Basic Conditions Statement demonstrates this issue has been considered, reliance on mitigation through design is not consistent with national policy. I am satisfied there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. I have recommended this site is deleted as an allocation.
102. Northamptonshire County Council states “*Policy H5e refers to a number of policy constraints that the development would be expected to mitigate. Sub-section ii. states that access should take into account the traffic issues on Raunds Road and the difficulties of exiting Sawyers Crescent and Britten Close at peak hours. Any highway access to a new development would be required to meet the necessary safety standards to ensure access arrangements to a development of this size are appropriate. The policy also refers to the widening of Sawyers Crescent as part of the proposal to alleviate parking on the pavement which in turn reduces the width of carriageway. For a small development, this would have to be considered as part of wider viability issues and furthermore, it could be argued that the constraints on Sawyers Crescent are existing issues and therefore not ones that the development could be asked to fully mitigate. The last part of iv. stipulates that no parking be permitted on Raunds Road or on Sawyers Crescent from these new properties – this would not be enforceable. The only way of encouraging people not to park on-street is to provide sufficient off-street parking. Therefore, the following wording ‘that no parking is permitted on Raunds Road or*

*on Sawyers Crescent from these properties' should be removed from the policy. Further guidance on suggested parking standards can be found in the Draft Northamptonshire Car Parking Standards, the final version of which is due to be adopted later in 2016. The final policy constraint vi. makes reference to Public Rights of Way affected by development. NCC would like consideration to be given to rewording this policy to reflect the fact that comments from the County Council and also other local groups such as the Ramblers also should be taken into consideration by East Northamptonshire Council, rather than the Parish Council alone."* I have recommended appropriate modification of Policy H5e so that the policy burden and limitations relate to the proposed development only.

103. The County Council also states "*Policy H5f refers to a policy constraint that 'all parking for residents and visitors being contained within the site' again, guidance on suggested parking standards can be found in the Draft Northamptonshire Car Parking Standards*". Anglian Water point out a water main crosses Site NDP-S006, and they and National Grid state they may wish to comment further at planning application stage. These representations do not necessitate modification of the Neighbourhood Plan to meet the Basic Conditions.
104. The Duchy of Lancaster fully supports allocation of its land at Bidwell Lane (site NDP-S001) and states that as the agricultural use of the barns at Bidwell Lane has now ceased early redevelopment would be environmentally beneficial, and help boost the supply of houses. The representation requests deletion of the phasing indicated in Table 5.1, Policy H4g and Policy H5a. The element of the policy that relates to anticipated housing delivery in defined time periods represents an impediment to Policy H5 meeting the Basic Conditions. A legitimate basis for a land use plan to limit the pace of development might be to ensure that sufficient necessary infrastructure is in place, for example sewerage capacity. No sites have been identified on the basis of which it would be possible to demonstrate the need for a particular level of infrastructure capacity.
105. Policy 29 of the Joint Core Strategy states, Neighbourhood Plans should identify the phasing of individual housing sites in the rural areas to ensure that development opportunities are not exhausted early in the plan period. The Neighbourhood Plan does not refer to this possibility of early exhaustion of opportunities at all. The Neighbourhood Plan instead recognises some windfall developments of farm buildings may come forward in the second half of the plan period. The Basic Conditions Statement states "*the housing development policies (H5) phase development over the plan to ensure*

*that new residents can be effectively assimilated into the community.”* Whilst the Neighbourhood Plan makes reference to “strain” arising from housing growth 35 to 45 years ago no adequate justification is provided in respect of a current quantitative threshold. In the absence of evidence, assimilation of new residents into the community does not provide a basis to override the need to consider development applications in the context of the presumption in favour of sustainable development, nor does it provide a basis to limit the overall level of development occurring in the plan period.

106. At the heart of the Framework is a presumption in favour of sustainable development. All plans should be based upon and reflect this presumption. Neighbourhood plans should plan positively to support local development. The introduction of an anticipated delivery trajectory, that in effect phases development, creates a ceiling or cap on development, for sites and for the Plan area as a whole, in each defined time period that represents an inappropriate constrained approach to sustainable development that may potentially be proposed during the plan period. The wording of Policy H5 is in conflict with the presumption in favour of sustainable development established in the Framework.
107. There is no automatic or definite direct relationship between proposals being supported, planning permissions being granted, and completion of dwellings. The housing market will normally be the strongest determinant of build-out rates. There is no clear mechanism to implement the phasing element of the policy and therefore it could not be used to shape and direct development and on this basis, also, it fails to meet the Basic Conditions. I recommend a modification to delete reference to the anticipated delivery trajectory, deletion of Table 5.1, and deletion of references to phasing of development in the policy justification.
108. A representation by Davies and Co states the Neighbourhood Plan should not be found sound. This is not a matter for my consideration. The representation refers specifically to Policy H5h and requests the Policy is “*amended to include an element of housing on the underutilised playing fields and basketball court*” at Chelston Rise. The representation does not refer to Policy LGS however I have recognised the interconnection between that Policy and Policy H5h. Whilst the representation has put forward additional land as being suitable for allocation in the Neighbourhood Plan I find that Policy H5, as recommended to be modified, meets the Basic Conditions and as stated earlier in my report the existence of any other sites that have not been allocated, whether they are suitable for development or not,



