

Stanwick Parish Council

Stanwick Neighbourhood Development Plan

A Report to East Northamptonshire Council of the Independent
Examination of the Stanwick Neighbourhood Development Plan

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Overall Finding

This is the report of the Independent Examination of the Stanwick Neighbourhood Development Plan. The plan area is the entire Stanwick 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.*”¹
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 Stanwick Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Stanwick Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Stanwick Neighbourhood Area which was formally designated by East Northamptonshire Council (the District Council) on 10 December 2014. The Neighbourhood Plan has been prepared by the Stanwick Neighbourhood Development Plan Steering Group (the Steering Group) on behalf of the Parish Council.
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.² 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

¹ Paragraph 183 National Planning Policy Framework (2012)

² 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 granted³.
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:

³ 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,⁴ 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.⁵
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ 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”.⁷ 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,

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ 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.⁸

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ 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 2004.¹⁰ 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 10 December 2014. A map of the Stanwick Neighbourhood Plan boundary is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² 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 designated neighbourhood area;¹³ and the Neighbourhood Plan does

⁸ 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

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ 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)).

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

not include provision about excluded development.¹⁴ 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.¹⁵ 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.¹⁶ 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)

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

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ 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.¹⁷

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:

- Stanwick Neighbourhood Development Plan 2016-2031 Submission Version August 2016
- Stanwick Neighbourhood Development Plan 2016-2031 Basic Conditions Statement August 2016
- Stanwick Neighbourhood Development Plan 2016-2031 Statement of Community Involvement August 2016
- Stanwick Neighbourhood Development Plan 2016-2031 Evidence Base August 2016
- A map titled East Street defining a site including buildings at Orchard Farm Stanwick
- An untitled map defining an area of land between Villa Lane and West Street Stanwick
- 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 Joint Core Strategy*]
- 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*]

¹⁷ 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 Statement of Community Involvement 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. A public meeting in March 2014 concluded with a decision to proceed with the preparation of a neighbourhood plan. Earlier work in preparing the Stanwick Parish Plan provided a start point in establishing a Vision and Objectives for the Neighbourhood Plan. The Grapevine village magazine, a dedicated website, and an exhibition in the village hall were used to keep residents informed. Views of business people were captured through a questionnaire. A consultation event on proposed policies was held on 7 November 2015. This event was publicised with a leaflet drop to every household; a display in the village hall; and through Facebook and the Neighbourhood Plan website. Public feedback was considered at a series of meetings of the Steering Group.
25. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six-week period between 21 March and 2 May 2016. As part of this consultation a copy of the Consultation Version Neighbourhood Plan and a letter and consultation response form were delivered to every household as well as being made available in the village hall and on the dedicated Neighbourhood Plan website. A staffed display was available at the Stanwick Races event on 28 March 2016 and the Plan was available at the Stanwick Showcase held on 21 April 2016. The consultation was well advertised through websites, Facebook, and using posters and banners.
26. A total of 243 responses were received from individuals and 8 from statutory consultees during the Regulation 14 Pre-submission consultation period. The observations made and response of the Steering Group are presented within the Statement of Community Involvement where Tables presented show that representations resulted in a number of changes to the Plan that was approved by the Parish Council for submission to the District Council. Changes to the Neighbourhood Plan were mainly made in response to representations of statutory consultees. I note one appendix of the Statement of

Community Involvement is dedicated to comments of the Steering Group in respect of the observations of Gladman Developments Ltd.

27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 23 September and 7 November 2016. Representations from 8 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. The submissions of Anglian Water, Historic England, SSA Planning, and the Environment Agency do not necessitate modification of the Neighbourhood Plan. Another representation states the evidence base which supports the, neighbourhood plan is not sufficient or robust enough to justify a number of policies and, objectives contained in the plan. The representation states the evidence base needs to be reviewed and updated and that a fundamental concern is that the housing mix report identifies a number of issues with the housing needs of the local area that are not being addressed through the neighbourhood plan. 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.

28. 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...”*¹⁸ 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

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

development plan.¹⁹

29. 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 Steering Group that has prepared the plan has achieved its stated objective to “*involve local people on an ongoing basis in the process of plan making*”.

The Neighbourhood Plan taken as a whole

30. 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

31. The Basic Conditions Statement states “*The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedom guaranteed under the European Convention on Human Rights.*” 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).²⁰ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. The Basic Conditions Statement includes “*An Equalities Impact Assessment has been prepared and is submitted in support of the Neighbourhood Plan. This concludes that the Plan does not generate any negative equality impacts on any parts*

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

²⁰ 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.

of the local community with protected characteristics arising from policies or proposals contained in the Neighbourhood Plan” From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

32. A representation states, *“The preparation of neighbourhood plans falls under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan’s proposals would be likely to have significant environmental effects. Both the SEA Directive and Neighbourhood Planning PPG make expressly clear that an SEA Screening Assessment should be undertaken at the earliest opportunity (reference made to PPG Paragraph 029 Reference ID:11-029-20150209). The PPG also makes clear that proposals in a draft neighbourhood plan should be assessed to identify the likely significant effects of the available options. Reasonable alternatives should be identified and considered at an early stage in the plan making process as the assessment of these should inform the preferred approach (reference made to PPG Paragraph 037 Reference ID:11-037-20150209). Whilst the need for SEA was screened out by ENDC, the recent judgment in the high court (Reference made to R. (Stonegate Homes Ltd) v Horsham District Council and Henfield Parish Council [2016] EWHC 2512 (Admin) confirm that the Defendant in this instance should have had regard to the environmental impact of imposing a settlement boundary. In particular, paragraph 100 states: The real problem is that there does not appear to have been any assessment of the environmental impact of the BUAB which appears inextricably linked, understandably, with the chosen spatial strategy. There is no explanation in the SA/SEA as to why the proposed delineation is preferred to any alternatives. The line was amended to take into account the consent granted for land to the east of Manor Close but no explanation is given for not extending it to the west to include the Barratt site. The issue was raised by the claimants in their representations on the draft HNP in November 2015 but, apparently, ignored by the independent examiner, the defendant and the interested party in the plan making process. It follows that approach, too, was in breach of EU obligations.” Whilst the judge notes that Policy 1, of the Henfield Neighbourhood Plan, draws a clear distinction between sites within the built-up area boundary, where development proposals will be supported and outside, where they will conform with development plan policies for the country, the SNP seeks to prevent any growth from outside the existing settlement boundary. Even though Henfield was found to be flawed it at least considered alternatives whereas in this instance no alternatives have been*

considered in any meaningful manner. Gladman consider that the significance of the above judgment must be considered as a result of the impact of imposing a settlement boundary policy and other restrictive policies in the Plan.”

