

KILSBY NEIGHBOURHOOD PLAN

Kilsby Neighbourhood Plan Examination,
A Report to Daventry District Council

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January 2016

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Kilsby Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Kilsby Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Daventry District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Kilsby Neighbourhood Area.

¹The qualifying body is responsible for the production of the Plan.

Role of the Independent Examiner

I was appointed by Daventry District Council, with the consent of Kilsby Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Kilsby Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect.

I note that there are a number of references to the Neighbourhood Plan being in place for the next fifteen years. In order to clarify the plan period and given that time will inevitably move on, I recommend that these references are changed to state the plan period itself:

- **Page 4, line 3, change to “...applications *during the plan period, 2014-2029.*”**
- **Page 11, para 1.17, last line, change to “...village *during the plan period, 2014-2029.*”**
- **Page 15, para 2.4, line 4, change to “...develop *over the plan period, 2014-2029.*”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Daventry District Council that I was satisfied that the Kilsby Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against the basic conditions.

Kilsby Parish Council has submitted a Basic Conditions Statement, setting out how, in the Parish Council’s view, the Neighbourhood Plan meets the basic conditions. In addition, Chapter 2 of the Neighbourhood Plan refers to the basic conditions. For clarity, I recommend:

- **Page 16, para 2.8, change line 1 to “...Plans must be compatible with European Union obligations with regards environmental protection...national planning policy *and advice*.”**
- **Para 2.9, change first bullet point to “*Have regard to national policy and advice*”**
- **Para2.9, remove speech-marks from “*sustainable development*”**
- **Para 2.9, change third bullet point to “*Be in general conformity with the strategic policies of the development plan for the area, which in this case is the West Northamptonshire Joint Core Strategy (2014) and the Saved Policies of the Daventry District Local Plan (1997)*”**
- **Page 21, last sentence, change to “...conformity with the strategic policies of the development plan for the area (*the West Northamptonshire Joint Core Strategy (2014) and the Saved Policies of the Daventry District Local Plan (1997)*).**”

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” report, opinion or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

Page 17 of the Neighbourhood Plan confirms that Daventry District Council undertook a screening report. The screening report states that:

“1.2 This screening report is designed to determine whether or not the content of the draft Kilsby Neighbourhood Plan requires a Strategic Environmental Assessment...and/or a Habitats Regulations Assessment...”

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

The screening report undertaken by Daventry District Council concludes that:

“4.5...it is considered unlikely that any significant environmental effects will occur from the implementation of the Kilsby Neighbourhood Plan that were not considered and dealt with by the Sustainability Appraisal of the West Northamptonshire Joint Core Strategy. As such the Kilsby Neighbourhood Plan does not require a full SEA to be undertaken...5.2...”

I note that there is a mistake in the Basic Conditions Statement. Page 25 of the Basic Conditions Statement states that *“The Neighbourhood Plan has been subjected to (a) full SEA.”* This is simply not the case. Fortunately, the Neighbourhood Plan itself is accurate, as is page 8 of the Basic Conditions Statement.

³ Paragraph 026, Planning Practice Guidance 2014.

With regards the Habitats Regulations Assessment, the screening report states identifies that the Neighbourhood Area is 21km from Upper Nene Valley Gravel Pits Ramsar and 46km from Rutland Water Special Protection Area (SPA)/Ramsar. The screening report concluded that:

“5.5...due to the plan demonstrating conformity with the West Northamptonshire Joint Core Strategy...it will not result in any significant effects, alone or in combination upon the Uppern Nene Valley Gravel Pits... or...Rutland Water...”

and no requirement for a HRA was identified.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted as part of the scoping opinion. None of these bodies dissented from the conclusions set out in Daventry District Council’s screening report. Natural England stated that:

“...there are unlikely to be significant environmental effects... ...Natural England is in agreement with the conclusion of the screening report in relation to HRA ...”

Furthermore, each statutory body was also consulted during the Submission Consultation stage and that no further comments were made with regards compatibility with European obligations.

In addition to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

With regards this latter point, there is nothing before me to indicate that Daventry District Council, which undertook the screening report, has any concerns with regards the Neighbourhood Plan’s compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Kilsby Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Kilsby Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- The West Northamptonshire Joint Core Strategy (2014) (Core Strategy)
- Saved Policies of the Daventry District Local Plan (1997) (Local Plan)
- Basic Conditions Statement
- Consultation Statement
- Screening Report for: Strategic Environmental Assessment and Habitats Regulations Assessment

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Kilsby Neighbourhood Area.