is not a matter against which the Neighbourhood Plan is to be examined. The representation also states the Policy is contrary to the aim of the Framework to boost significantly the supply of housing and does not make provision for circumstances where allocated sites do not come forward for development. I have earlier in my report found that the Neighbourhood Plan as recommended to be modified will boost significantly the supply of housing and in turn enhance or maintain the vitality of the rural communities of the Plan area. I am satisfied the fact that the Neighbourhood Plan would if modified as recommended, include no cap on housing development, and will include sufficient flexibility to respond to intended allocations not proceeding to development as anticipated.

109. At the heart of the Framework is a presumption in favour of sustainable development. All plans should be based upon and reflect this presumption. Neighbourhood plans should plan positively to support local development. The use of the term '*up to 37 new properties*' has the effect of establishing a maximum ceiling on the quantum of development. Strict adherence to a specified number, creating a ceiling or cap on development, represents an inappropriate constrained approach to sustainable development that may potentially be proposed during the plan period. The wording of Policy H5 is in conflict with the presumption in favour of sustainable development established in the Framework. In order to meet the Basic Conditions, I recommend the policy should be modified.
110. Where policy conditions have been stated without adequate justification, for example, "*that the housing should be 2/3 bedroomed*" I have recommended deletion of that condition. There are a number of requirements to include specific design features for example to use "*the same materials*" and "*the same open plan American suburban style*". This does not have regard for the approach of the Framework that states design policies should avoid unnecessary prescription or detail. I have recommended modification in this respect so that proposals can adopt appropriate flexibility in design solutions. Similarly, where imprecise terms are used, for example "*that no windows overlook neighbouring properties*" I have recommended modification so as to provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to



the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; meeting the challenge of climate change, and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:**

**Replace Policy H5 and Policies H5a to H5h inclusive with**

**“The development of a total of approximately 36 new dwellings will be supported in the Plan period on the following sites subject to the stated conditions, and in respect of sites 1 to 6 also subject to conditions:**

- **that the development enhances the street scene in this sensitive location; and**
- **that it is demonstrated all resident and visitor parking requirements will be contained within the site.**

**Site:**

- 1. Site NDP-S001 on Bidwell Lane in Caldecott for approximately 5 dwellings;**
- 2. Site NDP-S002 off Kimbolton Road, Chelveston for approximately 2 dwellings subject to conditions:**
  - **that access is solely from Kimbolton Road;**
  - **that the visual amenity and turning point benefits of the adjacent lay-by are retained; and**
  - **that loss of trees is demonstrated to be minimised.**
- 3. Site NDP-S004a at The Barns, Caldecott through conversion or redevelopment subject to conditions:**
  - **that any redevelopment will not extend the footprint or exceed the height of existing buildings redeveloped, and will utilise materials similar to those in any building to be replaced;**
  - **that new windows should not result in loss of reasonable residential amenity of neighbouring homes.**
- 4. Site NDP-S004b at The Barns, Caldecott for at least one dwelling subject to conditions:**
  - **that materials used will be visually harmonious with neighbouring buildings;**
  - **that new windows should not result in loss of reasonable residential amenity of neighbouring homes;**
- 5. Site NDP-S006 at Raunds Road/Sawyers Crescent, Chelveston for approximately 8 dwellings subject to conditions:**

- that the height of properties should reflect the street scene from Redwood to Meadowcroft and not significantly adversely affect the residential amenity of homes on Raunds Road and Sawyers Crescent;
  - that access arrangements do not accentuate peak flow exiting difficulties from Sawyers Crescent and Britten Close;
  - that Sawyers Close is widened so that the development will not accentuate pavement parking difficulties;
  - that no backland development is included in any scheme;
  - that the public right of way is retained or if diverted should maintain convenient access.
6. Site NDP-S013 at JST Fork Trucks Site for approximately 9 dwellings subject to condition that there shall be no vehicular access off Foot Lane
  7. Site NDP-S019c for approximately 4 dwellings and site NDP-S019d for approximately 6 dwellings both at Chelston Rise subject to conditions that proposals should be in harmony with the open plan American suburban style and respect the building lines of adjacent existing properties”.