33. I have noted the Stonegate Homes case referred to in the above representation was one where an SA/SEA report had been prepared. Requirements of the SEA Regulations relating to the consideration of alternative policy approaches do not apply in the case of the Stanwick Neighbourhood Plan where a Screening has concluded a full Strategic Environmental Assessment is not required.
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. Using a District Council template the Parish Council issued a Screening Report concluding that a full Strategic Environmental Assessment (SEA) will not be required. The Screening Report included a statement of reasons why a full SEA report is not required. The District Council has confirmed that all the Statutory Consultees were consulted. The Basic Conditions Statement confirms that the Screening Report establishes that no SEA assessment is required in response to the potential impacts that ensue due to the plan’s policies and proposals.
35. The objective of EU Directive 2001/42²¹ 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’²² as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²³ I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
36. Using a District Council template the Parish Council produced a Screening Report which revealed that it will not be necessary to

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

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

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

undertake a full Habitats Regulations Assessment ‘appropriate assessment’ to accompany the Neighbourhood Plan. The Basic Conditions Statement confirms Statutory Consultation was undertaken and that the Screening Report establishes that no HRA assessment is required in response to the potential impacts that ensue due to the plan’s policies and proposals.

37. In a Regulation 16 representation Natural England state “*The Stanwick Neighbourhood plan does not allocate any specific sites for development. However, the plan includes housing policies for future development. Any net increase in residential dwellings, within 3km of the Upper Nene Valley Gravel Pits SPA, will be required to make a financial contribution to mitigate the impact from an increase in residents in the area, who may use the SPA for recreation. Natural England advises that within the Housing policies section, an additional policy is included which says “New development in Stanwick, which is located within the Upper Nene Valley Gravel Pits SPA/Ramsar site 3km buffer zone, as shown in the Joint Core Strategy, will be required to make financial contributions to mitigate the adverse impacts of development upon the SPA/Ramsar site, in accordance with the Addendum to the SPA Supplementary Planning Document Mitigation Strategy”.* This is to ensure that any impact from future developments which come forward, have been fully covered by the plan. I agree with this approach and have recommended an appropriate modification to the Neighbourhood Plan so as to include an additional policy. 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:

Insert an additional Policy “New housing development within the Upper Nene Valley Gravel Pits SPA/Ramsar site 3km buffer zone will be required to make financial contributions to mitigate the adverse impacts of development upon the SPA/Ramsar site in accordance with the addendum to the SPA Supplementary Planning Document: Mitigation Strategy”

A map showing the 3km buffer zone within the Plan area should be included in the Neighbourhood Plan

38. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.
39. 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.

40. 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

41. The Guidance²⁴ 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 District Council has confirmed that following submission of the Neighbourhood Plan it wrote to the Parish Council to confirm that the plan proposal complies with all of the relevant statutory requirements. Notwithstanding this 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
- 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

42. 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 Plans²⁵ which requires plans to be “*consistent with national policy*”.

²⁴ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

²⁵ 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

43. Lord Goldsmith has provided guidance²⁶ 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."*
44. The Neighbourhood Plan includes a *"Conformity Statement"* under each plan policy identifying relevant paragraphs of the Framework. The Basic Conditions Statement states it *"expands and explains"* the conformity statements. A statement is made as to how the Neighbourhood Plan reflects the 12 core principles set out in paragraph 17 of the Framework.
45. The Neighbourhood Plan includes a positive aim, and a positive vision for Stanwick. These include the statements that the village should be a *"vibrant village"* and *"evolve and expand whilst retaining its unique and distinctive character"*. These statements are consistent with the underlying principles of the Framework, 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."*
46. A representation *"questions the aim to deliver small development."* The aim of the Plan refers to *"developments"*. The Framework sets out a series of actions that local planning authorities should take to boost significantly the supply of housing. The actions do not state the supply of housing should be significantly boosted in every location. The Joint Core Strategy provides a strategic approach to the preferred distribution of new housing development that does significantly boost the supply of housing, but not in every location in the Joint Core Strategy area. The Framework states *"the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities."* Whilst larger scale development will sometimes be the best approach the Framework does not rule out an approach based on *"small, sustainable timely developments"* as included in the aim for Stanwick.

²⁶ 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)

47. The representation also states “*it is not clear what is meant by ‘do not distort the shape and essence of the village’*” making the point that “*any development that comes forward within the settlement will almost inevitably alter the shape of the settlement irrespective of the scale of development proposed.*” I consider it helpful to read the entire sentence that sets out the aim for Stanwick. It is clear developments are envisaged so that the village will evolve and expand in the context of the aim to retain the unique and distinctive character of Stanwick. A degree of freedom in the use of language is appropriate in respect of a ‘vision’ or an ‘aim’. The application of a SMART (specific, measurable, achievable, results-focussed, and time-bound) test, as might be applied to a business objective, is not appropriate for a neighbourhood plan vision or aim which by their nature will often not be precise. The vision and aim are not used to determine development proposals in the way that the Plan policies are. The latter must be precise for this reason.
48. The vision and aim are supported by a statement setting out eight objectives of the Neighbourhood Plan. These objectives refer to housing; transport and access; green areas; open space; community and recreation facilities; heritage assets; and infrastructure and services. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework.
49. The Neighbourhood Plan also includes a statement of Steering Group objectives. A representation states the first of these which states “*to investigate whether there is a housing need and, where a housing shortage is identified, ensure development is suitable for village needs*” is a reactive approach to development and that there is no commitment to rectify any shortfall, unless undertaken through a review of the Plan. The Neighbourhood Plan explains that the Steering Group objectives were agreed at the outset of the plan preparation process and of the actions taken leading to the preparation of the Neighbourhood Plan objectives. Given this explanation and the clear recognition in the Plan of the Framework, and in particular of the need to plan positively, I do not see a need, in the context of meeting the basic conditions, to recommend a modification of the Steering Group’s own objectives set at an early stage of plan preparation
50. 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.