Kilsby Neighbourhood Area

The boundary of the Kilsby Neighbourhood Area is shown on a plan on page 5 of the Neighbourhood Plan. I note that the Neighbourhood Area excludes that part of Kilsby Parish that forms part of the Daventry International Rail Freight Terminal, which is classified as being of national strategic importance.

Further to an application made by Kilsby Parish Council, Daventry District Council approved the designation of the Neighbourhood Area, as shown on page 5, on 6 December 2013.

In the above regard, requirements in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended), have been satisfied.

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Kilsby Neighbourhood Plan Consultation

In line with legislative requirements, a Consultation Statement was submitted to Daventry District Council by Kilsby Parish Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁴.

Following a presentation on neighbourhood planning in May 2014, a Neighbourhood Plan Steering Group was established by Kilsby Parish Council in June 2014. An informal meeting with Daventry District Council in July was then followed by a village questionnaire in August 2014. Questionnaires were delivered to every household, their purpose was explained, and completed forms were collected. This resulted in a very high, 76%, response rate.

The questionnaires were followed up with two Open Forum sessions, held in September 2014. All households were invited, via a leaflet. The results of the survey were discussed and further comments sought. In December 2014 a booklet providing feedback from the questionnaire was delivered to every household and full details of the results, including all comments made, were published on the Village Website.

A Housing Needs Survey was then carried out during December 2014 and January 2015. Information was collated and a leaflet setting out the Vision, Key Objectives and Key Policies was distributed to all households, with feedback invited, during March and April 2015. Further to a reminder to all households, responses were received from 114 residents.

⁴Neighbourhood Planning (General) Regulations 2012.

The draft plan underwent consultation during May and June 2015. This was supported by two drop-in sessions at the Village Hall; copies of plans being made available at various locations, as well as on the Village Website; cards being sent to all residents, advising them of the consultation process; and reminder postcards. All comments were considered and informed the production of the submission version of the Neighbourhood Plan.

Consultation was widely communicated and well-publicised in a variety of ways. Information, including minutes of all Steering Groups meetings, was provided on the Village Website. Posters were displayed at various locations around the village, and information was provided in the village magazine.

I also note that a number of meetings were held with officers from Daventry District Council. Planning Guidance requires local planning authorities to be proactive in providing information to communities about neighbourhood planning and to constructively engage with the community throughout the process (Paragraph 009, Neighbourhood Planning, Planning Guidance). The Consultation Statement confirms that Daventry District Council was proactive, and engaged constructively, during the production of the Neighbourhood Plan.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was carried out in an open manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan. Comments received were duly considered and evidence has been provided to demonstrate that the Neighbourhood Plan reflects the views of local people.

I am satisfied that the consultation process was comprehensive and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below, aimed at making it a clear and user-friendly document.

The Neighbourhood Plan is clearly presented and comprises an easy-to-read document. Policies are clearly distinctive from the supporting text. Further, the use of photographs and plans adds interest, as well as relevant information.

The Contents page is clear and concise, as is the Executive Summary. As some information is now out of date, I recommend:

- **Page 4, delete “*What happens next?*” paragraph**

The Introduction and Background comprises an excellent Chapter. It provides a succinct, interesting and relevant introduction to the area and provides useful data and information. No changes are recommended.

In Chapter 2, mention is made of the refusal of the original Neighbourhood Area application to Daventry District Council due to the presence of the Daventry International Rail Freight Terminal. However, no mention is made of when the Neighbourhood Area was approved. The Consultation Statement submitted alongside the Neighbourhood Plan states that approval was granted on December 2013. For clarity, I recommend: 6

- **Page 15, end 2.2 “...Terminal (DIRFT) on 6 December 2013.”**

I make comments with regards references to the basic conditions in Chapter 2 above. Other minor recommendations comprise:

- **Page 15, para 2.2, line 4, delete “...only...”**
- **Page 17, para 2.10, line 7, replace “...an initial...” with “...a...”**

Chapter 3 sets out the Vision and Objectives. This is an important section of the Neighbourhood Plan as it provides a clear link between the views of the local community, gained via the robust consultation process considered above, and the Policies of the Neighbourhood Plan.