**Table 5.1 and references to phasing of development in the policy justification should also be deleted**

#### **Policy H6: Developer contributions policy**

112. This policy seeks to establish that new developments will be required to contribute directly to infrastructure (street lighting, footway or verges, and highway changes) that are required to support that development
113. The policy includes the sentence *“The average density in the Parish is one light per 3.8 houses”*. This point of information is not a policy component and I have recommended it should be transferred to the policy justification.
114. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with requiring good

design and promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**In Policy H6 transfer “The average density in the Parish is one light per 3.8 houses” to the Policy justification**

**Policy ACV: Protecting Assets of Community Value and Local Heritage Assets**

115. This policy seeks to establish that inappropriate development of Assets of Community Value or Local Heritage Assets that involve any loss of amenity to the community will be resisted.
116. A representation on behalf of the owners of the Star and Garter public house repeats a submission made earlier in the plan preparation process stating the field behind the public house may not be required to meet the pub’s current business development needs, but the company want to retain development potential as an option for the future.
117. The word “inappropriate” is imprecise and does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have recommended a modification in this respect.
118. The designation of assets of community value in the plan area is undertaken by the District Council as the appropriate body, which is distinct from the local planning authority. The District Council has established a mechanism to nominate buildings and facilities for consideration and possible designation as assets of community value that is completely separate from neighbourhood plan preparation. The designation process which leads, in effect, to a community right to bid is concerned with control through ownership of assets and is not a land use policy. Policy ACV is not concerned with designation but with the approach to development proposals affecting listed Assets of Community Value. The Framework states that planning policies and decisions should “*plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.*” The Framework also refers to “*guarding against unnecessary loss*” and “*retention for the benefit of the community.*” Paragraph 173 of the Framework refers to the need for

careful attention to be given to viability. Policy 7 of the Joint Core Strategy seeks to safeguard existing community services and facilities unless it can be demonstrated that they are no longer viable; and no longer needed by the community they serve; and are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community. I have recommended a modification that introduces flexibility where lack of viability can be demonstrated or alternative provision to an equivalent community value in no less an accessible location can be achieved.

119. The policy includes provision in respect of Local Heritage Assets. The Framework states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly 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.”* I have recommended a modification in this respect so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting healthy communities and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 8:**

##### **In Policy ACV**

- delete “inappropriate”
- continue the policy “unless a lack of viability can be demonstrated, or alternative provision to an equivalent community value in no less an accessible location can be achieved”

#### **Policy ALT: Provision of allotment gardens**

121. This policy seeks to establish the field behind Disbrowe Court should be allocated for allotment gardens subject to constraints.

122. The constraints ii, iii, and iv refer to matters that do not require planning permission and therefore do not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have recommended their deletion. A land allocation comes into force when the Neighbourhood Plan is made. I have recommended the term “as required” is deleted. I have also recommended the reference to LGS15 in accordance with my recommended modification of Policy LGS.

123. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 9:**

##### **In Policy ALT**

- **delete “(LGS15)”**
- **delete “as required”**
- **delete constraints ii, iii, and iv**

#### **Policy LGS: Designated Local Green Spaces**

124. This policy seeks to designate 15 areas of land as Local Green Spaces. The policy states that unless otherwise specified, no development will be considered in these areas. The Policy seeks to introduce wording that is different to that set out in the Framework. I have recommended a modification so that the Policy is consistent with the national definition.

125. The Guidance states “*Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.*”<sup>40</sup> I am satisfied the landowners have had opportunity to make representations.

<sup>40</sup> National Planning Practice Guidance Paragraph:019 Reference ID: 37-019-20140306

126. In a representation, the Duchy of Lancaster refer to uncertainty of boundary definition in respect of LGS10 arising from inconsistencies between what the representation refers to as Plan 5.1 with Plan 5.3 and Plan 5.5. The issue of certainty of spatial application of Policy LGS is of considerable significance and is not confined to LGS10. The designation of an area of land as Local Green Space has important implications in particular for the prospect of development. It is essential that there must be absolute clarity with respect to the boundaries of any parcel of land to be designated. The Policy states *“The locations of the Local Green Spaces are shown in Policy H1”*. Policy H1 does not include any definition of parcels of land to be designated as LGS. Figures 5.2, 5.3 and 5.4 that are presented after the policy justification for Policy H1 do however seek to define the spatial extent of land parcels to be designated as LGS. These three Figures each show parcels of land, in large part highway verges, shaded in exactly the same way as designated LGS, but which are not proposed for designation. This presentational issue introduces some potential for confusion. I have recommended a modification so that Figures are reconciled with the Policy in order to address this issue. Despite this shortcoming, I am satisfied:

- Figure 5.2 does adequately define LGS1, LGS2 and LGS3; and
- Figure 5.3 does adequately define LGS4, LGS6, LGS7, LGS10, LGS12, LGS13, and LGS19; and
- Figure 5.4 does adequately define LGS14 and LGS20.