51. 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.*"
52. 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.²⁷ 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*"²⁸.
53. 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.
54. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement confirms the Steering Group "*has prepared the plan with a conscious approach to delivering a document and policies which actively promotes sustainable development for the community.*"

²⁷ Paragraph 14 National Planning Policy Framework 2012

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

55. 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:

- Ensure new housing development meets local housing needs and is of good quality design;
- Achieve safe pedestrian movement from new housing developments;
- Maintain a strategic gap between Stanwick and Raunds;
- Resist loss of open space, sport and recreation facilities, and achieve new provision;
- Protect established and important trees;
- Avoid harm to, or loss of, non-designated heritage assets;
- Ensure consideration of options to avoid harm to heritage assets; and
- Conserve the setting of heritage assets.

56. I note the Neighbourhood Plan includes a Monitoring and Review Section. I consider the commitment of the Parish Council to monitor implementation of the plan and anticipation of possible plan review or update represents good practice.

57. 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)

58. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁹ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning*

²⁹ Paragraph 16 National Planning Policy Framework 2012

*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”.*³⁰

59. 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.”³¹

60. 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 Stanwick 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.

61. 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.

62. 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.”³² The use of ‘general’ allows for the possibility of conflict. Obviously, 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.

63. 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:

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance (ID: 41-04720 140306)

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

- *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.*³³

64. 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.³⁴

65. 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.

The Neighbourhood Plan policies

66. The Neighbourhood Plan includes 19 policies as follows:

Housing Policies

HSG1

HSG2

HSG3

³³ National Planning Practice Guidance (ID ref: 41-074 201 40306)

³⁴ Section 38(5) Planning and Compulsory Purchase Act 2004

Housing Design Policies

HDN1

HDN2

Transport Policies

TRA1

TRA2

TRA3

TRA4

Open Space Policies

OSP1

OSP2

OSP3

OSP4

OSP5

Heritage Policies

HTG1

HTG2

HTG3

HTG4

Infrastructure Policy

IFR1

67. The policy titles do not include any indication of content. I recommend a modification in this respect so that the Neighbourhood Plan offers a practical framework for decision making on planning applications as required by paragraph 17 of the Framework.

Recommended modification 2:

Policy titles should be added to indicate content, for example:

Policy HSG1 Meeting Local Housing Needs

Policy HSG3 Infill Housing Development

Policy HDN1 Design Principles for New Housing
Policy TRA3 Pedestrian Movement from New Housing
Policy OSP1 Avoidance of Coalescence of Stanwick and Raunds
Policy OSP3 Loss of Open Space, Sport and Recreation Facilities
Policy OSP4 Provision of Open Space, Sport and Recreation Facilities in New Housing Developments
Policy OSP5 Protection of Established and Important Trees
Policy HTG2 Non-Designated Heritage Assets
Policy HTG3 Avoidance of Harm to Heritage Assets
Policy HTG4 Conservation of the Setting of Heritage Assets

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.”*³⁵
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*

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

accordance with the development plan, unless material considerations indicate otherwise.”³⁶

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.

Housing Policy HSG1

73. This policy seeks to establish new housing development will be delivered in accordance with the rural housing requirements set out in the Local Plan and will reflect any deficit identified in the Housing Mix report.

74. A representation states *“The development of land at West Street (see Appendix 1 for location plan) represents a logical and sustainable extension of Stanwick to meet both market and affordable housing needs. The development of this site has the potential to deliver a number of significant benefits for the local community and the surrounding area, including the provision of New Homes Bonus payments, increasing the economic activity rate of the area and also provide a number of improvements that the neighbourhood plan seeks to achieve. It is noted that the neighbourhood plan identifies the need for ‘a safe crossing point between the village and Stanwick Lakes is frequently identified by residents.’ The allocation of land at West Street offers a genuine opportunity to realise this aspiration as this is the only realistic option given that the plan is only proposing very small scale development which will not provide sufficient infrastructure contributions necessary to deliver a crossing. Gladman’s primary position is that land at West Street should be included within the SNP as a potential allocation, with a secondary position for the site to be considered as a reserve allocation should housing needs increase in the local area or in the event that the Council is unable to demonstrate a 5-year housing land supply.”*

75. The representation also states *“As identified in paragraph 9.8 of the adopted JCS, the housing requirements identified in Policy 28 should be considered as a minimum. Accordingly, any development should be seen as the ‘minimum’ to be achieved”* and *“the 2016 housing mix*

³⁶ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

report identifies that there is limited development in the pipeline that will address the imbalance between households and property size. Accordingly, the neighbourhood plan cannot be seen to positively contribute to the delivery of sustainable development when a need has been identified and is not currently being addressed. The SNP is therefore inconsistent with basic conditions (a) and (d)”.

76. Whilst the representation has put forward a site for allocation there is no requirement for a neighbourhood plan to include a policy relating to the allocation of a site, or sites, for development for housing development. The Basic Conditions do not require any particular contribution to sustainable development only that there should be a contribution.

77. The first part of the Policy states new development will be delivered in accordance with the rural housing requirements set out in the Local Plan. The policy includes the ambiguous terms “*in Stanwick*”; “*will be delivered*”; and “*where necessary, to meet proven need*”. Inclusion of these terms results in the policy not providing 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 to remove these ambiguities. The reference to strategic policy is unnecessary and not conducive to the achievement of a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I recommend the first part of the Policy is modified in this respect also.

78. The second part of the Policy states new development “*will reflect any deficit identified in the Housing Mix report.*” I have noted the Housing Mix report 2016 prepared by the Housing Strategy Team of the District Council concludes “*The information and analysis above shows that*

- *There is a demonstrable need for additional smaller dwellings in Stanwick Ward particularly smaller houses and bungalows, to cater for the demand from emerging smaller households and ‘downsizers’*
- *Over 8 times lower quartile income was needed to buy the only two-bedroom house available in the ward*
- *The supply is made up of predominantly larger properties*
- *There is a lack of both affordable and privately rented properties becoming available, and this is something that will need to be addressed*

- *Options for older people are very limited*
- *The limited pipeline development will not redress the imbalance between household and property size.”*

79. Whilst the reduction of a deficit would offer a basis for assessment of proposals the meaning of “*reflect any deficit*” is unclear. It is not acceptable for a Policy to refer to an entire report without providing any guidance to decision makers regarding the determination of planning proposals. The Policy should be self-contained and provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The only reference to housing mix in the supporting text of the Neighbourhood Plan states “*smaller dwellings for down sizers and first time buyers are needed*”. Whilst inclusion of this statement in Policy HSG1 would represent an additional level of detail or distinct local approach to the strategic policy set out in Joint Core Strategy Policy 30, which seeks a strong emphasis on the provision of small and medium sized dwellings, it would not provide any guidance to decision makers as to the actual housing mix required. The Policy should in any case include sufficient flexibility to respond to changing housing mix requirements throughout the Plan period. I recommend the second part of the policy is modified in these respects.