No changes to Chapter 3 are recommended.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The Policy Section is clearly set out. Policies are distinctive from the supporting text and are supported by photographs and plans.

Each Policy is considered below under its Chapter heading in the Neighbourhood Plan.

At the end of each Policy section, the Neighbourhood Plan includes a list of Policies relating to the development plan. Whilst this might have been helpful at the draft planning stage, it is not relevant for inclusion in the final Neighbourhood Plan. I note that it is for the examination process to consider whether or not the Neighbourhood Plan has regard to national policy, or is in general conformity with the development plan.

Taking the above into account, I recommend:

- **Delete the development plan Policy references at the end of each section (page 26, page 34, page 38, page 45, page 48 and page 50).**

Leisure and Recreation in Kilsby

The introduction to this section provides relevant background relating to the community facilities in Kilsby. It establishes the value that local people place on the services and facilities in the village.

Policy K1: Protecting existing community facilities and supporting improvements to leisure and recreational facilities

National policy requires positive planning for the provision of the social, recreational and cultural facilities and services a community needs (Paragraph 70, the Framework). In addition, Chapter 3 of the Framework, *“Supporting a prosperous rural community,”* states that 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” (Paragraph 28).

Further, Core Strategy Policy R1 (Spatial Strategy for the Rural Areas), recognises the importance of:

“opportunities to retain and improve the provision and enhancement of services critical to the sustainability of settlements.”

Policy K1 seeks to protect existing local community assets and supports the creation of new ones. In this way, it has regard to national policy and is in general conformity with Core Strategy Policy R1.

As worded, the first part of the Policy is confusing. It is not clear how assets will be protected at the same time as there being a presumption in favour of their re-use. For example, as worded, the Policy would protect allotments whilst, at the same time, have a presumption in favour of their re-use as a health centre and pharmacy. Taking the background information into account, this appears to be an unintended consequence resulting from confused Policy wording.

The policy uses the phrase *“will not be permitted.”* Such an approach runs the risk of pre-determining an application without taking relevant factors – for example, sustainable development benefits – into account. Criteria A splits the infinitive and Criteria B is not entirely clear, as a marketing exercise may not necessarily bring a building back into use, but it can provide relevant viability-related evidence. Further, the requirement does not differentiate between a marketing period of 5 minutes or 5 years.

The penultimate sentence partly repeats the intent of the second sentence and is a little confusing – why would there be more than one village hall ? The final sentence relates to Community Infrastructure Levy contributions. Rather than provide a vague indication of what they “*should*” be used for, it would be much clearer if a more thorough explanation was provided in the supporting text.

Taking all of the above into account, I recommend:

- **Policy K1, change second sentence to “*The retention and development of community facilities will be supported.*”**
- **Change second paragraph to “...other uses will not be *supported* unless...”**
- **Change Criterion A to “...alternative *provision of equivalent or enhanced facilities, on a site within the locality.*”**
- **Change Criterion B to “...facility, *evidenced by at least six months of active marketing.*”**
- **Delete last paragraph**
- **Add new supporting text paragraph below 4.1.10, “*The Parish Council will receive Community Infrastructure Levy monies. It is intended that Community Infrastructure Levy monies be used to support community facilities and services, including the provision of GP facilities in Kilsby and open space/recreation provision, including facilities for teenagers and a sports pitch. The Parish Council will work to achieve this.*”**

Subject to the above, Policy K1 contributes to the achievement of sustainable development and meets the basic conditions.

Leisure and Recreation in Kilsby (ctd)

The supporting text to Policy K2 identifies a local requirement for improvements to walking and cycling facilities.

The last sentence of paragraph 4.1.12 is missing a word such that the sentence does not make sense. I recommend:

- **Para 4.1.1.2, change last sentence “...and vehicles frequently park on them.”**

Policy K2: Supporting walking and cycling in Kilsby

Chapter 4 of the Framework, “*Promoting sustainable transport,*” seeks to balance the transport system in favour of sustainable transport modes and where practical, it requires development to:

“give priority to pedestrian and cycle movements” (Paragraph 35)

In addition, Core Strategy Policy C1 gives priority to:

“providing access by walking, cycling...to key facilities and services...promoting the use of walking, cycling...”

