West Haddon Neighbourhood Development Plan, 2029

Submission Version

A Report to Daventry District Council of the Examination into the West Haddon Neighbourhood Development Plan

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Appendix 1 Agenda for Hearing, 23rd July 2015

Appendix 2 Recommended Policy Alterations to the Submission Draft West Haddon Neighbourhood Development Plan 2029

Appendix 3 Recommended amendments to the explanatory text to revised Policy WH10

Plan 1 Proposals Map - West Haddon Parish Council February 2015, Revised July 2015
1.0 **Introduction and Role of the Independent Examiner**

1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the West Haddon Neighbourhood Development Plan, 2029, Submission Version, referred to as the Plan. The Parish of West Haddon is located approximately 14 kilometres north east of Daventry, within Daventry District. The Parish is rural in character with a population of about 1,718, mainly concentrated in the village itself, the remainder located in scattered farms and cottages throughout the wider Parish. West Haddon is a hill top village, with the historic core focused around West End and High Street with buildings fronting the main streets in a traditional linear layout.

1.2 The A428 bypass sweeps to the north and east of the Village and some new development has taken place between the historic core and the modern bypass.

1.3 I understand that a Neighbourhood Plan Steering Group was established in August 2013, comprising of Parish Councillors and interested local residents to prepare the Plan. I further understand that this group has met at least monthly throughout the process and reported to the full Parish Council for formal approval of key decisions. An application was made to Daventry District Council on 20th of September 2013 for designation as a neighbourhood planning area. The application was approved by the District Council on 27 February 2014, covering the entire parish. I am satisfied that there are no other neighbourhood plans covering the Parish of West Haddon.

1.4 My role as an Independent Examiner when considering the content of a neighbourhood plan is limited to testing whether or not a draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan or to examine other material considerations.

1.5 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C(5) of the Planning and Compulsory Purchase Act 2004 (ad amended)], states that the Plan must meet the following “basic conditions”:

- it must have appropriate regard for national policy;
- it must contribute towards the achievement of sustainable development;
- it must be in general conformity with the strategic policies of the development plan for the local area;
- it must be compatible with human rights requirements and
- it must be compatible with EU obligations.
1.6 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:

(a) that the draft order is submitted to a referendum, or

(b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or

(c) that the proposal for the order is refused.

1.7 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the West Haddon Neighbourhood Development Plan area to which the Plan relates. I make my recommendations at the end of this Report.

1.8 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

2.0 Basic Conditions

2.1 I now consider the extent to which the Plan meets the “basic conditions”. A Basic Conditions Statement has been prepared and published by the Parish Council with the assistance of Kirkwells, planning consultants. This has been supplied to me by Daventry District Council for the purpose of this independent examination.

2.2 Regard to the National Planning Policy Framework (NPPF)

2.3 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

2.4 The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
set planning policies through neighbourhood plans to determine decisions on planning applications; and

grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

2.5 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

2.6 Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to these policies in the NPPF. In reaching this opinion I have been assisted by the comprehensive Basic Conditions Statement prepared in support of the draft Plan by West Haddon Parish Council. This helpfully examines the Plan against the twelve principal planning objectives of the NPPF in delivering sustainable development. These are that planning should:

- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;

- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
● always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

● take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

● support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

● contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

● encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

● promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

● conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

● actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

● take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

2.7 In assessing these principal planning objectives of the NPPF and in so far as these relate to West Haddon, the Basic Conditions Statement considers each of these objectives sequentially in Table 1.

2.8 Contribution to Sustainable Development

2.9 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. The Basic Conditions
Statement considered these three dimensions in Table 2 of the Basic Conditions Statement, by reference to a high level overall consideration of the objectives and Plan policies. I consider that this approach is sufficient and that the Plan would properly contribute to the objective of sustaining sustainable development, subject to various policy amendments recommended in this report.

2.10 Conformity with the Strategic Policies for the local area

2.11 The Basic Conditions Statement has considered the Submission Plan against the strategic Local Plan policies contained within the West Northamptonshire Joint Core Strategy (Part 1) adopted in December 2014 and the “saved” policies of the Daventry District Local Plan (1997). These documents comprised the adopted development plan at the date of the examination of the West Haddon Neighbourhood Development Plan. The Basic Conditions Statement identifies in Table 3, how the Submission Plan policies conform to the recently adopted West Northamptonshire Joint Core Strategy (Part 1) policies (WNJCS) and the “saved” policies of the Daventry District Local Plan (1997). As is frequently the case, neighbourhood plan policies may be prepared at the same time as local plan policies, as confirmed in the National Planning Practice Guidance at paragraph 9, however to meet the basic conditions test, the draft neighbourhood plan must be in general conformity with the strategic planning policies of the adopted development plan when the Plan is examined.

2.12 At the time of the preparation and examination of the Plan, the more detailed policies of the WNJCS had yet to be prepared. These I understand will be prepared in the near future. To the extent that the strategic policies of the development plan are included in the WNJCS, (Part 1), these should be sufficient against which to examine the Plan. Furthermore, at present as the saved policies remain extant it is also necessary to assess conformity with those policies in assessing the basic conditions.

2.13 Conformity with European Union Obligations

2.14 In December 2014, Daventry District Council undertook a screening assessment and report for the West Haddon Neighbourhood Development Plan 2014-2029, for Strategic Environmental Assessment and Habitats Regulation Assessment. The purpose of this report was to establish whether the Plan is compatible with EU obligations. This screening report was designed to determine whether or not the content of the draft West Haddon Neighbourhood Development Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and/or a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). The screening report then formed the basis for seeking advice from Natural England,
English Heritage (now Heritage England) and the Environment Agency as to whether the plan required a full SEA and/or HRA assessment.

2.15 In considering the need for SEA, DDC’s report rehearses the vision for the Plan, the 10 objectives which flow from the vision and the resultant Plan policies. At the time when the DDC assessment was carried out, the examination of the WNJCS had been undertaken and the Inspector’s report has been published which concluded that subject to a number of modifications which had previously been consulted upon, the plan formed a sound basis for planning of the area up to 2029. It was anticipated at that time that the West Northamptonshire Joint Core Strategy (WNJCS) would have been adopted prior to the West Haddon Neighbourhood Development Plan being submitted and then examined; consequently, it was anticipated that the Plan would have to be in general conformity with it. That expectation has now been realised up to and including the examination of the Plan. The screening outcome, as a result of the DDC assessment concluded that it was unlikely that any significant environmental effects would occur from the implementation of the West Haddon Neighbourhood Development Plan that were not considered and dealt with by the Sustainability Appraisal of the West Northamptonshire Joint Core Strategy. As such, the report concluded that the West Haddon Neighbourhood Development Plan did not require a full SEA to be undertaken.

2.16 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of a plan’s implementation. The West Haddon Neighbourhood Development Plan Area is 17 km from the Upper Nene Valley Gravel Pits SPA/RAMSAR and 39km from Rutland Water and SPA/RAMSAR. By virtue of scale and distance from West Haddon, neither the Upper Nene Gravel Pits site nor the Rutland Water site, would result in any likely significant effects, consequent upon the implementation of the West Haddon Neighbourhood Development Plan.

2.17 As to possible, “in combination” effects, DDC’s screening report concluded that, as the plan is required to be in general conformity with and will contribute to delivering the growth identified in the WNJCS, rather than exceeding it, DDC did not considered that implementation of the Plan would lead to any significant “in combination” effects.

2.18 The general conclusion is that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.
3.0 **Background Documents**

3.1 In examining the West Haddon Neighbourhood Development Plan 2029, I have had regard to the following documents in addition to the Submission Version of the Plan:

a) National Planning Policy Framework, March 2012
b) National Planning Policy Framework, Planning Practice Guidance
c) Town and Country Planning Act 1990 (as amended)
d) The Planning and Compulsory Purchase Act 2004 (as amended)
e) The Planning Act 2008
f) The Localism Act (2011)
g) The Neighbourhood Planning Regulations (2012)
h) Statement of Basic Conditions
i) Representations received by Daventry District Council (DDC) as part of Regulation 16 publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act
j) Consultation Statement, West Haddon Neighbourhood Development Plan - Consultation Statement – February 2015
k) Policy paper 2010 to 2015 government policy: planning reform, Updated 8 May 2015, DCLG

n) **West Berkshire District Council and Reading Borough Council v the Department for Communities and Local Government**, Case No: CO/76/2015
   Neutral Citation Number: [2015] EWHC 2222 (Admin) IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT PLANNING COURT 31st July 2015

4.0 **Public Consultation**

4.1 Details relating to the public consultation undertaken in the preparation of the West Haddon Neighbourhood Plan are summarised in the Consultation Statement, February 2015. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-
making being almost as important as the plan itself. The Neighbourhood Planning Regulations 2012 require that a Consultation Statement to be submitted with the neighbourhood plan confirming the persons and bodies consulted about the proposed neighbourhood plan; explaining how they were consulted; summarising the main issues and concerns raised and how these matters have been considered within the proposed Plan. Such engagement with the community during plan-making has raised awareness and encouraged the community in West Haddon, to understand and in some cases query the draft policies as well as the Plan’s scope and limitations.

4.2 Effective consultation can create a sense of public ownership, achieve consensus and in the context of neighbourhood planning provide the confidence for support of the Plan. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning regulations 2012, a Consultation Statement should contain:

- details of the persons and bodies who were consulted about the proposed neighbourhood plan development;
- an explanation of how they were consulted;
- a summary of the main issues and concerns raised by the persons consulted;
- a description of how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood plan.

4.3 The West Haddon Neighbourhood Development Plan Consultation Statement has been prepared by the Parish Council's planning consultants, Kirkwells, to fulfil the legal obligations of Section 15(2) of Part 5 of the Neighbourhood Planning Regulations, 2012. It is clear from the Consultation Statement that there has been an extensive amount of engagement with local community and statutory bodies, by the Parish Council and the Neighbourhood Development Plan Steering Group. The Neighbourhood Development Plan Steering Group has communicated through traditional means by public meetings, parish newsletters and exhibitions as well as via the use of social media.