80. The strategic policy context set out in the Joint Core Strategy establishes the approach to housing delivery in the Neighbourhood Area. Policy 11 of the JCS establishes a spatial strategy; Policy 28 establishes housing requirements; Policy 29 establishes a distribution of new homes; and Policy 30 establishes the approach to housing mix and tenure. As recommended to be modified the Policy is in general conformity with the strategic policies included in the Development Plan.

81. Subject to the recommended modification the policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. 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 this policy meets the Basic Conditions.

Recommended modification 3:

Replace Policy HSG1 with “To be supported, proposals for new housing development must demonstrate that they meet locally

arising housing needs that cannot be met more sustainably at a nearby larger settlement, and will reduce any deficit of house types identified in the most up to date demonstration of local housing mix need.”

Housing Policy HSG2

82. This policy seeks to establish conditional support for new development on rural exception sites.
83. A representation states *“This policy states that new development in Stanwick may only occur on rural exception sites. This is quite a prescriptive requirement and does not accord with the positive approach required by the Framework and will limit the ability to deliver market housing. A rural exception site can be difficult to deliver as they need to provide 100% affordable housing. As such, a landowner’s willingness to promote such a scheme is unlikely as it is doubtful it will achieve the optimum value of land that could be secured. Further it is unlikely that limited infill style windfall development and an unidentified rural exception site will secure the necessary financial contributions required to facilitate the level of infrastructure that the SNP seeks to achieve. A key element of the preparation of a neighbourhood plan is to identify areas which the local community wishes to shape and benefit from and provide certainty that housing needs in the local area will be delivered for existing and future generation’s needs. In its current form the neighbourhood plan does not seek to identify sustainable development opportunities to meet needs identified in its own evidence base. It therefore cannot be certain that the neighbourhood plan provides a practical framework to deliver sustainable growth opportunities in its current form. This reinforces the need for the Plan to enable a significant degree of flexibility to allow the delivery of market housing that will enable the delivery of affordable housing and infrastructure benefits to support the wider aspirations of the neighbourhood plan”*. The Policy includes the term *“may occur”* and not as stated in the representation *“may only occur”*. The Basic Conditions do not require any particular contribution to sustainable development only that there should be a contribution.
84. The policy includes the ambiguous terms *“in Stanwick”*; and *“may occur”*. 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.

85. The policy includes the term “*and the policies stated in this document*”. It is unclear whether this reference is to the Local Plan or to the Neighbourhood Plan. A reference to other policies of the Neighbourhood Plan is not necessary as each policy of the Neighbourhood plan should be self-contained. A reference to Local Plan policy is also unnecessary. It is inconsistent with the achievement of a practical framework for decision making for one policy to require compliance with other policies either in the Neighbourhood Plan or in the Local Plan. Policy HSG2 does not in any case add any additional level of detail or distinct local approach to the strategic policy set out in Joint Core Strategy Policy 13. I recommend deletion of the first sentence of the Policy.
86. The second sentence of the Policy refers “*to sustainable new development sites*” and is not limited to rural exception sites. It is unclear how this sentence relates to the earlier part of the Policy. The second sentence of the policy is merely a statement of intention relating to an intended action regarding partnership working of the Parish Council and East Northamptonshire Council. The stated action does not relate directly to the development and use of land and as such cannot serve a role in the determination of planning applications. It is also 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 recommend deletion of the second sentence of the Policy.
87. The policy does not meet the Basic Conditions and should be deleted.

**Recommended modification 4:
Delete Policy HSG2**

Housing Policy HSG3

88. This policy seeks to establish that windfall developments within the settlement boundary, on previously developed ‘brownfield’ or unallocated sites, will be viewed favourably.
89. I have noted that the Policy does not provide any guidance for decision makers as to how proposals for development outside the settlement boundary are to be dealt with. In those circumstances, strategic and national policy would apply including that relating to rural exception housing schemes set out in JCS Policy 13, and that relating to support of a prosperous rural economy, and provision for new isolated homes in the countryside set out in paragraphs 28 and 55 of the Framework.

90. A representation objects *“to the use of a settlement boundary if it would preclude the delivery of sustainable growth opportunities from coming forward. Beyond piecemeal infill style windfall development and an unidentified rural exception site, the SNP makes no provision for market and affordable housing. The Council’s Local Plan is heavily reliant on the delivery of large urban extensions to meet housing needs. However, the adopted JCS highlights the need for further sites to be identified in alternative locations in market towns, however these will be subject to the same issues and therefore may require lower order sustainable settlements in the settlement hierarchy to deliver additional housing to maintain a responsive housing land supply. Consequently, development in Stanwick and other sustainable settlements may be required. The Plan should enable a degree of flexibility should this be the case. The purpose of this policy only relates to development from within the settlement boundary. As such, it provides no clear indication of how a decision maker is supported to determine planning applications in a consistent manner through the development management process. Accordingly, a distinction needs to be made between development proposals within the boundary and those adjoining the existing built up area. The latter, in line with national policy, should be permitted where the adverse impacts of development do not significantly and demonstrably outweigh the benefits of development. Furthermore, the proposed cap on development to less than 5 dwellings is contrary to national planning policy which seeks to significantly boost the supply of housing. The proposed imposition of a 5-dwelling limit on future housing schemes will act to suppress future housing delivery contrary to paragraph 14 and 47 of the Framework. Indeed, Gladman draw the Councils’ attention to the Examiner’s Report to the Woodcote Neighbourhood Plan. In addition, the range of community infrastructure improvements identified by the Plan will unlikely be secured as development proposals of this scale will unlikely be able to generate the necessary enabling financial costs of securing such improvements”*.

91. The Policy includes in condition c. the word *“small”* when referring to sites. This is imprecise and cannot provide a basis for decision making. Condition a. states *“Is for less than 5 dwellings”*. The inclusion of this precise maximum size of development figure has not been adequately justified. In the absence of adequate justification, the imposition of a precise maximum size of development figure would mean that a proposal for sustainable development of a greater number of homes would not be supported. This element of the Policy does not have sufficient regard for the national policy presumption in favour of

sustainable development and the intention of the Framework to boost significantly the supply of housing.