Policy K2 supports the improvement of walking and cycling routes. Consequently, it has regard to national policy and is in general conformity with Policy C1.

The second part of Policy K2 refers to “*Green Routes*” as “*identified on Map 3.*” I note that Map 3 shows a variety of routes, none of which are labelled as Green Routes. It identifies four “*new cycle/foot paths;*” one “*improvements for mountain bike path;*” and one “*Restore existing path.*”

No evidence is provided to demonstrate that all of the routes identified in Policy K2, and/or shown on Map 3, are deliverable. Indeed, the Policy wording makes it clear that there is much uncertainty relating to delivery, as funding needs to be sought “*and some proposals may require further negotiation with landowners.*”

I note that there is no evidence to demonstrate that the requirement for developer contributions will be necessary to make the development proposed acceptable in planning terms, directly related to the development proposed, or fairly and reasonably related in scale and kind to the development proposed. Consequently, there is no evidence that the Policy has regard to national policy, as set out in Paragraph 204 of the Framework.

Consequently, part of Policy K2 appears as a local aspiration, but not an appropriate land use planning policy. In my recommendations below, I propose changes intended to reflect this aspiration, the intention of which is reflective of local and national planning policy, rather than lose sight of it.

I recommend:

- **Policy K2, delete “in principle” at the end of the first sentence**
- **Delete all of the remaining Policy after the first sentence**
- **Move the deleted part of the Policy to a new supporting text paragraph, below para 4.1.12. Create new heading “Community Action” and opening sentence *“The Parish Council will seek to provide new footpaths/cycle ways and enhance existing routes. To this end, a series of proposed routes and improvements are identified on Map 3, the intention of which is to promote walking and cycling throughout the village and surrounding countryside, reducing reliance on the private car for shorter journeys and to support healthier lifestyles.***

The Parish Council will seek developer contributions, where appropriate, as well as other sources of funding. The Parish Council will also negotiate with land owners in order to achieve this aim. The proposed improvements/routes can be described as:...” (include the list of the 7 routes on page 25 here)

Subject to the above, Policy K2 contributes to the achievement of sustainable development and meets the basic conditions.

Future Development and the Provision of Housing

Policy K3: Supporting new housing in Kilsby Village

Policy R1 of the Core Strategy states:

“Within the rural areas of West Northamptonshire there is an identified need for 2,360 dwellings within Daventry District...The distribution of the rural housing requirement will be the subject of the Part 2 Local Plans...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...primary service villages, secondary service villages, other villages, and small settlements/hamlets.

“...Residential development in rural areas will be required to...be of an appropriate scale to the existing settlement; and promote sustainable development...; and be within the existing confines of the village.”

Thus, whilst the distribution of rural housing, as it impacts on the Neighbourhood Area, has not been determined, the Core Strategy provides much clarity with regards the role of Kilsby in providing for sustainable housing growth.

Local Plan Policy HS22 identifies Kilsby as a *“Restricted Infill Village.”* I note that this Policy has been saved and has not, as yet, been replaced by the Policies of the Core Strategy.

Local Plan Policy HS22 states that:

“Planning permission will normally be granted for residential development in the restricted infill villages provided that: it is on a small scale, and it is within the existing confines of the village...”

In the absence of Part 2 of the Core Strategy, I am especially mindful of this latter part of Local Plan Policy HS22, which is mirrored by Core Strategy R1. Consequently, both Policies require development to be:

“within the existing confines of the village”

With regards development outside the *“existing confines of the village,”* Core Strategy Policy R1 is in line with national policy, whereby it is generally restrictive, but allows for appropriate development, in exceptional circumstances:

“where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.”

Core Strategy Policy R1 steers development towards settlements but, in exceptional circumstances, provides for sustainable development.

I note that the Neighbourhood Plan Objective set out on page 28 appears out of keeping with the Core Strategy, in that it refers to Kilsby as a *“restricted infill village.”* This does not comprise a category in the Core Strategy. I note above that both the Core Strategy and Local Plan make reference to *“the existing confines of the village”* and take this into account in the recommendations later below. Also, Paragraph 4.2.9 includes a subjective opinion inappropriate for inclusion in the Neighbourhood Plan.