4.4 Importantly, a call for housing sites, was made in September 2014, by which the parishioners were invited to nominate sites for development through the preparation of the neighbourhood plan. This was to supplement the list of sites already put forward via the Strategic Housing Land Availability Assessment (SHLAA) process and through planning applications.

4.5 The approach and execution of the community consultation appears to have been undertaken on a comprehensive and diligent basis throughout the period during which the Plan has been prepared. The Consultation Statement demonstrates that the consultation approach was a two way process. Firstly, through the use of a questionnaire, in May 2014, the Neighbourhood Development Plan Steering Group
preparing and distributing a questionnaire throughout the parish. This has been used to gleaning evidence of local planning and development preferences which has in turn been used to inform and justify the draft policies. Secondly public consultation has been used to obtain feedback on the draft local plan as the document was prepared. A tribute to the public involvement is the extent to which the Plan commands a high level of public support, although inevitably some interests will not be satisfied by all of the site allocations and some of the draft policies that have been prepared and subject to public scrutiny and consideration through informal and formal consultation.

4.6 I am satisfied that the Consultation Statement complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

5.0 West Haddon Neighbourhood Development Plan – Land Use Planning Policies

5.1 Whilst there has been considerable support within the parish for most of the draft neighbourhood plan policies, there were a number of matters upon which I sought further clarification by way of a hearing. These matters related to:

a. Status of West Haddon in the village hierarchy?
b. Housing Policies
c. Landscape Policies
d. Policy WH 3 – Village Hall

5.2 The Hearing took place on 23rd July at West Haddon Village Hall, The Green, West Haddon. Invited participants included house builders, local landowners, members of the Neighbourhood Development Plan Steering Group, an officer representing Daventry District Council and for the afternoon session, an officer from Northamptonshire County Council. In addition, the Hearing was attended by a number of interested parties from the locality. The details of the agenda appear in Appendix 1. I include comments in relation to the way the hearing assisted the formulation of my conclusions in relation to the content of the Plan and Plan policies in dealing with the issues concerning the policies below. In the light of the information obtained at the Hearing and my consideration of the background information supplied by Daventry District Council together with national and local planning policy and the evidence base, such that it is, I have considered the draft West Haddon Neighbourhood Development Plan policies and set out below my comments, observations and recommendations on these below. This assessment has also been made following consideration of the key objectives of the Plan, upon which the Plan is founded, these are as follows:
• The need to protect existing green spaces and footpaths;

• The need to take account of capacity within the existing infrastructure and potential need for further investment to meet future needs;

• The need to adopt a more balanced approach to development that would use green spaces to best effect and help restore the centre of the Village;

• The need to plan around the existing character and structure, which depends so much on the wide mix of housing and ease with which residents can get around, meeting each other and on the easy access to open countryside which opens up magnificent vistas;

• The need to provide a range of housing and other building that meets local needs and includes small family homes, homes for the elderly, some homes suitable for the disabled and low priced affordable homes;

• The need to improve the poor water pressure experienced in the higher parts of the area;

• The need to solve existing flooding problems on West End;

• The need to provide a super-fast broadband service to support both residential and commercial properties;

• The need to provide further employment opportunities in the Village;

• The need to include provision for renewable energy generation that does not impact harmfully on the built environment; and

• The need to ensure the preservation of the best qualities of local distinctiveness in terms of form, character and building materials in relation to many fine adjacent buildings.

5.3 **Policy WH1 - Protecting and Enhancing the Landscape and Local Countryside Character**

All development proposals within the parish will be required to demonstrate consideration of the following landscape design principles:

a) The scale, form and character of the existing settlement should be maintained. New development should be sited within the defined settlement boundary and should be small in scale to complement the traditional character and historic core of the Village;
b) New development on hill slopes and prominent sites on the edge of the Village should be avoided to protect the profile and skyline of the traditional hill top Village. In particular, increasing suburbanisation between the A428 and the settlement boundary should be avoided;

c) Protection of public views in to and out of the Village (see the Proposals Map and Appendix 2) since residents feel strongly that these are of particular significance;

d) New development should seek to integrate with existing structures in terms of scale;

e) All landscaping and boundary treatments should use native species and, where possible, protect and incorporate existing native vegetation, particularly mature trees;

f) Protection of hedges and mature trees; and

g) Existing wildlife and habitats should be protected, enhanced, and new ones created.

5.4 Policy WH1 seeks to protect and enhance the landscape and local countryside character. It is a criteria based policy, but I believe could be more effective for development management purposes with minor amendment. It is arguably the most important of the various policies within the Plan; whilst I am satisfied that it is not strategic in nature, it is pivotal in achieving the vision upon which the Plan is predicated.

5.5 In considering this policy, it is necessary to reflect on the status of West Haddon in the village hierarchy as defined in connection with Policy R1 in the Joint Core Strategy. This explains that the spatial strategy for the rural areas will be established by a rural settlement hierarchy with the specific villages in each level of the hierarchy being determined in future Local Plans. However, in order to consider Policy WH1 in the Plan, it is necessary to broadly consider where West Haddon would sit within the emerging village rural hierarchy envisaged by the NWJCS. This matter was explored at the beginning of the Hearing and where it was agreed that by reference to the WNJCS, West Haddon would almost certainly be regarded as a “Secondary Service Village” – being a settlement with a more limited range of services than “Primary Service Villages”, but which would still provide scope to meet some local needs for housing, employment and service provision.

5.6 Whilst the Plan was in preparation, planning permission was allowed on appeal for housing development under DA/2014/0218 on 24th December 2014, for Davidsons Developments Limited’s proposals for the site known as Land East of West Haddon. This permission for “Up to 100 dwellings, with vehicular access, pedestrian links, public open space, car parking, landscaping and drainage”, will effectively extend the western extent of built development in the village to the A428. In addition, planning permission has also been granted for the following sites;
- outline planning permission for construction of 20 dwellings with associated access and parking on 23rd January 2012 at the former West Haddon Nursery Site, Northampton Road, West Haddon, with subsequent approval of reserved matters (under planning permissions DA/2014/0559 and DA/2014/0607),

- outline planning permission for construction of 3 dwellings (with subsequent approval of reserved matters) and a further outline planning permission followed by full planning permission for 1 dwelling at land off Pritchard Close under planning permissions DA/2013/0889, DA/2014/0439, DA/2014/0582 and DA/2014/0941)

- full planning permission for a single dwelling on land adjacent to Crown Lane (under DA/2000/1185)

- Outline planning permission for construction of 4 dwellings at 15 Guilsborough Road with subsequent approval of reserved matters (under DA/2012/0947, DA/2014/0055 and DA/2015/0305).

5.7 At the Hearing, it was agreed that it would be appropriate to recognise the effect of these planning permissions and to incorporate this land within the settlement boundary of West Haddon. As a consequence, a revision to the boundary prepared in February 2015, was submitted to me on 24th July 2015, reflecting the representations of Bidwells, on behalf of their clients Davidsons and the discussions and conclusions reached during the Hearing. This revised settlement boundary diagram is shown on Plan 1 below.
5.8 At the time of the Hearing, for the purposes of the Plan the settlement boundary was complicated in the light of the planning appeal made by Miller Homes Ltd in relation to proposals to develop land for the development of up to 80 dwellings on a site of about 3.56 ha, off Elizabeth Road/Victoria Close, West Haddon. This comprised the land indicated as G1 on Plan 1 above. Although the land subject to the appeal is known locally as the “Old Rec”, at the time of my visit in July this year, the land was in agricultural use and was grazed. By way of background, public rights of way run adjacent to the site’s northern (FK8) and western (FK7) boundaries. FK7 forms part of The Jurassic Way and crosses the southern part of the site, where it links to FK5. The site’s eastern boundary is contiguous with the residential development off Morrison Park Road, Church Close and Victoria Close. A further section of the Jurassic Way footpath lies just to the south of the site, linking Crown Lane in the village centre (to the south) and Elizabeth Road (to the east). Agricultural fields are located to the west of the site, and a small allotment site is located to the south. An area of raised ground associated with a covered reservoir is located within a field to the west of the site. The site is set back from the A428 bypass, situated to the north. The village centre is approximately 400m from the centre of the site via public right of way FK5 and Crown Lane.
5.9 Daventry District Council’s Planning Committee considered the planning application on 17 September 2014. The Parish Council’s clear objections to these proposals were articulated in its consultation response which was set out in the Committee Report (see paragraph 5.70 of this Examination Report, below). It is therefore not surprising that in considering this site in response to the “Call for Sites”, the land off Elizabeth Road was not considered appropriate for inclusion in the West Haddon Neighbourhood Development Plan. At the time of the examination of the Plan, the Miller Homes proposals for this site were dismissed on Appeal. There is therefore no need for further consideration to further revise the Settlement Boundary from that shown on Plan 1.

5.10 I consider that it is not necessary or appropriate for the Plan to separately seek to protect hedgerows beyond the provisions of the Environment Act 1995 and the Hedgerows Regulations 1997. These regulations are designed to protect important hedgerows in England and Wales. Anyone proposing to remove a hedgerow, or part of a hedgerow, covered by the regulations, must first notify the local planning authority by submitting a Hedgerow Removal Notice. It is a criminal offence to remove a protected hedgerow in contravention of the regulations. The Regulations of 1997 provide protection to any hedgerow which:

- grows in, or adjacent to any common land, local nature reserve, Site of Special Scientific Interest (SSSI), or land used for agriculture, forestry of the breeding or keeping of horses, ponies or donkeys and;

- has a continuous length of at least 20 metres, or if less than 20 metres, meets another hedgerow at each end.