127. Figure 5.4 shows LGS15, and LGS16, and LGS17 as abutting the border of the Figure. It is not possible to interpret the extent of designation. This is not acceptable. I have considered whether Figure 5.1 offers a solution to this difficulty as that Figure attempts to identify the general location of some, but not all, of the proposed Local Green Space designations. I have concluded that Figure 5.1 is not presented at an appropriate scale to adequately define the designations in question. Figure 5.1 does introduce further uncertainty in that it shows the Golf Course shaded as though it too was an LGS designation. I have referred to this latter issue in the annex to my report. I have noted Figure 5.4 includes a note with an arrow pointing to LGS16 stating *“Pub Car Park Extension zone (grassed)”* without any indication of the boundaries of the land referred to. I have also noted Page 68 of the Neighbourhood Plan includes an aerial photograph of what is almost a square area of land seemingly utilised as allotments. It is unclear how this area of land relates to the extent of land proposed for designation as LGS16. I have concluded the policy will not provide a



practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework in respect of LGS15, LGS16 and LGS17. Retrospective clarification of spatial definition through modification of the Policy is not an option as Regulation 16 consultation has been undertaken on the basis of uncertainty of spatial application of the Policy. I recommend LGS15, LGS16 and LGS17 are deleted from the Policy.

128. I have noted the representation on behalf of the owners of the Star and Garter public house in respect of LGS16 that states the designation of the field associated with the public house as a Local Green Space is unduly restrictive preventing appropriate responses to ever changing consumer preferences and *“the field is one of the Star and Garter’s key assets and its designation severely limits its development potential.”* The representation encloses representations made earlier in the plan preparation process. One of these representations points out the Framework states LGS designation is not appropriate for most green space and should only be used in limited circumstances stating *“the use of the land for an occasional community event from time to time does not elevate its status to that of a green area that is demonstrably special to a local community which holds particular local significance.”* It is stated inclusion of the field at the rear of the pub within the settlement boundary *“will give a degree of flexibility that will allow the provision of new pub facilities, such as additional car parking; and development, including housing, to create capital for reinvestment in the pub”*. It is also stated designation has the potential materially to prejudice options to ensure the future viability of the public house. In strongly objecting to the designation the representation suggests the Neighbourhood Plan should include an alternative site for community events and identifies land to the rear of properties in Raunds Road in this respect. It is not within my role to recommend additional policies to be included in the Neighbourhood Plan. Inclusion of a policy approach to these matters is not necessary to meet the Basic Conditions. The representation does not affect my decision to recommend a modification to delete LGS16 from the Policy.

129. Representations on behalf of Mr Mommersteeg object to the designation of LGS19. Points raised include:

- Designation does not accord with the conclusions of an Independent Examiner in respect of proposed designations of Local Green Spaces in another Neighbourhood Plan;
- The LGS designations have been made by the working party and Parish Council without seeking the views of parishioners;



- The only evidence provided, that the paddock forms part of the rural setting of the church and that there are views towards the church door from Bidwell Lane, is not sufficient to meet the test of being demonstrably special;
- Whilst the land is close to residential development at Caldecott it is not in 'reasonably close proximity to Chelveston or Chelston Rise;
- A submitted landscape report concludes the proposed designation is no different in terms of its attractiveness to a number of other areas nearby which are not designated LGS;
- Views for Bidwell Lane are interrupted by trees on the northern side of the lane and a hedge that was reinstated along the southern edge of the field boundary in 2015. As the hedge matures views will be significantly reduced. Hedge and tree planting has also taken place across the central part of the land which will also mature and reduce any views from Bidwell Lane.
- Land offering views of the church of equal significance from footpaths, including some closer than Bidwell Lane, have not been designated;
- Other statutory mechanisms exist to prevent adverse effect on the setting of the church;
- Neighbourhood Plan policies prevent development outside settlement boundaries;
- The land has no value for recreational purposes, apart from access to a public footpath that crosses the land, and the land has never been used for any community based events;
- The land is no more tranquil than much of other land nearby and does not provide an oasis of calm;
- The land is not of particular importance to wildlife and is not designated as a Conservation Area, or Local Wildlife site;
- The land is not self-contained and does not have clearly defined edges on all sides;
- The views will not endure
- The designation does not meet the four criteria set out in saved Local Plan Policy EN20
- The land owner would be prepared to accept the designation of the northern part of the land as LGS

130. Situations and circumstances will vary between Neighbourhood Plans. My role is limited to considering whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements. I have earlier in my report concluded the consultation

requirements of plan preparation have been met. There is no requirement for a Local Green Space to be reasonably close to all parts of a neighbourhood area. A Landscape Report finding other areas no different in terms of their attractiveness, and the fact there are other areas of land offering closer views of the church that have not been designated are not matters for my consideration. Statutory provisions relating to Listed Buildings and Local Green Space designation are intended to achieve different purposes. The existence of other Neighbourhood Plan policies preventing development is not a matter for my consideration in determining whether or not the designation is appropriate. Recreational use; use for community based events; tranquillity; and wildlife importance are not included within the justification of the designation. I have already considered the issue of clarity of definition, and there is no requirement for a designated area to have a hedge, fence or other boundary treatment.

131. I have given consideration to the point that being part of the rural setting of the church and views of the church door from Bidwell Lane is not sufficient to meet the test of being demonstrably special. The Framework identifies “*examples*” of how a green area could be demonstrably special to a local community and holds a particular local significance. Whilst I was unable to replicate the view of the church door from Bidwell Lane as it appears on page 69 of the Submission Plan as the church appeared more distant to me I have concluded the rural setting of the church and views of the church door from Bidwell Lane are capable of being perceived of as “*beauty*”.