The first part of Policy K3 repeats Core Strategy Policy R1. However, it is not the role of neighbourhood plans to repeat existing policy, and there is no purpose or value in doing so.

Criterion f) of Policy K3 fails to properly reflect Core Strategy Policy R1, or Local Plan Policy HS22, neither of which refer to settlement boundaries, but to *“existing confines,”* as noted above.

No substantive evidence is provided for requiring a minimum of two car parking spaces for every property. It may be that this results in an over-provision of car parking spaces for, say, a development of one bedroomed flats, making any such development unviable and unnecessarily encouraging car journeys, contrary to the aims of Chapter 4 of the Framework, *“Promoting sustainable transport.”* There is no evidence the approach proposed contributes to the achievement of sustainable development.

The Neighbourhood Plan provides no detail with regards accessibility to local facilities via public transport. For example, it is not clear whether all or any potential locations for development are accessible via public transport. Without any evidence, it is not known whether or not the requirement set out in Criterion j) is achievable.

The final Criterion in the Policy refers to something outside the control of the Neighbourhood Plan.

I note that Policy K3 does not refer to development outside Kilsby village. However, I note above that Core Strategy Policy R1 considers development outside the existing confines of settlements and that there is no requirement for the Neighbourhood Plan to provide an additional Policy in this regard. Subject to the modifications below, Policy K3 does not prevent appropriate development in the countryside.

Taking all of the above into account, I recommend:

- **Page 28, Objective, change opening line to *“To ensure that housing proposals are proportionate...village.”***
- **Para 4.2.9, delete second sentence**
- **Policy K3, delete the first part of the Policy, from *“New development in Kilsby...”* to *“...e)...Neighbourhood Plan.”***
- **Delete *“Further to the requirements of...should:”* and replace with, what will effectively become the new Policy K3, *“Residential development will be supported within the existing confines of Kilsby village. Proposals should: a) be within the existing confines of Kilsby; b) be of a size...area; c) use local...roads; d) provide safe access; e) be accessible to local facilities by walking and cycling; f) demonstrate consideration of “Secure by Design” principles.”***

Local Housing Needs

The supporting text to Policy K4 presents the findings of the Local Housing Needs Survey for Kilsby. This provides detailed information relating to the type of housing and tenure in Kilsby, as well as providing an indication of the types of housing local people would like to see in the Neighbourhood Area.

Policy K4: Meeting local housing needs

The Framework supports the delivery of a wide choice of high quality homes (Chapter 6) and requires the identification of the size, type, tenure and range of housing that is required in particular locations, reflecting local demand (Para 50).

Whilst I note above that the Local Housing Needs Survey presents information relating to existing housing and what local people would like to see, there is little justification of housing *need*, such that it provides a clear, robust evidence base upon which to base land use planning policy.

Further, Policy K4 is vague. It states that something “*should*” but fails to specify precisely what. Further, no evidence has been presented to demonstrate that any or all of the house types and tenures identified in the Policy can be delivered.

The final part of the Policy is not in general conformity with Core Strategy Policy R1, considered earlier in this Report and repeats a requirement set out in Policy K3.

To clarify the intent of the Policy, I recommend:

- **“Policy K4, change wording to *“The delivery of a range of housing types and tenures to meet local need will be supported. The provision of smaller houses and flats, and bungalows to meet local need will be particularly welcomed.”*”**
- **Delete final sentence of Policy K4**

Subject to the above, Policy K4 contributes to the achievement of sustainable development and meets the basic conditions.

Transport

The supporting text to the Transport section recognises Kilsby's strategic location, at the heart of major road and rail networks, and identifies both the advantages and the significant conflicts that this brings.

Policy K5: Supporting improvements in local transport

The first part of Policy K5 calls for "*appropriate financial contributions to bus services, pedestrian ways and cycle paths.*" However, no indication is provided as to what "*appropriate financial contributions*" will comprise or the specific things they will contribute. Further there is no evidence to demonstrate that the Policy has regard to the requirements of Paragraph 204 of the Framework, set out earlier in this Report.

No evidence is provided to demonstrate that traffic calming measures will reduce the volume of traffic. However, I note that appropriate traffic calming can improve highway safety.