5.11 The local planning authority may refuse consent only if the hedgerow is important, i.e. is 30 years old or more and meets at least one of the archaeological and ecological criteria set out in the regulations. Similarly, in order to protect all mature trees, designating the parish as a conservation area would achieve this objective through the protection that would automatically apply to trees with a trunk exceeding 75mm. Alternatively, a qualitative assessment of individual trees might be made to seek tree preservation orders on individual or groups of mature trees. Accordingly, I consider that Policy WD1 should not include a blanket provision to protect all hedgerows and mature trees, when the planning system and environment law already makes appropriate provision for their protection, subject to justification.

5.12 In terms of development management and implementation, I consider policy WH1 should be revised as follows:

**Policy WH1 - Protecting and Enhancing the Landscape and Local Countryside Character**
Development proposals within the parish will not be supported unless it is demonstrated that each of the following landscape design principles shall be met:

a) The scale, form and character of the existing settlement shall be maintained.

b) Development shall be sited within the defined settlement boundary and shall be of a scale to complement the traditional character and historic core of the Village;

c) Development on hill slopes and prominent sites on the edge of the Village should be avoided to protect the profile and skyline of this traditional hill top Village.

d) Suburban development between the A428 and the settlement boundary shall be avoided;

e) Development proposals shall protect public views in to and out of the Village (see the Proposals Map and Appendix 2);

f) Development proposals shall be designed to integrate with existing structures in terms of scale;

g) Landscaping and boundary treatments shall use native species and where possible, protect and incorporate existing native vegetation; and

h) Existing wildlife and habitats shall be protected, enhanced, and new ones created.

5.13 Policy WH2 – Protection of Local Green Spaces (Local Green Areas)

The local green spaces, shown on the Proposals Map, are protected from development. New built development on these green spaces will only be permitted when it is for informal or formal outdoor recreation. Identified protected green spaces will be:

a) Where the green space is in reasonably close proximity to the community it serves;

b) Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife;

c) Where the green area concerned is local in character and is not an extensive tract of land;

d) Consistent with paragraph 76 of the NPPF.

5.14 The Basic Condition Statement cites WNJCS Policy S10 and Policy R1 together with Policy GN1 of Daventry District Local Plan, although none refer expressly to the protection of Local Green Spaces. These are defined in the NPPF at paragraph 77 as follows:
“77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;

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

- where the green area concerned is local in character and is not an extensive tract of land.”

5.15 It is clear from the NPPF, paragraph 77, that generally a local green space designation will not be appropriate for most green areas or open space. In the West Haddon Neighbourhood Development Plan, the Proposals Map identifies 12 local green spaces. Each of these would need to meet the three NPPF criteria in paragraph 77 cited above. I have little doubt that each of the proposed local green spaces meets the proximity criterion, as West Haddon is a relatively compact settlement and each local green space would be within a few minutes’ walk of the communities that would be served.

5.16 The second criterion, whether each local green space is, “demonstrably special to a local community and holds a particular local significance” requires careful consideration and assessment to determine. Paragraph 78 of the NPPF states that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. It follows that where Local Green Space is designated, development will only be allowed where very special circumstances can be demonstrated. If Local Green Spaces were to be formally designated in the Plan, the restriction advanced in Policy WH2, that new development within these areas will only be permitted when it is for informal or formal outdoor recreation, would appear acceptable, since such uses would provide the local protection that would be appropriate to achieve the development management purposes:

- to assist in safeguarding the countryside from encroachment; and
- to preserve the setting and special character of historic towns.

5.17 In assessing whether the green areas proposed as Local Green Space are demonstrably special to a local community and hold a particular local significance, it is important to be able to assess those qualities of particular local significance and the characteristics that demonstrate that the land is special to the local community. The Plan seeks to assess these qualities in columns three and four of Table 1, Local Green Space Assessment. In the Plan’s assessment of being demonstrably special, a reason given to indicate the special quality of the site in 8 out of the 12...
land parcels is that they are (or will be) owned by the Parish Council. Land ownership does not appear to me to be a sufficient reason to assess whether an area is demonstrably special. Similarly other planning designations, such as being within a Special Landscape Area, including Tree Preservation Orders or comprising land crossed by designated footpaths, do not in themselves mean that the land is necessarily demonstrably special to the local community. In the case of areas which contain footpaths and trees protected with TPOs, it might be argued that these may be incorporated within development projects, in many cases, without warranting further protection.

5.18 In determining the extent to which the proposed 12 local green space areas in the Plan are considered “demonstrably special” by the local community, the level of support for Policy WH2, or otherwise would be expected to be a strong indicator. Table 1 - Responses Received on West Haddon Neighbourhood Development Plan, set out in the West Haddon Neighbourhood Development Plan Consultation Statement, February 2015, demonstrates that of the 45 consultation responses made during the consultation period, only 8 are concerned with draft policy WH2, with 5 responses in favour and three opposed. Subsequently, concerning the representations made to the Submission version of the WHNDP, there were only 4 expressions of specific support and 2 objections to Policy WH2. The two objections related primarily to the inclusion of Local Green Space Area G1, although the representations from Miller Homes made by Pegasus Planning, also questioned the overall appropriateness of applying Local Green Space Designations at all, within the Neighbourhood Development Plan.

5.19 In favour of the Local Green Space policy in the Submission version of the Plan, were representations made by Lesley-Ann Mather, County Archaeological Advisor and Heather Webb, Principal Project Officer, Northamptonshire County Council. The representations advanced by Mrs Webb considered that Market Field, proposed Local Green Space area G2, may, subject to accessibility, constitute Accessible Natural Greenspace (ANG) as defined by Natural England’s Accessible Natural Greenspace Standard (ANGSt). This standard includes definitions of both accessibility and naturalness, designed to ensure that people are able to visit and interact easily with the natural world, recommending that everyone should have an accessible natural greenspace of at least:

a) 2ha, no more than 300m from home;
b) 20ha, no more than 2km from home;
c) 100ha, no more than 5km from home; and
d) 500ha, no more than 10km from home.

5.20 In her representation’s, Mrs Webb advised that the County Council’s assessment of ANG provision in this part of Daventry is such that West Haddon does not meet ANGSt at any scale. She opined that Market Field (G2), appears to meet the
Standard’s ‘naturalness’ criteria. However, my understanding is that the site does not meet the accessibility criterion, which requires that the entire site be accessible; not simply via a Right of Way through the middle of it. Thus technically, G2 fails to meet the standard. That in isolation would not appear to me to be sufficient reason to outweigh a Local Green Space designation in relation to area G2 alone.

5.21 In her response to the consultation on the submission version of the Plan, Mrs Webb has suggested that parts of Policy WH5 are in conflict with Policy WH2, which states that ‘new built development on these green spaces will only be permitted when it is for informal or formal outdoor recreation’. Policy WH5 states that ‘proposals to enhance and improve these facilities will be supported when...they provide suitable access and car parking’. Mrs Webb has helpfully pointed out that access and parking infrastructure do not constitute ‘informal or formal outdoor recreation’. I agree with Mrs Webb’s analysis as both draft policies include the Cricket Field and playing fields. Improvements to these sites, supported under Policy WH5, could be prohibited by Policy WH2. I further agree that adequate protection, together with the opportunity to provide improved access and car parking to the Cricket Field and Playing Field would be achieved under Policy WH5 alone and that therefore the Cricket Field and Playing Field should be removed from Policy WH2. I also note that the Parish Council would through ownership, have control of development of both of these sites, providing a further means of protection.

5.22 Concerning the County Council’s archaeological advisor’s comment that Local Green Space designation in West Haddon would help maintain the historic landscape surrounding the village, this again does not in itself demonstrate that the land areas identified are special to a local community and holds a particular local significance for that purpose.

5.23 However, the over-riding demonstrable evidence in support of the designation of the identified Local Green Spaces and the appropriateness of their protection under policy WH2, is derived from the cumulative result of the questionnaire survey during the formulation of the Plan and preparation of its policies. Subsequently the petition demonstrating overall support for the Plan, following the preparation of the submission version reinforces this support. Whilst the overall response rate for the questionnaire survey was about 70%, of those who responded, there was a demonstrable high level of support for the retention of the rural character of the village (99%) and support for the protection of open spaces around the village from development (97%). Furthermore I also note that the Secretary of State’s recent decision\(^1\) in respect of the Old Rec (G1) identifies, in paragraphs 12 to 15 the features that make this a valued landscape which help to make it demonstrably

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\(^1\) Appeal by Miller Homes at Land off Elizabeth Road/Victoria Close, West Haddon, Northamptonshire, Application Ref DA/2013/0480, Appeal Ref APP/Y2810/W/14/3000977. Decision issued 27 August 2015
special to the local community. This, the community support and table 1 of policy WH02 help to illustrate why this site and the sites listed under policy WH02 are demonstrably special to the local community, a position which I endorse. I therefore consider that the areas identified on the Proposals Map as Local Green Space may therefore be regarded as being “demonstrably special” to the Local Community. This goes to the heart of the neighbourhood planning and the identification and support for local distinctiveness.

5.24 The extent of proposed Local Green Spaces is not defined in the NPPF or the accompanying Planning Practice Guidance. The Guidance indicates that blanket designation of open countryside adjacent to settlements will not be appropriate as Local Green Space and that designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name. None of the 12 local green areas identified on the Plan’s Proposal Map would amount to blanket designation, but would fulfil the objective of the protection of Green Spaces and would all be local in character.

5.25 In relation to paragraph 76 of the NPPF, through the designation of the proposed Local Green Spaces, West Haddon Parish Council would be able to rule out new development other than in very special circumstances, but consistent with the local planning of sustainable development, through complementing investment in sufficient homes, jobs and other essential services.

5.26 Subject to removing the Cricket Field and Playing Field from the Proposal Plan to avoid a potential conflict in relation to Policy WH5, I am satisfied that the proposed designations should be capable of enduring beyond the end of the plan period and thereby would be consistent with the guidance in NPPF, paragraph 76. Accordingly, I recommend that West Haddon NDP Proposals plan should be revised as follows:

i. Local Green Space designation be removed from the Cricket Field (G9) and the Playing Field (G10);
ii. The triangular piece of land at the junctions of Yelvertoft Road, Crick Road and West End be re-designated (G9); and
iii. The Church Glebe Field be re-designated (G10).