132. I have given consideration to the issue of whether the designation will be capable of enduring beyond the end of the Plan period. I am satisfied sufficient evidence has been presented to confirm the designation will not be capable of enduring beyond the end of the Plan period in that the hedge on the field boundary with Bidwell Lane and the hedge and trees planted across the central part of the land will, as they mature, prevent views of the church from Bidwell Lane and prevent views of Bidwell Lane from the church across the land.

133. I have, earlier in my report, stated my role is to undertake an independent examination of the Submission Plan in order to determine whether it meets the Basic Conditions and other requirements. It is not my role to write or to rewrite a neighbourhood development plan for the neighbourhood area. My role is not to consider alternative proposals that include less or more land in each of the Local Green Space designations except where this is necessary so that the Neighbourhood Plan meets the Basic Conditions and other

requirements that I have identified. If I recommend a modification of a policy of the Submission Plan, my recommendation should be limited to what is required to meet the Basic Conditions and other requirements.<sup>41</sup>

134. I have previously referred to the part of the Guidance that states landowners should be contacted at an early stage about proposals to designate any part of their land as Local Green Space, and that *“landowners will have opportunities to make representations in respect of proposals in a draft plan.”* The representations made on behalf of the landowner state *“Notwithstanding the above objections Mr Mommersteeg would be prepared to accept the designation of the northern part of the land as LGS as a compromise.”* In the context of this representation I have considered whether a reduced area being designated as Local Green Space would meet the Basic Conditions.

135. I have considered whether a green area can be only demonstrably special and hold particular local significance in its entirety whilst a substantial part of that piece of land is not demonstrably special and hold particular local significance. I conclude the determining factor would be the nature of the identified qualities why a green area is demonstrably special and holds a particular local significance. Those qualities may be pervasive applying to the whole and to all parts of the green space, others may relate to a quality of the entirety only, and others may relate to a quality of a specific spatial subdivision of the green area. A view of the church in a pastoral setting, which is the justification for Local Green Space designation, can be seen from the public footpath crossing the paddock on a north-west and south-east orientation passing south of the tennis courts. Given the basis of justification is a view, and that the basis of designation must be in the public interest, the view must be capable of being seen from a publically accessible location. The public footpath provides access to locations in a pastoral setting from which the church can be viewed. Given the representations on behalf of the landowner, designation of land between the *“New fence and planting Spring 2016”* (indicated on Plan No.1 in the representation), and the Church boundary, is capable of enduring beyond the end of the Plan period.

136. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as*

<sup>41</sup> Section 10 Schedule 4B of the Town and Country Planning Act 1990

*Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore 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 reviewed, and be capable of enduring beyond the end of the plan period.”*

137. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and with the exception of LGS 19 which I have considered earlier in my report I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I have noted the Neighbourhood Plan includes significant provision for new homes and jobs.

138. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find the intended Local Green Space designations relate to green space that is in reasonably close proximity to the community it serves; and that each green area is local in character and is not an extensive tract of land.

139. I have given consideration to the issue whether each of the green areas is 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. The Neighbourhood Plan sets out on pages 65 to 70 under the heading “*site justifications*” information that seeks to confirm why each of the areas proposed for designation as Local Green Space is of particular significance to and valued by the local community. Several of these statements of justification are brief. Several proposed designations do not include adequate justification of designation as Local Green Space and I recommend a modification to delete the following proposed areas from the Policy:

- LGS1 and LGS2. The Neighbourhood plan states these “*are important amenities which also define the shape and form of the site*”. This does not confirm these green areas are demonstrably special to a local community and hold a particular local significance. Whilst the Guidance identifies examples of the types of factors that may be relevant to a proposed designation it is not sufficient to merely state that one or more of these apply. It is necessary to set out information why a green area is demonstrably special and holds a particular local significance.
- LGS3. Rejection as an Aspirational Development Site is not sufficient justification to confirm this green area is demonstrably special to a local community and holds a particular local significance.
- LGS10. The Neighbourhood Plan states “*...mature garden and pond. These are important features of the setting and define the view on approaching the settlement from the B645.*” This does not confirm these green areas are demonstrably special to a local community and hold a particular local significance.
- LGS12. The creation of “*a natural boundary*” and balancing a mature garden opposite does not confirm these green areas are demonstrably special to a local community and hold a particular local significance.

The submission Neighbourhood Plan offers sufficient evidence for me to conclude the remaining areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

140. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic

policies contained in the Development Plan. As recommended to be modified the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 10:**

##### **In Policy LGS**

- **replace the first two sentences with “The following areas, identified on Figures 5.2, 5.3, and 5.4, are designated as Local Green Spaces in which new development is ruled out other than in very special circumstances:”**
- **delete LGS1, LGS2, LGSS3, LGS10, LGS12, LGS15, LGS16 and LGS17**
- **modify LGS19 by deleting “Bidwell Lane opposite the listed Manor Farm, following the newly installed fence line (1.40 ha)” and insert “the ‘New Fence and Planting Spring 2016’ indicated in Figure 5.3”**
- **reconcile Figures 5.2, 5.3, and 5.4 with the modified Policy. (This will include adding to Figure 5.3 the line of the ‘New Fence and Planting Spring 2016’ identified on Plan No. 1 in the report of Ian Reid Landscape Planning Ltd supporting the representation on behalf of Mr Mommersteeg).**

I have referred to consequential renumbering of Local Green Spaces in the annex to my report.