92. The policy includes the imprecise terms “*viewed favourably*”; “*well designed*”; “*loss of daylight*”; “*visual intrusion by a building or structure*”; and “*appropriate consideration*”. Inclusion of these terms results in the policy not providing a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The use of the term “*potential loss*” also introduces uncertainty. The requirement for direct highway frontage, and the need to avoid any loss of mature vegetation or landscape screening have not been adequately justified.
93. The policy includes the term “*Over the life of the Neighbourhood Development Plan*”. This term is unnecessary as all policies of the Neighbourhood Plan apply throughout the Plan period.
94. The Policy includes the term “*unallocated sites*”. The use of this term suggests the Plan allocates sites. The Plan does however not include any site allocations. The term “*unallocated sites*” is not consistent with the achievement of a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The restriction of development to occur “*on previously developed ‘brownfield’ or unallocated sites*” has not been adequately justified.
95. A representation states the Policy is not “*a practical policy tool when the Plan fails to include a map which identifies the particular extent of this arbitrary limit. Accordingly, this does not enable a decision maker to apply this policy consistently and with ease and is therefore contrary to basic condition (a)*”. The Policy refers to “*the settlement boundary*” but does not define this by reference to a map or by any other means. Map 11 does include a definition of the settlement boundary at a stated scale of 1:12,000. This map goes some way to providing sufficient information to determine whether particular areas of land fall within or outside the boundary with a necessary degree of certainty. Unfortunately, the settlement boundary shown on Map 11 is incomplete as a settlement name box has been superimposed over part of the settlement boundary. I have considered whether Map 1 offers assistance in this respect but concluded Map 1 defines the settlement boundary at such a small scale that it is not possible to determine whether sites fall within or outside the boundary with a sufficient degree of certainty. Map 10 includes a red line around the character areas of Stanwick. No explanation of the significance of the red line is stated. The red line does not correspond with the settlement

boundary shown on Map 1. The uncertainty of intended spatial application results in the Policy not providing 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 so that the Policy refers to the built-up area of Stanwick village.

96. Subject to the recommended modification the policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. 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 this policy meets the Basic Conditions.

Recommended modification 5:

Replace Policy HSG3 with “Proposals for infill housing development within the built-up area of Stanwick village will be supported where they would not materially adversely affect the character of the settlement, or residential or visual amenity, and where it is demonstrated they will not result in on-street car parking or increased risk of flooding.”

Housing Design Policy HDN1

97. This policy seeks to establish design principles for new housing developments.
98. The policy is worded so that it is merely a statement, firstly confirming the Local Plan sets out place shaping principles, and secondly setting out attributes of development necessary to meet those principles. I have recommended a modification 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.
99. The policy includes the term “*within Stanwick*” however the spatial application of the Policy is unclear. I have recommended a modification 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.
100. The sixth design principle of the policy includes the term “*minimise the visual impact*”. On this basis, the policy would seek to reduce the impact of development to the smallest possible amount or

degree. This would not always be a reasonable or justifiable requirement. The same design principle also refers to “*views from the countryside.*” These views are not further identified, for example on a map. The sixth design principle is imprecise and cannot 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. Whilst there is a degree of overlap between the other stated principles I am satisfied that each of them provides a satisfactory basis for the assessment of development proposals.

101. 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 requiring good design. Subject to the recommended modification this policy meets the Basic Conditions

Recommended modification 6:

In Policy HDN1:

- **delete the text up to and including “it must” and insert “To be supported a development proposal must, through design and materials:”**
- **delete principle f.**

Housing Policy HDN2

102. This policy seeks to establish design principles for development proposals to be supported. The Policy wording is not limited to housing development although I note the Policy is included as a Housing Design policy. The Policy includes the term “*natural assets*” that 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. The policy duplicates Policy HDN1 to such an extent that I have recommended deletion of the policy so that the Neighbourhood Plan will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. This policy does not meet the Basic Conditions and should be deleted.

Recommended modification 7:

Delete Policy HDN2

Transport Policy TRA1

103. This policy seeks to establish the matters to be dealt with in a travel plan where one is required in association with a planning application.
104. The Framework defines a travel plan as “a *long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed*”. The Government considers that travel plans should be submitted alongside planning applications which are likely to have significant transport implications. The Policy includes requirements relating to traffic impact which would normally fall within the scope of a Transport Statement and Assessment. The Local Highway Authority has discretion regarding the form of statement/assessment required. It is inappropriate for a neighbourhood plan policy to seek to limit that discretion.
105. A representation supports the Plan’s intention to improve the neighbourhood area’s road network “*However, the policies identified are not realistically achievable given that the scale and type of sites expected to come forward will not be of a sufficient scale to be required to provide developer contributions and or may not even be required to provide developer contributions*”. The Framework states “*Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*” The policy does not recognise the need for consideration of viability as required by Paragraph 173 of the Framework.
106. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The ‘Guidance on Information Requirements and Validation’ document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include *‘information to accompany the application as specified by the local planning authority on their local list of information requirements’*. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain ‘relevant, necessary and material’. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which

has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application.

107. East Northamptonshire Council's local list of information requirements has been reviewed with the intention of making compliance with it a pre-requisite for a planning application being validated. This list has been compiled in accordance with DCLG guidance, the regulations referenced above, and the requirements of adopted Supplementary Planning Documents and the Framework. The Local List of Information Requirements in East Northamptonshire applies to all applications submitted on or after 2 September 2015. The list will be reviewed not less than every two years in order to comply with the DMPO, to remain up-to-date and to take into account any new legislation or change in policies at local, regional or national level.

108. A representation submitted by the County Council states travel plans are only required over a certain threshold and that in this respect the Policy is incorrect. The representation states that the policy objectives that bullet points a-d of the Policy set out to achieve are already very much encompassed within existing national policy and that *"Our concern is that policy TRA1 could be seen to repeat policy that is laid out in the NPPF and guidance for transport assessments."* The representation suggests the relevant content could be transferred to the supporting text. The neighbourhood plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community but which cannot be the subject of a neighbourhood plan policy. The policy does not meet the Basic Conditions and should be deleted. I recommend a modification so that the text of the policy is transferred to the Monitoring and Review section of the Neighbourhood Plan and described as a community aspiration.