5.27 The explanatory text and Table 1 – Local Green Space Assessment would require minor amendment to explain these alterations. The text of Policy WH2 requires no amendment.

5.28 **Policy WH3 - Village Hall Site**

5.29 This policy sets out a framework for the development of the Village Hall site, but is primarily linked to an extension of West Haddon Primary School, which is adjacent to the Village Hall. It was not clear from the Consultation Statement the extent to which the County Council as Education Authority supported the draft policy as there
had been no response or comment on this matter in the pre-submission consultation or the submission version of the Plan. It was established during the Hearing that the existing primary school was effectively full. The County, as Education Authority would in due course need to make arrangements to meet future needs in the village. It would be reasonable to assume that the recent development permitted in outline for 100 dwellings would trigger such consideration in the near future. At the hearing, it was established that the County Council’s preference, were the existing school site to be redeveloped, would be to plan for a two form entry school, to satisfy the economics of provision, but that the County might decide to make additional places available through temporary buildings, dependent upon the extent of need.

5.30 In relation to Policy WH3, it appears uncertain whether the solution to meeting the need for future junior school places in West Haddon, would be to extend the existing school and if so, whether this would necessitate acquisition and use of the Village Hall site. At the Hearing, the means by which the County might acquire land for new development was also briefly discussed. This could involve compulsory purchase in the event that there was any difficulty over the purchase of land by way of private treaty. It was considered likely that in the event that the County wished to acquire the Village Hall site for junior school expansion, this would be by a private treaty sale and would not be complicated by the need to wait until “suitable provision” of a new Village Hall had been constructed prior to vacating the current Village Hall site. At the Hearing, there also appeared to be an aspiration that planning obligations from new development might fund, or contribute towards the provision of a new Village Hall. However, in the absence of any major development proposals in the Plan, this appears an aspiration that is unlikely to be realised. There is some prospect that in the event that a CIL is introduced, as anticipated, this might provide a framework through which funding for a new village hall might be brought forward over the life of the Plan. However at the time of writing this is uncertain.

5.31 Policy WH3 relates to the re-location and re-provision of the Village Hall in addition to the redevelopment of the Village Hall site. Supporting the redevelopment of the existing Village Hall site for junior school expansion, as set out in the policy is permissive as well as being aspirational. However, as was evident at the Hearing, there is considerable uncertainty whether the current Village Hall site would be acceptable to the Education Authority for that purpose. Express policy support for the use of the Village Hall site for an extension to the Village junior school as drafted in the first sentence of Policy WH3 would not be harmful in land use planning terms, however, I am not convinced that a policy requirement for suitable provision of a new village hall to be made before redevelopment will be permitted, would be viable. Neither am I confident that the County Council would wish to treat with the Parish on such a basis, given the “fall-back” of using the compulsory purchase powers to acquire the site that are available to the acquiring authority. In the event
that the entire school were to be relocated during the life of the Plan, or that an extension to the school were to be provided on another site in the village, it is not clear from Policy WH3, what in those circumstances might then be an appropriate use for the Village Hall site, were the Village Hall to relocated to another site within West Haddon. In that event, any proposals would be subject for consideration to national and local development plan policies effective at that time. Given the limited development expectations for development within the village, it seems to me there is no realistic expectation that a developer would fund and provide a new Village Hall and suitable parking on an alternative site before redevelopment of the existing Village Hall site for alternative development is permitted.

5.32 Criterion b) of policy WH3 is unclear in terms of what is meant by “the current use”. This I assume is the current village hall use. It is unclear how, or indeed why, the successor building on existing Village Hall site could enhance the current Village Hall use. To provide greater clarity and having regard to the delivery” concerns that I have raised above, I propose that Policy WH3 be revised as follows, in order that the Basic Conditions test is satisfied:

5.33 **Policy WH3 – Village Hall Site**

“The redevelopment of the site of the existing Village Hall at West End for an extension to the West Haddon Primary School is supported. Redevelopment proposals will be permitted when:

a) Suitable provision is made prior to vacating the site on a suitably accessible site within the Village

b) The new building should be capable of enhancing the current use

a) There is provision of adequate car parking and suitable access

b) There is no significant adverse impact on residential amenity

c) Adequate consideration is given to co-location of other uses and facilities has been provided”

5.34 West Haddon Neighbourhood Development Plan’s Policy WH 4 identifies various community assets and seeks to protect them. The draft Policy in the Examination version of the Plan is as follows:

**Policy WH4 - Protection of Local Community Assets**

The identified community assets are:

- West Haddon Endowed Church of England Primary School
- Post Office
- The Pytchley Hotel
- The Crown public house
The loss of these community assets will not be supported unless the following can be demonstrated:

a) The proposal includes alternative provision, on a site within the Village, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or

b) Satisfactory evidence (e.g. independently marketed for at least 12 months) is produced that there is no longer a need for the asset.

5.35 The Parish Questionnaire Survey confirmed a high level of community support for the protection of the Village shop, Post Office, The Pytchley, All Saints’ Church, the Baptist Church, the Pavilion and the Doctor’s surgery. Although the questionnaire survey sought the views of the local community in relation of their views (Question 23), whether The Crown public house and the Sheaf public house were important. Neither the Consultation Statement nor the Plan records the strength of support for these facilities, unlike the Pytchley Hotel. Despite the strong support for the protection of community facilities in the questionnaire survey, the draft policy has been only weakly supported in considering the pre-submission and submission versions of the Plan. There have been no objections to this policy as far as I am aware.

5.36 Whilst I understand there is overall support for the Plan as a whole from the petition, there is no specific evidence in the Plan, the supporting consultation statement, nor the individual consultation responses that would suggest community support for the public houses that would justify that they should be listed in Policy WH4 as local community assets protected under this neighbourhood plan policy. However, the protection that the Plan seeks to afford the facilities listed in Policy WH4 is consistent with the NPPF policy advice at paragraph 28, which confirms that to promote a strong rural economy, neighbourhood plans should “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”. The protection of these various local facilities is also recognised by Policy RC2, Community Needs and Policy R1, Spatial Strategy for the Rural Areas, within the WNJCS and Policy R8 of the Daventry District Local Plan, as indicated in the Basic Conditions Statement.

5.37 It would appear that the protection afforded by operational provisions of the policy in criterion a) are reasonable with adequate and appropriate flexibility in relation to the alternative provision of equivalent or enhanced facilities. However, in relation to criterion b), this would more correctly reflect or demonstrate circumstances where
there is no further economic justification to retain the facilities, as distinct from evidencing that there is no further need for the asset. I therefore recommend that Policy WH4 is amended as follows to meet the Basic Conditions test:

**Policy WH4 - Protection of Local Community Assets**

The identified community assets are:
- West Haddon Endowed Church of England Primary School
- Post Office
- The Pytchley Hotel
- The Crown public house
- The Sheaf public house
- Village Shop
- All Saints’ Church
- Baptist Church
- Doctor’s surgery

The loss of these community assets will not be supported unless the following can be demonstrated:

a) The proposal includes alternative provision, on a site within the Village, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or

b) Satisfactory evidence (e.g. independently marketed for at least 12 months) is produced that there is no longer an economic justification to protect need for the asset.

5.38 **Policy WH5 - Protection of Local Sports and Recreation Facilities**

5.39 This policy which seeks to protect local sports and recreational facilities has been prepared as a result of the responses to the Parish Questionnaire Survey. The Plan justifies this policy on the basis of the strength of support for the protection of these facilities as identified by the survey and recorded in the Consultation Statement. The submission version of Policy WH5 is as follows:

**Policy WH5 - Protection of Local Sports and Recreation Facilities**

The following local sports and recreation facilities will be protected (see proposals map):
- Cricket Field
- Playing fields
- Children’s play area
- The Pavilion
- Skate Park
Bowling Green
Tennis Courts

Proposals to enhance and improve these facilities will be supported when they:
 a) Do not have an adverse impact on residential amenity; and
 b) They provide suitable access and car parking.

5.40 As with Policy WH4, paragraph 28 of the NPPF provides the national policy guidance relating to the protection of local sports and recreation facilities. Policy WH 5 conforms to this guidance. The policy also complies with the WNJCS in terms of Policies RC2 Community Needs; Policy R1, Spatial Strategy for the Rural Areas; Policy INF1, Approach to Infrastructure Delivery and is consistent with Policy INF2, Contributions to Infrastructure Requirements. Due to the public support, consistency with WNJCS, Local Plan and NPPF I consider that the policy is satisfactory and is acceptable for development management purposes.

5.41 Policy WH6 - Developer Contributions and Community Infrastructure Levy

5.42 This policy relates to the provision of developer contributions and if and when adopted, the use of community Infrastructure Levy (CIL) to assist in the funding and provision of physical and social infrastructure within West Haddon over the life of the Plan. This policy is said to have been prepared in the context of objectives 2, 6, 7 and 8, although it would appear that the policy would equally assist in the achievement of objectives 11 and 12 being:

11) actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

12) take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

5.43 This policy states:

Policy WH6 - Developer Contributions and Community Infrastructure Levy

Developer contributions or provision will be sought, where appropriate, and Community Infrastructure Levy will be used, when available, to improve, or provide, the following identified community infrastructure improvements/requirements:

Improved Village Hall;
Improvement/extension to the Primary School;
Improvements at The Pavilion;
Play area improvements;
New pocket parks
New exercise areas

5.44 The Plan evidences support for this policy from the high level of support from the Parish Questionnaire Survey, where 98% of local residents were of the opinion that new development should provide suitable infrastructure and not make existing problems worse.