#### **Policy RoW: Protecting and improving the Rights of Way network**

141. This policy seeks to establish principles to protect and where possible enhance the rights of way network.

142. Northamptonshire County Council state it would be helpful for the missing links in the right of way network were shown on a map. Mapping the routes referred to in parts ii and iii of the Policy would assist the achievement of a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I have recommended these routes should be added to Figure 5.1.

143. The policy includes the term “*working with Northamptonshire County Council*”. It is inappropriate to include a non-land use action in a policy; also, relevant stakeholders may change over the plan period; and it is inappropriate for a policy to rely on the actions of organisations where there is no certainty that they will be fulfilled



throughout the Plan period. I have recommended a modification in this respect.

144. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:  
In Policy RoW**

- delete “Working with Northamptonshire County Council”
- add the routes referred to in parts ii and iii of the Policy to Figure 5.1

**Policy TRF: Traffic management and parking**

145. This policy seeks to establish an approach to traffic management and parking.
146. A representation on behalf of the owners of the Star and Garter public house repeats a submission made earlier in the plan preparation process stating the proposal for new parking bays outside the public house will potentially benefit the pub as well as the community as a whole. Northamptonshire County Council states *“Policy TRF refers to measures to discourage speed, dangerous driving and dangerous parking in the village. Any proposals to address these issues such as changes to road layouts, chicanes, traffic islands, double yellow lines would be considered on a case by case basis as indeed any changes to signage or road markings.”*
147. The first part of Policy TRF relates to intended actions of the Parish Council to be pursued through partnership working. There are three reasons why the Neighbourhood Plan must be modified in respect of this part of the policy in order to meet the Basic Conditions:
1. Matters included in these actions do not relate directly to the development and use of land and as such cannot serve a role in the determination of planning applications;
  2. Relevant stakeholders may change over the plan period;



3. It is inappropriate for a policy to rely on the actions of organisations where there is no certainty that they will be fulfilled throughout the Plan period.

148. The Neighbourhood Plan preparation process is however a convenient mechanism to surface and test local opinion on matters considered important in the local community. The intended actions and in particular partnership working are legitimate community aspirations. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I recommend a modification in accordance with the Guidance so that the actions in question are not included in Policy TRF but are contained solely in the Monitoring and Review of the Plan Section (section 5.4). In this way these important actions are not lost sight of, but are appropriately presented.

149. The second part of the Policy does not meet the Basic Conditions in that the requirement for all developments in the village to contribute to improving the situation in the identified areas of known hazard would for some developments represent an inappropriate policy burden at a scale that is contrary to the approach set out in paragraph 173 of the Framework and would not satisfy the requirements to be relevant, nor related to the development. The introductory text of the second part of the Policy is Wednesbury unreasonable<sup>42</sup>. In addition, the parts of the policy include other elements that do not satisfy the Basic Conditions as follows:

- Part vi includes an imprecise term *“sufficient off street parking for all residents and visitors”* that fails to provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The requirement also fails to demonstrate the relevant factors set out in paragraph 39 of the Framework have been taken into account;
- Part vii includes the imprecise term *“around sawyers Crescent and Raunds Road”* that fails to provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. For many developments, for example a house extension, the requirements represent an inappropriate scale of policy burden

<sup>42</sup> Associated Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223

contrary to the approach set out in paragraph 173 of the Framework;

- Part viii includes the imprecise term “in the High Street/The Green area” that fails to provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. Part viii also seeks to establish requirements that for many developments, for example a house extension, represent an inappropriate scale of policy burden contrary to the approach set out in paragraph 173 of the Framework;
- Part ix seeks to establish requirements that for many developments, for example a house extension, represent an inappropriate scale of policy burden contrary to the approach set out in paragraph 173 of the Framework;

### **Recommended modification 12:**

#### **Delete Policy TRF**

### **Policy EC: Employment opportunities and commercial activities**

150. This policy seeks to establish conditional encouragement of employment opportunities and commercial activities. The policy is followed by five separate policies that seek to establish development principles relating to: The Star and Garter public house and restaurant; the Wildacre residential home on Raunds Road; in respect of home base businesses; the Upper Higham Lane Industrial Estate; and farm diversification at Manor Farm and Poplar Farm (Policy EC1a, Policy EC1b, Policy EC1c, Policy EC1d; and Policy EC1e respectively).

151. A representation on behalf of the owners of the Star and Garter public house acknowledges Policy EC1a supports the importance of the public house to the local economy and as a source of employment for local people. The representation also includes objections to the approach adopted with respect to the field associated with the public house. I have taken these latter representations into account when considering the relevant policies.