Recommended modification 8:

Delete Policy TRA1. The policy text and supporting text should be transferred to the Monitoring and Review section of the Neighbourhood Plan and described as a community aspiration

Transport Policy TRA2

109. This policy seeks to establish developer contributions will be sought towards the introduction of speed restrictions and traffic calming.
110. A representation supports the Plan's intention to improve the neighbourhood area's road network "*However, the policies identified are not realistically achievable given that the scale and type of sites expected to come forward will not be of a sufficient scale to be required to provide developer contributions and or may not even be required to provide developer contributions*". The Framework states "*Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*" The policy does not recognise the need for consideration of viability as required by Paragraph 173 of the Framework.
111. The policy includes the term "*on all roads where deemed necessary*". It is unclear whether necessity arises from the nature of the development proposals or from existing road conditions. The term introduces uncertainty of application of the policy. 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.
112. Speed restrictions and traffic calming are not measures that would be the subject of a development proposal requiring planning permission. The policy does not meet the Basic Conditions and should be deleted. Whilst I have recommended deletion of the policy the neighbourhood plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. I recommend a modification so that the text of the policy is transferred to the Monitoring and Review section of the Neighbourhood Plan and described as a community aspiration.

Recommended modification 9:

Delete Policy TRA2. The policy text and supporting text should be transferred to the Monitoring and Review section of the Neighbourhood Plan and described as a community aspiration

Transport Policy TRA3

113. This policy seeks to establish that new housing developments must provide safe pedestrian access to link up with existing or proposed footways.
114. The policy includes the term “*when appropriate and practical*” which introduces uncertainty. I have recommended a modification so that the policy requires provision unless it is demonstrated that the measures are not appropriate and practical. In this way, the Policy will provide a workable framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
115. A representation supports the Plan’s intention to improve the neighbourhood area’s road network “*However, the policies identified are not realistically achievable given that the scale and type of sites expected to come forward will not be of a sufficient scale to be required to provide developer contributions and or may not even be required to provide developer contributions*”. The Framework states “*Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*” I have recommended a modification so that the policy includes the need to consider viability as required by Paragraph 173 of the Framework.
116. 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 promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy TRA3 delete “when appropriate and practical” and after “facilities” insert “unless it is demonstrated this is not appropriate and practical, or not viable.”

Transport Policy TRA4

117. This policy seeks to establish that all new residential and commercial development should meet the Northamptonshire County

Council parking standards as a minimum standard and refers to a desired specification.

118. The general reference to “*Northamptonshire County Council parking standards*” does not provide a practical basis for determination of planning proposals and no justification is included to support that element of the Policy.
119. The policy states all new homes should provide as a desired specification one off street parking space for each bedroom. A desired specification does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.
120. The policy includes the sentence “*Proposals should also have regard to site specific circumstances*”. In addition to being imprecise this sentence is unnecessary as all material considerations must be taken into account in the determination of planning applications.
121. Paragraph 39 of the Framework sets out matters that should be taken into account in setting local parking standards for residential and non-residential development. The text supporting the Policy does not confirm the relevant matters have been adequately considered and justified. The policy does not meet the Basic Conditions and should be deleted.

**Recommended modification 11:
Delete PolicyTRA4**

Open Space Policy OSP1

122. This policy seeks to establish that Stanwick will retain its unique identity by maintaining a distinct area of separation between the settlement boundary and the parish boundary, and resist coalescence with neighbouring settlements.
123. The Framework states “*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure*

developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and • promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”

124. The Framework also states *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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.*

125. A representation states *“No evidence has been provided to justify the inclusion of the above policy, why it has regard to national policy or in general conformity with the strategic requirements for the wider area. Policy OSP1 seeks to implement a strategic policy that is not the function of a neighbourhood plan. Policy OSP1 is therefore inconsistent with basic conditions (a), (d) and (e) and should therefore be deleted from the plan. Indeed, Gladman notes the Examiner’s Report to the Colwich Neighbourhood Plan which found that “there is no substantial evidence to demonstrate that development must be prevented within the whole of the “areas of separation”. In this instance, the Examiner recommended that the Area of Separation be deleted as it appeared to be significantly more restrictive than Green Belt policy which allows for various forms of development. Further, the PPG makes clear that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies*

restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their inclusion is supported by robust evidence. Not only will this policy unacceptably restrict any development being delivered within Stanwick but it would in effect limit any further potential growth being delivered in the neighbouring settlement of Raunds, contrary to the PPG. Policy OSP1 is therefore contrary to basic conditions (a) and (d)".

126. The term "a distinct area of separation between the settlement boundary and the parish boundary" is imprecise as it is unclear what land should be included in the distinct area. Paragraph 10.25 of the supporting text refers to retaining a strategic gap "*between the settlement boundary and the A45 to the west*". This statement is however of little assistance in interpreting the policy as the A45 does not form the parish boundary in the west of the plan area. It is also unclear how development proposals within the "*distinct area*" are to be determined. In these respects, there is insufficient clarity to allow the policy to function as a practical framework for decision taking as required by paragraph 17 of the Framework I recommend the part of the Policy that relates to the maintenance of a distinct area of separation between the settlement boundary and the parish boundary should be deleted.
127. The Policy seeks to resist coalescence with neighbouring settlements. The term "*resist coalescence with neighbouring settlements*" does not provide sufficient clarity to allow the policy to function as a practical framework for decision taking as required by paragraph 17 of the Framework.
128. Paragraph 10.25 of the supporting text refers to the importance of retaining a strategic gap with the neighbouring settlements to the south of the village. This may be a reference to the villages of Chelveston and Caldecott however there is no further information available to confirm this or the location or extent of the strategic gap. This apparent intention of the policy is imprecise and cannot provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I do not consider this apparent intention of the Policy can be accommodated through a modification.
129. Paragraph 10.24 of the supporting text states "*The Plan designates a strategic gap between the Mallows Grange housing estate and the parish boundary with Raunds. This is an important open space as it preserves the setting of the village from the Raunds direction and prevents the possibility of coalescence between*

Stanwick and Raunds (Map 11 below).” Map 11 that is referred to clearly defines the strategic gap in question.