5.45 The NPPF supports the use of CIL to improve and provide community infrastructure. The guidance advises at paragraph 177, that: “It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan.” The CIL charging schedule came into effect on the 1st September 2015 In relation to Neighbourhood Plans, Policy paper 2010 to 2015 government policy: planning reform, Updated 8 May 2015, confirmed that, Parishes with a neighbourhood plan will receive 25% of any community infrastructure levy arising from developments in their area compared to parishes without a neighbourhood plan who will receive 15%. If the Plan is made, the Parish will benefit from this increased funding for local projects from the distribution of CIL receipts, although it is not feasible at this stage to make any meaningful assessment of the likely CIL distribution to the Parish that would enable the infrastructure aspirations listed in Policy WH6 to be implemented through CIL funding. It is not therefore possible to indicate at this stage, whether there would be “a reasonable prospect that planned infrastructure” would be “deliverable in a timely fashion” as required by the NPPF, however it appears reasonable that the parish should nonetheless seek these improvements over the life of the Plan although due to the relatively small scale of development envisaged by the Plan, such contributions are likely to be modest.

5.46 Evidence supporting infrastructure delivery can be gleaned from the West Northamptonshire Infrastructure Delivery Plan (IDP), the purpose of which is to identify the strategic priorities for the delivery of key infrastructure needed to support the scale of growth put forward in the West Northamptonshire Joint Core Strategy. The infrastructure planning process identified in the IDP identifies what is needed to implement the WNJCS and how it is to be provided. The IDP has been reviewed and updated since 2011, the most recent revision being the 2014 update, published in February 2015. As outlined in the West Haddon Neighbourhood Development Plan, the IDP provides information on;
  • infrastructure needs and costs;
• phasing of development;
• funding sources; and
• responsibilities for delivery.

5.47 Policy WH6 is consistent with Policy GN2 of the Daventry District Local Plan in addition to Policy RC2, Community Needs, Policy INF1 Approach to Infrastructure Delivery and Policy INF2, Contributions to Infrastructure Requirements, of the WNJCS. I consider this policy to be acceptable for development management purposes as part of the Plan.

5.48 **Policy WH7 - Traffic and Transport**

5.49 The Consultation Statement reports the questionnaire responses indicated:

- Parking provision was seen as inadequate near the school and along West End between Londis and the village green;
- Parking in the High Street was considered to be less of a problem;
- The High Street and West End were considered suitable for traffic calming measures. A bare majority (53%) thought Station Road would benefit, but only 45% thought Northampton Road suitable for traffic calming measures.
- There was considerable support for a dedicated cycle route from the village to Guilsborough Academy; but a number of respondents thought this might prejudice the school bus service.
- All the 'streetscaping' measures suggested achieved a greater than 80% approval rating with the introduction of planting and sitting areas gaining greatest support.

5.50 The submission policy that was apparently derived from these responses and the objectives of the Plan, is as follows:

**Policy WH7 - Traffic and Transport**

To improve movement and transport to, from and within the Village the following will be supported:

a) Traffic calming as part of wider streetscape improvements in the Village centre, including High Street, West End, Guilsborough Road and Station Road;

b) Improved access and car parking as part of any redevelopment of the existing Primary School and Village Hall sites.
5.51 The Plan itself makes no express comment regarding encouraging sustainable means of transport and travel. Whilst the traffic calming proposals will enhance increased sustainable travel, this I suspect will be at the margin. Neither the Plan, Consultation Statement, nor the Basic Conditions Statement demonstrate how or the extent to which traffic management policy in the Plan will meet the “Core Planning Principles” of paragraph 17 of the NPPF and in particular, how the Plan will:

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;”

5.52 Whilst the Plan will focus the limited development anticipated within West Haddon over the life of the Plan in sustainable locations, there appears to be no guidance in the Plan which would be consistent with moving towards a low carbon economy and making the fullest possible use of public transport, walking and cycling. Whilst the topography of the village is less conducive to encouraging a modal shift to cycling than many settlements, it is somewhat disappointing that within this relatively compact village not more has been proposed which would encourage walking and cycling.

5.53 Moreover, the Basic Conditions Statement cites WNJCS Policy C1, Changing Behaviour and Achieving Modal Shift, in relation to Plan Policy WH 7. It is not clear how this policy would meet the NPPF objective of making the fullest possible use of public transport, walking and cycling, or encouraging a modal shift away from private car use towards low carbon alternative means of travel. Indeed, the provision of; “improved access and car parking as part of any redevelopment of the existing Primary School and Village Hall sites” within Policy WH7 is likely to encourage use of private cars.

5.54 The Basic Conditions Statement also references Policy WH7 to WNJCS Policy R3, Transport Strategy for the Rural Areas. This policy seeks to encourage improved accessibility and sustainable transport within rural areas, to be achieved within villages by improved accessibility and sustainable transport, through reviewing walking connections and identifying specific improvements required to ensure the safety of pedestrians. It is not clear to me how Plan Policy WH7 conforms to this policy. However, the WNJCS at paragraph 16.25 concedes that whilst public transport is important, for many in rural areas, the private car remains the only realistic transport choice for residents. In the context of West Haddon, gaining access to the existing Primary School and Village Hall sites for some parishioners, the private car is likely to be the only realistic means of transport, at least for the foreseeable future.

5.55 In relation to this element of the Plan, I consider the Basic Conditions Statement to be deficient. I consider that the traffic calming objectives within the policy should
generally enhance travel safety and the anticipated resultant lower vehicle speeds in the village should enhance sustainability to an extent sufficient that the policy should be regarded as being sustainable.

5.56 I therefore propose no alterations to Policy WH7.

5.57 **Policy WH8 – Supporting Development of Communications Infrastructure**

5.58 This policy aspiration is consistent with the NPPF’s support for high quality communications infrastructure at paragraph 42, which states;

> “Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.”

5.59 I note that there was strong support for broadband provision in West Haddon at the time of the questionnaire survey. When the initial consultation took place the Mobile Operators Association (MOA) recommended an alteration to the then draft policy. I note that in the submission version of the Plan that Mono, the MOA’s agent Mono, was content with the policy as amended. The policy appears to conform to Policy GN2 of the Daventry District Local Plan and the WNJCS, Policy INF1, Approach to Infrastructure Delivery and Policy.

5.60 The submission version of Policy WH8 is as follows:

**Policy WH8 – Supporting Development of Communications Infrastructure**

*The development of new communications infrastructure to serve the parish will be supported where the siting and appearance of the proposed apparatus and associated structures seek to minimise impact on the visual amenity, character or appearance of the surrounding area.*

*All new development will be required to make provision for high speed broadband and other communication networks. Currently, this means developers must include ducting to each property router, anticipating the router location, i.e. ducting into the property with suitable drawstring.*

5.61 In practice for residential and commercial projects which are developed speculatively, the location of the router will be a matter to be determined by the occupiers. It would be reasonable for the developer to anticipate the location of the
router in each building and to provide ducting from the appropriate boundary of the property to the appropriate location within the building, with a suitable drawstring.

5.62 In order to avoid uncertainty, I recommend that the policy be amended as follows:

**Policy WH 8 – Supporting Development of Communications Infrastructure.**

The development of new communications infrastructure to serve the parish will be supported where the siting and appearance of the proposed apparatus and associated structures seek to minimise impact on the visual amenity, character or appearance of the surrounding area.

All new development will be required to make provision for high speed broadband and other communication networks. Currently, this means developers must include ducting with suitable drawstring from the appropriate boundary to each building, property router, anticipating the router location, i.e. ducting into the property with suitable drawstring.

5.63 **Policy WH9 – Supporting the Development of Small Businesses**

5.64 This policy has been derived to fulfil Objective 9 of the Plan which seeks to provide further employment opportunities in the Village. This policy is consistent with NPPF paragraph 28 which identifies how planning policy can support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Policy WH9 is compatible with the NPPF objective of promoting a strong rural economy through neighbourhood planning.

5.65 As indicated in the Basic Conditions Statement, Policy WH9 conforms to WNJCS Policy S1, Distribution of Development; Policy R1, Spatial Strategy for Rural Areas; and Policy R2 Rural Economy. In relation to the Daventry District Local Plan, this policy also conforms to policies EN18, EN19 and EM10.

5.66 Supporting the development of small businesses through this employment policy appears to have excited little interest during the consultation stage; the Consultation Statement records no policy specific support for the policy, but equally no objections.

5.67 Through supporting small business development within West Haddon, this policy will increase the opportunities for sustainable employment development within the locality and should also assist in reducing the need to travel and increase opportunities for social cohesion within the local community. The policy should be
effective for development management purposes in achieving Objective 9 of the Plan in my judgment and needs no modification.

5.68 Policy WH10 - New Residential Development in West Haddon Village

5.69 The housing policy in the Plan has attracted most concern in the preparation of the Plan and is manifest by the representations that were made in relation to the pre-submission and examination submission versions of the Plan. In order to clarify certain aspects, the housing issues were explored at the Hearing and in the interim, the Secretary of State’s appeal decision dismissing the proposal by Miller Homes for the development of land off Elizabeth Road/Victoria Close for up to 80 dwellings together with the creation of a new access and associated public open space, landscaping and drainage infrastructure, has assisted in clarifying issues further in relation to the settlement structure and size. In this regard, the Miller Homes’ site had been proposed as a housing allocation, during the preparation of the Plan.

5.70 It is clear from the Consultation Statement and questionnaire survey conducted by the Steering Group that there was strong support for limiting future housing development to identified areas within the settlement boundary and for requiring growth to be phased and conditional on satisfying infrastructure, notably water supply and flood mitigation. In preparing the draft neighbourhood plan, the Steering Group issued a call for sites and it was these that were assessed for inclusion in the Plan. At the Hearing the potential for the inclusion of other SHLAA sites was reviewed. It was established that some of these might be brought forward for development during the preparation of Part 2 of the WNJCS, but that this is yet to be prepared. Furthermore, the allowing of the appeal for development of 100 dwellings on the north-eastern perimeter of the village, to be built to the east of Guilsborough Road, beyond the current settlement boundary, will result in substantial growth in the village. This scale of development is considerably larger than had been anticipated during the preparation of the Plan.