152. I have earlier in my report explained the need to use the term supported and not considered. It is confusing for one policy to include the term “in the Parish” when all Plan policies apply to all or a specified part of the Plan area. It is inappropriate to only preserve the amenity of those residents who value the quiet rural nature of the village. It is

necessary to state how the listed activities will be encouraged. Neighbourhood Plan proposals for the Star and Garter public house for additional vehicle parking facilities extend beyond the settlement boundary. I have recommended modifications of Policy EC in these respects so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

153. The intention to situate the majority of commercial activity and industrial activity situated primarily outside the settlement boundaries in the named locations is incapable of implementation. The approach to employment proposals in rural areas does not have sufficient regard for national policy.
154. The maintenance of the street scene of The Green is not consistent with the presumption in favour of sustainable development. The terms “on an appropriate scale” and “activities unusual in a residential area are imprecise. I have recommended modifications of the policies in these respects so that the policies will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
155. The policies seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policies are in general conformity with the strategic policies contained in the Development Plan. The policies have regard to the components of the Framework concerned with building a strong, competitive economy and supporting a prosperous rural economy; Subject to the recommended modification these policies meet the Basic Conditions.

#### **Recommended modification 13:**

##### **Replace Policy EC with**

**“Development proposals that extend commercial activities or create local employment opportunities will be supported within the settlement boundaries, and in particular at the Star and Garter public house; the Wildacre residential home; and in home based businesses where they do not significantly adversely affect residential or visual amenity and subject to the conditions set out in Policy EC1a, Policy EC1b, and Policy EC1c.**

**Outside the settlement boundaries commercial and industrial proposals will be supported at Upper Higham Lane Industrial Estate and through farm diversification at Manor Farm and Poplar**

**Farm subject to conditions set out in Policy EC1d and Policy EC1e.”**

**In Policy EC1a**

**Delete “considered” and insert “supported”**

**Delete “maintained” and insert “not adversely affected”**

**In Policy EC1b**

**Delete “considered” and insert “supported”**

**After “the development is” delete “an” and insert “a subservient”**

**After “main house” delete “on an appropriate scale”**

**In Policy EC1c**

**Delete “considered” and insert “supported”**

**Delete condition iii.**

**In Policy EC1e**

**In part A delete “with a range of activities permitted” and insert “through”**

**In part B delete “permitted” and insert “supported”**

**In part C delete “permitted” and insert “supported”**

## **Policy REN: Renewable energy policies**

### **Policy REN1: Specific policy statements relating to the Chelveston Airfield**

156. Policy REN seeks to establish conditional support for the generation of electricity from renewable resources and the use of low carbon technologies for heating and powering properties. Policy REN1 seeks to establish specific policy statements relating to the former Chelveston Airfield.

157. Policy REN refers to *“farm scale anaerobic digestion facilities”* and Policy REN1 refers to *“waste management/anaerobic digestion facilities”*. A representation also refers to waste management activities. The Guidance states *“though interpretation is ultimately a matter for the courts, the following is a general, non-exhaustive list of matters which can be considered as waste operations:”* The list that follows this statement includes anaerobic digestion. I find both Policy REN and Policy REN1 refer to matters that are excluded matters for the purposes of Neighbourhood Plan preparation. I have recommended a modification in this respect.

158. A representation on behalf of owners of Chelveston Renewable Energy Park states the approach of Policy REN fails to allow for the necessary planning balance to take account of other material considerations which may outweigh the potential adverse impacts of development. I have earlier in my report stated it is appropriate to use the word “supported” and drawn a distinction between that word and the word “granted”. The Framework states neighbourhoods should “*plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan*”. The introduction of conditions, limitations or restrictions is consistent with the shaping and directing aspects of this role. There are however other reasons why I recommend statements i to iv inclusive that “*the Parish will not support*” should be deleted:

- Part i relates to Policy H4 that I have recommended should be deleted.
- Part ii refers to “*an unsustainable increase in HGV traffic*” which is an imprecise term that does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. Part ii also relates to waste management matters that I have earlier in my report stated are excluded development for the purposes of neighbourhood planning.
- Part iii refers to “*the areas designated as REN1*”. These areas are not defined in text. The Figure on page 81 of the submission Neighbourhood Plan shows a box that reads REN1 but it is unclear to what spatial area this relates. The key to the Figure does not include REN1. The spatial definition of REN1 is imprecise. The term does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
- Part iv refers to “*an unsustainable increase in vehicular activity*” which is an imprecise term that does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

159. The policy includes the term “*The Parish supports*” and “*the Parish will support*” and “*The Parish will not support*”. It is unclear why this one policy of the Neighbourhood Plan should adopt this approach and indeed it is unclear what is being referred to. I have recommended a modification in this respect so that the Policy reads as one of the policies of the Neighbourhood Plan.