130. A policy defining an area where no development is to be permitted seeks to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy the resistance of coalescence of settlements can be a legitimate objective of land use policy. Preventing two settlements from coalescing is not the same as preventing any development between them. I have recommended a modification of the policy such that within the defined strategic gap development that visually significantly diminishes the openness of the gap, as viewed from publically accessible locations, will not be supported. The recommended modification would have regard for those elements of the Framework that establish a presumption in favour of sustainable development; and those elements that specifically recognise the importance of economic growth in rural areas; and that state that there are special circumstances where isolated homes in the countryside will be acceptable. The recommended modification would also have regard for Paragraph 109 of the Framework which states “*the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*”. I have noted the text referring to the “*Land between Stanwick Village and the parish boundary with Raunds*” included in the assessment of Housing Character and Design July 2015. (This document is listed as ‘Housing Design Audit 2015’ in the Evidence Base). The identification of the strategic gap between Stanwick and Raunds in the Neighbourhood Plan and responses at Regulation 14 stage of Plan development provide further evidence that the undeveloped rural landscape in the defined area is a valued landscape. Having regard for national policy, Policy OSP1 is appropriate.

131. Paragraph 5.7 of the Joint Core Strategy states “*Distinctive and separate settlements will be maintained in North Northamptonshire. Part 2 Local Plans can identify areas of particular sensitivity to coalescence that should be protected strategically using measures such as strategic gaps to maintain the separate identities of settlements.*” This supporting text does not prevent a neighbourhood plan from seeking to prevent coalescence of settlements. Policy 11 of the JCS states “*The special mixed urban/rural character of North Northamptonshire with its distinctive and separate settlements will be*

maintained through the avoidance of coalescence.” Policy OSP1 upholds the general principle of the strategic policy, is not in conflict with strategic policy, and adds an additional level of detail. Taking into account the stated rationale for the Policy, I conclude the Policy is in general conformity with the strategic policies of the Development Plan.

132. Subject to the recommended modification 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 conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

Replace Policy OSP1 with “Development proposals that, as viewed from publically accessible locations, will visually significantly diminish the openness of the strategic gap between Stanwick and Raunds (defined on Map 11), will not be supported unless they relate to essential utility infrastructure that cannot be located elsewhere.”

Open Space Policy OSP2

133. This policy seeks to establish that development proposals which would result in the loss of an area of important open space as defined in the Assessment of Housing Character and Design Stanwick, will not be permitted, other than in exceptional circumstances for essential utility infrastructure and where no feasible alternative site is available.
134. The policy includes the phrase *“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. Policies should use the term “will 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 policy that states development will be permitted or not permitted.

135. East Northamptonshire Council advise me that the reference to the “*Assessment of Housing Character and Design Stanwick*” in Policy OSP2 is a reference to the document listed as ‘Housing Design Audit 2015’ in the Evidence Base. This document provides a well-illustrated, thorough and comprehensive description of the character areas of Stanwick. The document states that it should be read in conjunction with the Heritage Audit and includes within its conclusions the following statements: “*It is important that Stanwick retains its rural character. This could be achieved by ensuring that those open spaces that provide views into open countryside from within the built environment are retained at strategic locations as marked on Map 1. Ideally, these areas should be retained for agricultural use, although development for recreational use such as Community Woodland, Country Park or informal public open space will be supported providing the proposals do not detract from the open and undeveloped character of the area. In the case of Orchard Farm, the area has significant value as an Important Open Space because it is intrinsic to the character and appearance East Street. The farm building and fields that flank it have historic value as they acknowledge Stanwick’s agricultural heritage as well as providing a significant visual amenity with their open views. Retained policy EN20 of the adopted East Northamptonshire Local District Plan 1996 designates Important Open Land in villages. Such sites perform a visual/amenity character function which is different to the function of sites identified by the Open Space, Sport and Recreation Study (2006) (commissioned by East Northamptonshire Council) and the Open Space Audit undertaken by the Neighbourhood Plan Steering Group*” and “*The Local District Plan specified one site in Stanwick and shows the site within ‘Inset 10 Stanwick left’. The land near top Stanwick Hall lies between Villa Lane and West Street. The designation was carried forward into the ‘Raunds Area Plan Preferred Option Report 2007’. Stanwick Parish Council has nominated this site for Local Green Space Designation.*”

136. I have examined Map 1 and find that it defines 9 character zones within Stanwick but does not specifically identify “*those open spaces that provide views into open countryside from within the built environment.*” The references to land between Villa Lane and West Street and at Orchard Farm are not adequately defined in the Assessment of Housing Character and Design July 2015 document. It is not acceptable for a neighbourhood plan policy to refer to an entire report without providing any adequate guidance to decision makers regarding the spatial application of the Policy. The Policy should be self-contained and provide a practical framework within which

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

137. The policy is seeking to establish a development management regime that is equivalent to that to apply in a designated Local Green Space but without demonstrating the criteria for such a designation have been met. In this respect, the Policy is not sufficiently justified.
138. The policy does not meet the Basic Conditions and should be deleted.

**Recommended modification 13:
Delete Policy OSP2**

Open Space Policy OSP3

139. This policy seeks to establish that development proposals in Stanwick will be supported provided they do not fall into four defined circumstances.
140. The policy includes the term “*within Stanwick*” however the spatial application of the Policy is unclear. I have recommended a modification 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.
141. The first two circumstances where development proposals will not be supported refer to views: in circumstance a. into the village from approach roads or open countryside; and in circumstance b. into the countryside from within the village. These views are not further identified, for example on a map. The two stated circumstances are imprecise and cannot provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. I recommend provisions a. and b. are deleted.
142. Circumstance c. refers to development proposals that adversely affect land that contributes to the setting of a listed building. The Framework sets out a comprehensive national policy statement relating to the assessment of development proposals affecting the setting of heritage assets. It is inappropriate to repeat national policy and no justification for variation of national policy has been presented. Heritage Policy HTG4 of the Neighbourhood Plan seeks to establish a policy approach to development proposals that affect the setting of a heritage asset. I recommend deletion of circumstance c. of Policy

OSP3 in the interests of achieving a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework

143. Circumstance d. does not have adequate regard for national policy set out in the Framework which refers to replacement of any loss of open space, sports and recreational buildings and land with equivalent or better provision. 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. Subject to the recommended modification 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 14:

Replace Policy OSP3 with “Development proposals will not be supported where they result in loss of existing open space, sport or recreation facilities unless it can be demonstrated the open space or facilities are no longer required, or are being replaced with no loss of amenity or convenience.”