5.71 Mr Lees of Pegasus Planning on behalf of Miller Homes has raised a number of objections to Policy WH10 and the process by which the policy has been formulated. Criticism of the call for sites has been raised by Mr Lees. It is evident from Appendix 8 of the Consultation Statement that the Steering Group made an assessment that over the life of the Plan, having regard to the questionnaire responses that over the next 10 years, that the village should not grow by more than 10%, amounting to about 60 dwellings. The “call for sites”, made it clear that since some 30 dwellings had already been permitted, the Steering Group were seeking sites that could deliver a further 30 dwellings over the 10 year period. Despite the concerns expressed by Mr Lees that the assessment process had not been transparent, it is clear that the Elizabeth Road site exceeded the size of sites that the Parish Council had been seeking by a substantial margin in its call for sites.
Notwithstanding the excessive housing capacity, compared with the housing considered appropriate by the Steering Group, the DDC Committee Report prepared prior to the determination by Planning Committee dated 22nd September 2014, clearly set out the Parish Council’s reasons why it did not support the development of this site. These reasons were as follows;

- The only access to the site is via Elizabeth Road which is only 5m wide and not the required current width of 5.5m. It is estimated that there could be an additional 120 vehicles using this road if the development goes ahead;

- The proposed site is an ‘upland area’ development, not in keeping with the remainder of the village;

- The site is a designated ‘special landscape area’ (EN1);

- The visual impact of this development would be detrimental to the village aspect because of the height of the site;

- Concerns regarding the balancing ponds on the site and the risk to children;

- Following representation from Cllr Chris Millar, it was made clear to the Parish Council that DDC would look at all applications on an individual basis. WHPC is aware of at least two further development proposals and feels that these should also be considered alongside this application for their cumulative impact on West Haddon and its infrastructure;

- The proposed site is subject to an earlier application for ‘village green’ status;

- The Council refers to HS21 & HS11 regarding restricted development in the Village; and

- DDC already has its full requirement for development land for housing until 2020.

5.72 Under the circumstances, it is not surprising that the Parish Council did not allocate the land off Elizabeth Avenue, following the Steering Group’s call for sites, also in 2014.

5.73 It was established at the Hearing that the sites that were submitted in response to the call for sites in 2014, were those that have been allocated in the Plan. I note that in January 2015, a further site comprising land beyond the settlement boundary was proposed by Mr and Mrs Shakespeare, but was entered too late for evaluation and assessment. Notwithstanding this it is not considered necessary to include the site
as an allocation at present due to the level of committed residential development within the village.

5.74 Daventry District Council has indicated that Strategic Environmental Assessment would not be necessary in relation to this Plan, as indicated in paragraphs 2.14-2.15 of this report. In the alternative that the Council had sought a SEA to be prepared, in assessing reasonable alternatives and given the history of development in the village, it is unlikely in my view that an alternative assessment would have considered an increase of some 160 dwellings in West Haddon over the next 10 years as being a “reasonable alternative”. This level of housing development will now be the likely supply over that period (ignoring windfalls), in the light of the appeal decision that has allowed 100 dwellings on the Davidson’s site on the north-eastern edge of the village; and if this Plan is made. In the light of this appeal decision, I nonetheless consider that there is a reasonable degree of confidence that the over the next 10 years that the Davidson’s site will be delivered and as a consequence housing delivery in West Haddon will substantially exceed housing delivery expectations at the point at which the Plan was being formulated.

5.75 The distribution of development in the rural areas will be a matter for the Part 2 Local Plan however it is noted that the rural requirement for the district has been exceeded.

5.76 As discussed at the Hearing, Policy WH10 in the submission version of the Plan as drafted contains a considerable amount of extraneous text that is not helpful for development management purposes. I therefore propose that the policy should be simplified, whilst maintaining the development control which the parish is seeking, as follows;

“Policy WH10 - New Residential Development in West Haddon Village

To ensure the housing needs of West Haddon are met up to 2029 without compromising the character of the Village, or leading to development that is of a scale that is inappropriate for local services and infrastructure, a settlement boundary has been identified on the Proposals Map.

Within the settlement boundary, the Parish Council supports small-scale housing development:

a) At the following allocated housing sites -
WH10/01 –Land to the rear of Avenue House off Crown Lane.
WH10/02 –Site of former battery garages off Elizabeth Road.
WH10/03 –Land off Northampton Road adjacent to Playing Field.
b) Where it is a small infill development that would not lead to loss of open
green space or an existing community facility.”

5.77 The proposed revision would be consistent with Objectives 2, 3 and 4 upon which
the submission version policy is predicated, being:

- The need to take account of capacity within the existing infrastructure and
  potential need for further investment to meet future needs;

- The need to adopt a more balanced approach to development that would use
  green spaces to best effect and help restore the centre of the Village;

- The need to plan around the existing character and structure, which depends
  so much on the wide mix of housing and ease with which residents can get
  around, meeting each other and on the easy access to open countryside
  which opens up magnificent vistas;

5.78 In identifying sites for future housing development this policy conforms to the
guidance in the NPPF at paragraphs 54 and 55 concerning rural housing provision.
The Basic Conditions Statement cites conformity with Policy HS11 of the Daventry
District Local Plan, where West Haddon is regarded as a “limited development
village” where planning permission will normally be granted for residential
development within the village, provided that it is on sites specifically identified for
residential development in the Local Plan, or it comprises small scale development
within the existing confines of the village and it does not affect open land which is of
particular significance to the form and character of the village.

5.79 The policy is also compatible with Policy R1, Spatial Strategy for the Rural Areas, in
so far as it can be at this stage in the absence, thus far of the preparation of Part 2
of the Local Plan.

5.80 In relation to the explanatory text in the Plan regarding this policy, I recommend that
this should also be edited as I have suggested in Appendix 2 to assist in the
application of the Plan for development control purposes.

5.81 Policy WH11 - New Housing Development outside West Haddon Village

5.82 This policy seeks to limit proposals for housing development beyond the settlement
boundary of West Haddon. It has been re-worded following Daventry District
Council’s concerns that it was not in general conformity with Policy R1 of the West
Northamptonshire Joint Core Strategy and that an element of flexibility in WH11 was
required in order to allow for development in exceptional circumstances. This policy
is consistent with the provisions of NPPF paragraphs 54 and 55. As indicated in the
Basic Conditions Statement, this policy conforms to WNJCS Policy R1, Spatial
Strategy for the Rural Areas and Daventry District Local Plan, Policy EN19, HS21 and HS24. At this juncture it is worth noting that Mr Weininger raised concerns regarding the inability to develop in rear gardens and that the settlement boundary cuts through a number of residential landholdings. This was discussed at the Hearing. I note that the submission version of the Plan removed specific reference to inappropriate development of rear gardens and by reference to Policy R1 which allows for development outside of the confines in exceptional circumstances; therefore there is sufficient flexibility within the Plan.

5.83 **Policy WH12 – Meeting Local Housing Needs**

5.84 Policy WH12 conforms to the policy guidance in the NPPF, paragraph 50, which seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In accordance with the NPPF guidance, this policy also identifies the mix of housing needed by the community, having regard to tenure requirements. The policy is also in conformity with WNJCS Policy H2, Affordable Housing and also Policy R1, Spatial Strategy for the Rural Areas, in respect of appropriate mix.

5.85 This policy received little attention during consultation of the pre submission and submission versions of the Plan.

5.86 Policy WH12 states:

**WH12 – Meeting Local Housing Needs**

To meet defined local housing needs, all new housing development of 11 or more units will be required to provide a mix and range of house types and tenures, ensuring provision for affordable housing and housing designed to meet the needs of the elderly, the disabled and the vulnerable.

In all developments for 10 or less houses (other than a single dwelling) applicants will be required to demonstrate on an open book basis that the provision of 40% or a lesser amount of affordable housing would not be viable.

5.87 Affordable housing policy in the WNJCS, Policy H2, requires all housing development proposals within the rural areas (including West Haddon), to provide 40% of the new dwelling stock as affordable housing. Policy H2 applies to sites providing in excess of 5 dwellings. The application of the policy is subject to viability considerations on a site by site basis; the tenure mix of affordable housing is expected to meet local need in addition to being viable. At the time of the preparation of the submission version, the first paragraph of Policy WH12 would have then been consistent with government policy regarding affordable housing,
where National Planning Practice Guidance had been amended on 28 November 2014 and subsequently revised on 27 February and 26 March 2015. The relevant passages then read as follows:

“Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, as set out in the Written Ministerial Statement on small-scale developers.

contributions should not be sought from developments of 10- units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area).

in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty

affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home…..”

5.88 WNJCS Policy H2 was consistent with Government policy when adopted in December 2014. Following the decision in West Berkshire District Council and Reading Borough Council v the Department for Communities and Local Government\(^2\) in July this year, government policy on affordable housing has been amended and the text cited above was taken down on 14\(^{th}\) August. For consistency with Policy H2 of the WNJCS, the first paragraph of Policy WH12 should be amended to refer to residential developments of 5 or more dwellings.

5.89 The second paragraph of Policy WH12 is also inconsistent when read against WNJCS Policy H2, which states:

\(^2\) Case No: CO/76/2015 Neutral Citation Number: [2015] EWHC 2222 (Admin) IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT PLANNING COURT 31\(^{st}\) July 2015
“IN ALL CASES THE PERCENTAGE REQUIREMENTS IDENTIFIED ABOVE ARE SUBJECT TO THE ASSESSMENT OF VIABILITY ON A SITE BY SITE BASIS.”

5.90 It is therefore unclear why in West Haddon, Policy WH12 should require the following provision:

“In all developments for 10 or less houses (other than a single dwelling) applicants will be required to demonstrate on an open book basis that the provision of 40% or a lesser amount of affordable housing would not be viable.”

5.91 Accordingly I recommend for consistency with and conformity to WNJCS Policy H2, that the second paragraph of Policy WH12 should be deleted. Policy WH12 would then read as follows:

**Policy WH12 – Meeting Local Housing Needs**

To meet defined local housing needs, all new housing development of 5 or more units will be required to provide a mix and range of house types and tenures, ensuring provision for affordable housing and housing designed to meet the needs of the elderly, the disabled and the vulnerable.