160. A representation on behalf of owners of Chelveston Renewable Energy Park objects to the treatment of recent wind turbines and solar arrays as effectively disregarded as temporary structures in Policy REN1. The representation states it is appropriate to categorise the entire site as previously developed land. Categorisation of any site is not necessary to meet the Basic Conditions. Parts A, B and C of Policy REN1 are statements of opinion and fact and do not function to guide decision makers in the determination of proposals for the use and development of land. Parts A, B and C seek to establish how existing land and uses should be interpreted. This is not the function of a Neighbourhood Plan and indeed there are statutory provisions to establish those matters. I recommend Parts A, B and C of Policy REN1 should be deleted.
161. Part D of Policy REN1 includes a statement of opinion that does not function to guide decision makers in the determination of proposals for the use and development of land. Part D also sets out a proposed action of the Parish Council. I recommend these statements are deleted.
162. The representation also states Policy REN1 should support general employment and other commercial uses associated with the renewable energy park where they are proven to be acceptable in planning terms. In that a Neighbourhood Plan is a mechanism that can be used to establish acceptable uses of land it would make no sense for those uses to be limited to ones that are acceptable in planning terms. It is in any case beyond my role to recommend additional areas of policy. Part E of the policy seeks to establish the site is “*not allocated*” for two named uses. This approach is contrary to the Framework that states communities should engage in neighbourhood planning to “*plan positively to support local development.*” I recommend Part E of Policy REN1 is deleted.
163. Part F of Policy REN1 includes statements of opinion that do not function to guide decision makers in the determination of proposals for the use and development of land. Support for “*use and development*”; and reference to “*temporary structures*”, “*modified uses*”, and “*unsustainable increase in traffic*” are imprecise and do not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I recommend Part F of Policy REN1 is deleted.
164. Part G of Policy REN1 uses the term “*naturalised green-field areas*” and “*unsustainable increase in traffic*”. These terms are imprecise and do not provide a practical framework within which

decisions on planning applications can be made as required by paragraph 17 of the Framework. Reference to “*the airfield*” is inaccurate. I recommend use of the term “former Chelveston airfield.” Points iii and iv of Part G seek to impose conditions on existing temporary structures. Revocation would be necessary. Conditions can however be imposed in respect of new proposals and renewal of temporary permissions. I have recommended modifications in respect of these matters.

165. Part H of Policy REN1 is not positively framed as required by the Framework and is internally inconsistent referring initially to “*developments and non-agricultural activities*” but later only referring to “*these activities*”. Part H is also imprecise as it is unclear what “*cumulative impact*” is being referred to. I recommend Part H of Policy REN1 is deleted.

166. The policies seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policies are in general conformity with the strategic policies contained in the Development Plan. The policies have regard to the components of the Framework concerned with supporting a prosperous rural economy; requiring good design; meeting the challenge of climate change; and conserving and enhancing the natural environment. Subject to the recommended modification these policies meet the Basic Conditions.

#### **Recommended modification 14:**

##### **In Policy REN**

- delete “The Parish supports” and after “mitigated” insert “will be supported”
- delete “Specifically the Parish will support” and insert “Development proposals will be supported where they relate to:”
- delete “iii. farm scale anaerobic...nearby settlements”
- delete “The Parish will not support:” and points i to iv inclusive that follow

##### **In Policy REN1**

- delete Parts A, B, C, E, F and H
- in Part D delete the first and third sentences and delete “therefore” from the second sentence
- in Part G
  - in i delete “naturalised”,



- in iii and iv after “structures” insert “newly permitted”
- delete point v,
- in vii insert “former Chelveston” before “airfield”

## Summary and Referendum

167. I have recommended 14 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

168. I am satisfied that the Neighbourhood Plan<sup>43</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore

<sup>43</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

marine site, either alone or in combination with other plans or projects.<sup>44</sup>

**I recommend to East Northamptonshire District Council that the Chelveston cum Caldecott Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.**

169. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>45</sup> I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 8 April 2015.**

#### Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>46</sup> The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

Page 21 Consistent with my recommended modification in respect of Policy RoW reference should be made to Figure 5.1 as showing the two routes that are described as needing attention.

Page 24 Update the Bed and Breakfast Accommodation section following closure of one business.

Page 25 Update second paragraph as scheduled bus service ceased.

Page 29 Remove shading from the Golf Course.

Page 35 Rephrase the sentence “The larger, modern farm buildings could not be converted to residential use without demolition”.

Page 66 after “when” insert “viewed”.

<sup>44</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>45</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>46</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

Update Parish Council email address throughout Plan documents.

The District Council has suggested use of the term parish rather than village in the Vision statement first line presented at Page 7. I would have no objection to such an amendment.

A number of consequential modifications to the general text and Policy titles of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Where a Policy is deleted renumbering of other policies would make the Plan more user friendly. Similarly renumbering of Local Green Spaces following deletions would assist users of the Neighbourhood Plan in navigating the document.

**Recommended modification 15:**  
**Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text and Policy titles will be necessary to achieve consistency with the modified policies**

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 22 November 2016  
 REPORT ENDS