Open Space Policy OSP4

145. This policy seeks to establish that new open spaces, sport and recreation facilities shall be provided on all new housing developments and/or improvements and enhancements shall be undertaken to existing off site facilities.
146. A representation states *“This policy requires all housing development to provide new areas of open space, sport and recreational facilities. Gladman questions whether this policy is realistically achievable given that not all housing development will be required to provide a play area or public open space improvements. We reiterate that the level of development expected to be delivered over the plan period on sites of less than 5 dwellings will be of an insufficient scale to be able to enhance and/or deliver new areas of public open space.”*
147. The policy relates to *“all housing developments”*. This would include proposals for a single dwelling. The Framework states *“Plans*

should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Provision of open spaces, sport and recreation facilities may not be appropriate in these terms in respect of small-scale proposals. I have recommended a modification so that the policy requires consideration of viability as required by Paragraph 173 of the Framework.

148. 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 promoting healthy communities. Subject to the recommended modification, this policy meets the Basic Conditions.

Recommended modification 15:

Replace Policy OSP4 with “To be supported proposals for new housing developments must include new open spaces, sport and recreation facilities to the extent that viability considerations permit. The alternative to on-site provision, of improvement and enhancement of off-site facilities, will be supported where it is demonstrated this will result in more effective provision”

Open Space Policy OSP5

149. This policy seeks to establish a regime of protection for trees that have significant amenity value.
150. The policy includes the imprecise terms “*a reputable company*”, and “*important trees*”. I have recommended a modification 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.
151. The Policy seeks to resist “*the removal or cutting back of any trees that have a significant amenity value without an arboriculture report by a reputable company*” and refers to trees being “*considered for protection*”. National legislation exists in relation to Tree Preservation Orders and related matters. It is inappropriate for a neighbourhood plan policy to seek to duplicate or modify that legislation.

152. The Framework states *“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* I have recommended a modification so that the Policy has regard for national policy.

153. 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 conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 16:

Replace Policy OSP5 with “Development proposals will not be supported where they will result in present or future harm to, or loss of, any distinctive, or aged or veteran tree, or a tree with demonstrably significant amenity value unless:

- **it can be demonstrated the loss or harm cannot be avoided and that adequate compensatory planting will occur; and**
- **it can be demonstrated the need for, and benefits of the development in that location clearly outweigh the harm or loss”**

Heritage Policy HTG1

154. This policy seeks to establish non-designated Heritage Assets shall be included in a Local Heritage List where they meet the criteria specified by East Northamptonshire Council.

155. The policy wording merely sets out an administrative task and does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. This policy does not meet the Basic Conditions and should be deleted.

Recommended modification 17:

Delete Policy HTG1

Heritage Policy HTG2

156. This policy seeks to ensure that Local Planning Authorities should, when considering development proposals, establish if any potential non-designated heritage asset meets the definition in the Framework. The policy also states *“in the case of buildings, their significance should be judged against appropriate ‘Local List’ criteria”*.
157. The Glossary to the Framework defines heritage asset as *“a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”*
158. The Policy merely sets out proposed actions for Local Planning Authorities. I have recommended a modification 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.
159. 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 conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 18:

Replace Policy HTG2 with “Development proposals must identify any harm to, or loss of, any non-designated heritage asset so that the scale of harm or loss can be assessed having regard to the significance of the heritage asset.”

Heritage Policy HTG3

160. This policy seeks to establish that where development proposals are deemed to have significant adverse impact on a heritage asset consideration should be given to appropriate measures to avoid that significant harm. The policy also refers to historic environment.
161. Paragraphs 133, 134 and 135 of the Framework set out the policy approach to be followed in respect of proposals that would lead

to substantial, and less than substantial, harm to the significance of a designated heritage asset, and where there will be an effect on the significance of a non-designated heritage asset. Paragraph 138 of the Framework makes it clear Paragraphs 133 and 134 also apply in respect of designated heritage areas.

162. The policy includes the term “*consideration should be given*” although it is unclear which party should be giving the consideration. It is also unclear whether alternative approaches would be assessed to be measures. The meaning of the reference in the Policy to “*historic environment*” is also unclear. I have recommended a modification 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.

163. 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 conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 19:

Replace Policy HTG3 with “Development proposals that will harm the significance of a heritage asset should demonstrate consideration has been given to options or measures that would avoid that harm.”

Heritage Policy HTG4

164. This policy seeks to establish that development within or adjacent to the historic curtilage of a heritage structure should ensure its setting does not suffer any significant harm.

165. The policy includes the term “*historic curtilage*”. This has the effect of introducing uncertainty. I have recommended a modification to use the term “*curtilage*” 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.

166. The Policy is internally inconsistent referring initially to “*structure, site or area*” but only “*structure*” later. I have recommended a modification in this respect also 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.

167. Paragraphs 132 to 135 of the Framework establish a policy approach in respect of the determination of development proposals that affect the significance of heritage assets. Paragraph 137 of the Framework sets out an approach to proposals that are within the setting of a heritage asset or a Conservation Area stating “*Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*” Whilst Policy HTG4 extends national policy I consider it has sufficient regard for national policy to be appropriate subject to a modification that reflects the balanced approach to public benefit set out in the Framework.

168. 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 conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy HTG4

- **delete “historic”, and**
- **delete “structure does” and insert “asset does”**
- **after “significant harm” insert “unless it can be demonstrated the public benefits of the proposal outweigh the harm.”**

Infrastructure Policy IFR1

169. This policy seeks to establish that developments will be considered where it can be demonstrated that all aspects of infrastructure, services and facilities are compliant with Local Plan criteria.

170. The policy seeks to establish circumstances when development proposals will be “*considered*”. Proposals put forward in planning applications must be considered.

171. Policies 7 and 10 of the Joint Core Strategy establish a clear policy regime requiring new development to support and enhance

community facilities and assets, and ensure the timely delivery of infrastructure. Policy IFR1 does not add any level of detail and/or a distinct local approach to that set out in the strategic policy. The policy merely duplicates strategic policy and does not therefore provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. The Policy does not meet the Basic Conditions and I have recommended it is deleted.

**Recommended modification 21:
Delete Policy IFR1**

Summary and Referendum

172. I have recommended 21 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

173. I am satisfied that the Neighbourhood Plan³⁷:

- 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);

³⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- 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 marine site, either alone or in combination with other plans or projects.³⁸

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

174. 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.³⁹ 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 10 December 2014.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁰

Northamptonshire County Council states the Evidence Base needs to be updated to reflect the adoption of the Northamptonshire Parking Standards Document in 2016.

A number of consequential modifications to the general text 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.

Recommended modification 22:

³⁸ 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

³⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies.

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REPORT ENDS