5.92 **Policy WH13 – Design**

5.93 This policy states:

5.94 **Policy WH13 - Design**

All new development proposals will have to be of high quality design. Proposals will be expected to demonstrate compliance with the following criteria:

a) preservation and enhancement of the locally distinctive built, historic and natural environment;

b) designed to take account of site characteristics, respecting and utilising the best qualities of local distinctiveness in the Village, including:

i. layout

ii. siting

iii. scale

iv. height

v. proportions and massing

vi. orientation

vii. architectural detailing

viii. landscaping and

ix. materials
c) no significant adverse impact on residential amenity for existing and future residents;

d) the development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

e) the development utilises sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;

f) minimal resource use and low or zero carbon dioxide emissions;

g) easy access for all members of the community;

h) safe environments that minimise opportunities for crime; and

i) Designs that can be easily adapted to accommodate changing lifestyles and technologies.

j) Compliance with the emerging BRE sustainability standard, or its equivalent, for new houses

5.95 Paragraph 58 of the NPPF provides the national planning context for design policy in neighbourhood plans. Criteria based Policy WH13 is in broad conformity to the guidance in paragraph 58 of the NPPF and as such Policy WH13 provides a design based policy to encourage design that will celebrate and reinforce the architectural and townscape distinctiveness of the village. However, National planning guidance was altered on 25th March 2015 by a speech in the House of Commons delivered by the Rt Hon Eric Pickles on the matter of “Energy efficiency in buildings and Planning system.”3 The instruction given in respect of Plan Making was that from the date that the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans, should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. The Bill received Royal Assent on 26th March 2015. This included any policy requiring any level of the Code for Sustainable Homes to be achieved by new development. The statement advised that the government had now withdrawn the code, aside from the management of legacy cases.

5.96 The statement further advised that Local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course.

5.97 The statement also advised that optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. In particular the statement advised that neighbourhood plans should not be used to apply the new national technical standards.

5.98 The Basic Conditions Statement confirms that the relevant WNJCS policies to which this policy conforms is Policy S10, Sustainable Development Principles; Policy S11, Low Carbon and Renewable Energy; Policy H4, Sustainable Housing; Policy BN5, The Historic Environment and Landscape; Policy R1, Spatial Strategy and the Rural Areas; whilst the relevant Daventry District Local Plan Policies are GN2 and EN42. Policy WH13 attracted little attention during the emergence of the Plan as evidenced from the lack of comment, other than from a minor comment from Daventry District Council.

5.99 In order to conform to the ministerial guidance issued in the 25th March 2015 statement, it will be necessary for Policy WH13 to be revised. Accordingly, I recommend that the following amendments be made to this policy.

**WH13 - Design**

All new development proposals will have to be of high quality design. Proposals will be expected to demonstrate compliance with the following criteria:

a) preservation and enhancement of the locally distinctive built, historic and natural environment;

b) designed to take account of site characteristics, respecting and utilising the best qualities of local distinctiveness in the Village, including:

i. layout

ii. siting

iii. scale

iv. height

v. proportions and massing

vi. orientation

vii. architectural detailing

viii. landscaping and

ix. materials

c) no significant adverse impact on residential amenity for existing and future residents;

d) the development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
e) the development utilises sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;
f) minimal resource use and low or zero carbon dioxide emissions;
f) easy access for all members of the community;
g) safe environments that minimise opportunities for crime; and
h) Designs that can be easily adapted to accommodate changing lifestyles and technologies.
j) Compliance with the emerging BRE sustainability standard, or its equivalent, for new houses

6.0 Summary

6.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below.

6.2 I am satisfied that West Haddon Parish Council is the qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP), within the meaning of s38A of the Planning and Compulsory Purchase Act 2004 (as inserted by the Localism Act 2011), for the parish. I am satisfied that this area is appropriate to be designated as a neighbourhood area and note that it was formally designated by Daventry District Council on 27th February 2014 as covering the entire West Haddon Parish.

6.3 I am also satisfied that the West Haddon Neighbourhood Development Plan 2029 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.

6.4 The Plan period is defined as being up to 2029, aligning with the West Northamptonshire Joint Core Strategy (Part 1), adopted December 2014. I understand that eventually, all the saved policies of the 1997 District Local Plan will be replaced by new local plans that will sit alongside the WNJCS. In the meantime in relation to West Haddon, the saved policies of the Daventry District Local Plan are still relevant. Accordingly the Plan has been examined against national planning policy, provided mainly by the National Planning Policy Framework. In relation to local planning policy, the Plan has been examined against the policies of the adopted West Northamptonshire Joint Core Strategy (Part 1) and the saved policies of the Daventry District Local Plan. I am satisfied that subject to the recommended policy revisions being accepted that the draft West Haddon Neighbourhood Development Plan 2029 has given adequate regard to the policies in the National Planning Policy Framework (NPPF) and other relevant national planning guidance. If these recommended changes are accepted, I believe that the Plan will make a positive contribution to sustainable
development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the parish.

6.5 The Basic Conditions Statement confirms that the West Haddon Neighbourhood Development Plan 2029, does not make provision for any excluded development. I concur with that statement and therefore the Plan is in accordance with s61K of the Town & Country Planning Act 1990 (as amended).

6.6 Daventry District Council undertook screening assessments for Strategic Environmental Assessment and Habitats Regulation Assessment in December 2014. In relation to SEA, which took into account the proposals to allocate three sites for residential development found that no negative significant effects were likely to occur as a result of the implementation of the West Haddon Neighbourhood Development Plan. The screening assessment found that many of the policies are in conformity with the policies of the emerging WNJCS which had been subject to a full SA/SEA where no significant effects had been identified. On this basis and taking account of the consultation responses from English Heritage, Natural England and the Environment Agency I concur that a full SEA does not need to be undertaken for the West Haddon Neighbourhood Development Plan.

6.7 Regarding Daventry District Council’s Habitats Regulation Assessment, which again concluded that many of the policies were in conformity with the policies of the WNJCS which itself was subject to full HRA and which found no significant individual, or in combination effects, due to the Plan demonstrating conformity with the WNJCS, the proposed allocations are unlikely to result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits SPA/RAMSAR or the Rutland Water SPA/RAMSAR sites. This been confirmed through the consultation responses from English Heritage, Natural England and the Environment Agency.

6.8 The preparation of the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I agree that the Plan is compatible with EU obligations and will contribute to achieving sustainable development within the parish and further conclude that the Neighbourhood Plan would have no likely significant adverse effects on the environment or European Sites.

As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of the Steering Group, the supporting evidence from the comprehensive questionnaire, the workshops, consultation letters and feedback forms leading to the formulation of draft policies
and subsequent pre-submission and submission plan consultation on the Plan policies, fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

7.0 Recommendations

7.1 Modifications to meet the basic conditions

7.2 For the reasons set out above and subject to all of the modifications indicated in the preceding sections of this examination report, I consider that the Plan would meet the basic conditions in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

7.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the West Haddon Neighbourhood Development Plan 2014-2029 and that the draft Plan as modified is submitted to a referendum.

7.4 Referendum Area

7.5 It is the independent examiner’s role to consider the referendum area appropriate in the event that the Qualifying Body wishes to proceed to the referendum stage.

7.6 In the event that the Qualifying Body wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the Plan Area, comprising the Parish boundary in accordance with the designated area as confirmed on 5 March 2014 and as identified as Plan A within the Plan.

8.0 Conclusions

8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the draft West Haddon Neighbourhood Development Plan 2029 is submitted to a referendum.
Appendix 1

Agenda for Hearing, 23rd July 2015
West Haddon Neighbourhood Development Plan 2014-2029

Questions for Hearing

to be held on July 23rd 2015 commencing at 10:00am at

West Haddon Village Hall
The Green
West Haddon
NORTHAMPTON
NN6 7AN

Jeremy Edge BSc FRICS MRTPI
Partner
Edge Planning & Development LLP
38 Northchurch Road, LONDON, N1 4EJ
Agenda

West Haddon Neighbourhood Development Plan 2014-2029
Questions to be considered at the Hearing on July 23rd 2015

1.0 Introductions and Purpose of the Hearing

2.0 Matters for Consideration

Generally

1) What is the status of West Haddon in the context of the rural settlement hierarchy as defined in Policy R1 of the West Northamptonshire Joint Core Strategy, (WNJCS)?

Housing Policies

2) What is the significance of the first paragraph in Policy WH10 in relation to development management? In the light of the adoption of the WNJCS and in the context of the current Revised Saved Local Plan policies, can this be removed without harming the objectives of the West Haddon Neighbourhood Development Plan (the Plan)?

3) In the Saved Policies from the Daventry District Local Plan (June 1997), saved on 28th September 2007, revised post adoption of the WNJS Local Plan (December 2015), published February 2015, West Haddon is referred to as a “Limited Development Village”. In approving Alteration No 1 to the County Structure Plan, the Secretary of State for the Environment retained the direction that “the provision for new residential development in the rural areas will be made primarily in Limited Development Villages as defined in Local Plans. The Structure Plan does not restrict new development in these villages to infill sites only, although all proposals need to meet certain criteria in respect of the existing character of the village and environmentally important open space. Can draft policy WH10, New Residential Development in West Haddon Village, under provision (b), limiting housing development to small scale infill sites, subject to not causing loss of open green space or a local community facility, be reconciled with the saved policies of the Local Plan?

4) Should the “Proposed Settlement Boundary” identified on the West Haddon NDP proposals plan, at page 4 in the examination version of the Plan, incorporate the proposed housing sites comprising, WH10/01, WH10/02, WH10/03 and the Davidson’s site, (DA/2014/0218), being the approved housing development to the West of the A428? Should the Proposed Settlement Boundary be contiguous with the Local Green Space boundary with G2? If so how should this be re-aligned given the time horizon of the Plan to 2029?

5) What is the rationale and town planning purpose for Proposed Settlement Boundary bisecting the rear gardens, for example in West End, Atterbury Close and land to the north of the tennis courts? Should the Proposed Settlement Boundary relate more accurately to land ownership boundaries?
6) The WNJCS Evidence Base included the 2012 SHLAA which identified 8 potential sites for housing at West Haddon. How have the following sites identified within the SHLAA been assessed in preparing the proposed housing allocations in the West Haddon Neighbourhood Plan in connection with Policy WH10:

- DDC154 – The Vicarage;
- DDC511 – 2 Yelverton Road;
- DDC101 – Old Nursery, Northampton Road; and
- DDC116 – East of West End?

7) Would the omission of the specific sites in Q6 run contrary to the policy objectives in Policies H1 and H2 of the WNJCS, over the life of the Plan to 2029?

8) To the extent that it might be reasonable to include any of the SHLAA sites identified in Q6 within Policy WH10, should the Proposed Settlement Boundary be modified to include such sites?

**Landscape Policies**

9) Special Landscape Areas (SLAs) - At page 31 of the Plan, it is stated that SLAs have had long standing protection and that this should be maintained. The Plan makes reference to further work undertaken that supports the retention of this designation, yet this policy designation does not appear in the recently adopted WNJCS. What is the relationship between SLAs in the saved DDLP Policy EN1 and the WNJCS? What weight should now be afforded to SLAs?

10) Policy WH2 is a criteria based policy which seeks to protect Local Green Spaces (Local Green Areas), shown on the Proposals Map, from development. I note that area G1 is the subject of an appeal for 80 dwellings and concerns have been raised by the landowner in relation to an alleged lack of consultation. Would the designation of this land as local green space be consistent with paragraph 76 of the NPPF which states that Local Green Spaces should be capable of enduring beyond the end of the plan period?

**Policy WH 3 – Village Hall**

11) It would appear that the current village school which is understood to be voluntary aided, is close to capacity. Is there evidence to indicate that there would be proposals to acquire the Village Hall site for this purpose? Is there a risk that the time required to organise the replacement and relocation of the Village Hall would unacceptably fetter or delay the provision of additional school accommodation? Would this in turn prevent the delivery of house building in West Haddon? Would the Education Authority be likely to use CPO powers if the WHNDP frustrated the provision of school places?
Appendix 2

Recommended Policy Alterations to the Submission Draft

West Haddon Neighbourhood Development Plan 2029

Policy WH1 should be revised to read as follows:

Policy WH1 - Protecting and Enhancing the Landscape and Local Countryside Character

Development proposals within the parish will not be supported unless it is demonstrated that each of the following landscape design principles shall be met:

a) The scale, form and character of the existing settlement shall be maintained.

b) Development shall be sited within the defined settlement boundary and shall be of a scale to complement the traditional character and historic core of the Village;

c) Development on hill slopes and prominent sites on the edge of the Village should be avoided to protect the profile and skyline of this traditional hill top Village.

d) Suburban development between the A428 and the settlement boundary shall be avoided;

e) Development proposals shall protect public views in to and out of the Village (see the Proposals Map and Appendix 2);

f) Development proposals shall be designed to integrate with existing structures in terms of scale;

f) Landscaping and boundary treatments shall use native species and where possible, protect and incorporate existing native vegetation; and

g) Existing wildlife and habitats shall be protected, enhanced, and new ones created.
**Policy WH 3 – Village Hall Site**

The redevelopment of the site of the existing Village Hall at West End for an extension to the West Haddon Primary School is supported. Redevelopment proposals will be permitted when:

1. Suitable provision is made prior to vacating the site on a suitably accessible site within the Village.
2. The new building should be capable of enhancing the current use.
3. There is provision of adequate car parking and suitable access.
4. There is no significant adverse impact on residential amenity.
5. Adequate consideration is given to co-location of other uses and facilities has been provided.

**Policy WH4 – Protection of Local Community Assets**

The identified community assets are:

- West Haddon Endowed Church of England Primary School
- Post Office
- The Pytchley Hotel
- The Crown public house
- The Sheaf public house
- Village Shop
- All Saints’ Church
- Baptist Church
- Doctor’s surgery

The loss of these community assets will not be supported unless the following can be demonstrated:

1. The proposal includes alternative provision, on a site within the Village, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or

2. Satisfactory evidence (e.g. independently marketed for at least 12 months) is produced that there is no longer an economic justification to protect need for the asset.

**Policy WH 8 – Supporting Development of Communications Infrastructure.**

The development of new communications infrastructure to serve the parish will be supported where the siting and appearance of the proposed apparatus and
associated structures seek to minimise impact on the visual amenity, character or appearance of the surrounding area.

All new development will be required to make provision for high speed broadband and other communication networks. Currently, this means developers must include ducting with suitable drawstring from the appropriate boundary to each building, property router, anticipating the router location, i.e. ducting into the property with suitable drawstring.

Policy WH10 - New Residential Development in West Haddon Village

To ensure the housing needs of West Haddon are met up to 2029 without compromising the character of the Village, or leading to development that is of a scale that is inappropriate for local services and infrastructure, a settlement boundary has been identified on the Proposals Map.

Within the settlement boundary, the Parish Council supports small-scale housing development:

a) At the following allocated housing sites -
   WH10/01 – Land to the rear of Avenue House off Crown Lane.
   WH10/02 – Site of former battery garages off Elizabeth Road.
   WH10/03 – Land off Northampton Road adjacent to Playing Field.

b) Where it is a small infill development that would not lead to loss of open green space or an existing community facility.”

Policy WH12 – Meeting Local Housing Needs

To meet defined local housing needs, all new housing development of 5 or more units will be required to provide a mix and range of house types and tenures, ensuring provision for affordable housing and housing designed to meet the needs of the elderly, the disabled and the vulnerable.

Policy WH13 - Design

All new development proposals will have to be of high quality design. Proposals will be expected to demonstrate compliance with the following criteria:

a) preservation and enhancement of the locally distinctive built, historic and natural environment;
b) designed to take account of site characteristics, respecting and utilising the best qualities of local distinctiveness in the Village, including:

   i. layout
   ii. siting
   iii. scale
   iv. height
   v. proportions and massing
   vi. orientation
   vii. architectural detailing
   viii. landscaping and
   ix. materials

c) no significant adverse impact on residential amenity for existing and future residents;

d) the development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

e) the development utilises sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;

f) minimal resource use and low or zero carbon dioxide emissions;

f) easy access for all members of the community;

g) safe environments that minimise opportunities for crime; and

h) Designs that can be easily adapted to accommodate changing lifestyles and technologies.

j) Compliance with the emerging BRE sustainability standard, or its equivalent, for new houses.
Appendix 3

Recommended amendments to the explanatory text to revised Policy WH10

Local Evidence:
- 43% of local residents support up to 5% growth for the Village.
- 34% of local residents support up to 10% growth for the Village.
- Phased growth of housing is supported, as is small groups of less than 10 homes.

Technical Evidence:

The Joint Core Strategy advises that Daventry District has a housing requirement of 6,984 additional dwellings by 2029, with 2,360 of those additional dwellings to be provided across the rural areas.

This equates to about 130 houses per year over the eighteen year planning period spread across the whole of the rural area. Working on the earlier allocation of up to 7% this would require approximately 44 new housing units in the Village over the planning period (2011-2029).

This growth figure has been significantly exceeded by the appeal decision in relation to the Davidsons’ site on 24th December 2014 which added 100 houses to the Village, resulting in housing growth of about 17%. As a consequence, the residents of West Haddon are of the opinion that no further large-scale developments should be permitted in the Parish during the life of the Plan. This is the clearly expressed view of residents in both the questionnaire and the responses to the public consultation on this Plan. This Plan proposes only small-scale developments up to and within the confines of the Village.

Policy R1 in the Joint Core Strategy sets out the spatial strategy for the rural areas. This policy clarifies that within the rural area the distribution of the rural housing requirement will be the subject of the Part 2 local plans that are being prepared by Daventry District according to the local need of each Village and their role within the hierarchy. Development within the rural areas will be guided by a rural settlement hierarchy that will comprise the following categories:
- Primary service Villages;
- Secondary service Villages;
Other Villages and
Small settlements/hamlets

In the Adopted Local Plan, West Haddon is identified as a “limited development Village” under policy HS11 where planning permission will normally be granted for residential development within these Villages provided that it is on sites specifically identified for residential development in the Local Plan or; it comprises small-scale development within the existing confines of the Village as defined on the proposals map; and it does not affect open land which is of particular significance to the form and character of the Village or; it comprises the renovation, adaptation or the conversion of buildings for residential purposes.

The proposed Daventry Settlements and Countryside Local Plan will establish a rural settlement hierarchy to support the retention and provision of local services and facilities and distribute the agreed rural housing provision identified in the Joint Core Strategy across the district. This Neighbourhood Plan is being prepared in advance of the Daventry Settlements and Countryside Local Plan. Based on the size of existing parishes, it is probable West Haddon would be designated as a secondary service Village, see Figure 1.

(Include) Figure 1 – Daventry Parishes Size by Number of Dwellings

It is recognised that there will need to be continuing growth over the Plan period but this will have to be small-scale in order to achieve the objectives of this Plan and in particular protect open countryside and to take account of infrastructure limitations.

This Plan identifies three sites for development that would accommodate about 10 housing units. This would lead to housing growth of 146 units up to 2029, made up as follows:

- Identified sites 10 units
- Planning permissions 136 units

The planning permission sites include one site with 100 units and another with 20 units and the remainder are single or small-scale sites which are in-fill; these would mean growth of 24% from the 2011 baseline figure.

The Parish Council view is that other than the specific sites identified in WH10, it would be unreasonable and unsustainable to allow further development other than small-scale (up to 10 dwellings). These should be located within the confines of the Village.
Plan 1 – Proposals Map - West Haddon Parish Council February 2015, Revised July 2015