Further, the final part of the Policy refers to matters outside the control and responsibilities of the Neighbourhood Plan and fails to provide a decision maker with a clear indication of how to react to a development proposal.

I recommend:

- **Policy K5, delete first and last paragraphs**
- **Change second paragraph to "*...points to improve highway safety, will be supported.*"**

Subject to the above, Policy K5 has regard to the Framework, which supports minimising conflicts between traffic and cyclists or pedestrians (Para 35) and seeks to protect residential amenity (Chapter 7, "*Requiring good design*").

Historic Buildings, Natural Environment and Conservation

The supporting text to this section provides background information relating to Kilsby's heritage and identifies that the local community afford importance to the preservation of local character

Policy K6: Protecting Character, Form and Setting of Kilsby Village

The first part of Policy K6 states that development "*will be permitted.*" The planning system is plan-led and applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown. It is therefore inappropriate to dismiss them via a planning policy stating "*development will be permitted.*"

Further to the above, the requirements of Policy K6 go considerably beyond those of national or local planning policy. No evidence is provided to demonstrate that all development must preserve and enhance Kilsby and its setting in order to be sustainable, and no evidence is provided to demonstrate that such an approach has regard to national policy, or is in general conformity with the strategic policies of the development plan.

The Policy goes on to apply a severely restrictive approach to development "*outside the settlement boundary.*" This fails to reflect Paragraphs 28 and 55 of the Framework, which allow for appropriate sustainable development in a far less restrictive manner. No justification for failing to have regard to national policy is provided. Further, this part of the Policy also includes the phrase "*will be permitted.*"

Taking all of the above into account, as worded, Policy K6 does not have regard to national policy and does not contribute to the achievement of sustainable development. It does not meet the basic conditions. However, I recognise above that the protection of local character is an important local consideration. National policy (Chapter 7, the Framework, "*Requiring good design*") and local strategic planning policy (Core Strategy Policy BN5), both protect local character and subject to the following recommendations, Policy K6 has regard to, and is in general conformity with, national and local strategic policy, respectively.

I recommend:

- **Policy K6, change first paragraph to: “*Development within the existing confines of Kilsby village must respect its compact, sustainable, nucleated form and rural setting. Outside the existing confines of Kilsby village, development that is appropriate to a countryside use must take into account the character and setting of the village and the local landscape, including archaeological features such as ‘ridge and furrow’ field systems.*”**
- **Delete the rest of the Policy**

Policy K7: Local Green Space Designations

Policy K7 seeks to designate five separate areas of Local Green Space.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

The supporting text preceding Policy K7 sets out national Local Green Space policy in full. Table 5 on page 44 then provides evidence to demonstrate that each proposed Local Green Space meets the requirements for designation. In so doing, the supporting text shows that four of the five proposed areas are demonstrably special and hold a particular local significance.

The case for the fifth Local Green Space, Malt Mill Green, is less clear. Its local significance is described as *“mature trees and affords screening of the A361.”* However, this description could apply to any number of spaces not being proposed as Local Green Space and it does not, in itself, mean that Malt Mill Green meets the requirements of Paragraph 77 of the Framework.

During my site visit, I observed that Malt Mill Green to comprise an oasis of calm amongst busy roads. Its mature trees provide historic interest and a haven for wildlife and the presence of open space and a seating area provides for recreation. Given all of this, I am satisfied that its designation as a Local Green Space meets the necessary tests, but recommend, below, that the reasons for its significance are more reflective of its essential characteristics.

The Neighbourhood Plan does not provide appropriate plans to support the Local Green Space designations. Map 2 is indicative and useful as an overview, but it is not at a sufficient scale to identify precisely which areas of land will be protected by Policy K7.

Taking all of the above into account, I recommend:

- **Policy K7, delete “...under paragraphs...Framework...” and change second sentence to “*Development of Local Green Space is ruled out other than in very special circumstances.*” (retain all five areas of Local Green Space)**
- **Provide new plans, showing the precise boundaries of each Local Green Space relative to its surroundings on an Ordnance Survey Base. The precise location of each area to be protected must be clearly legible.**
- **Table 5, change “Special Qualities/Local Significance” of Malt Mill Green to “*Provides for calm, recreation and respite, and has historic and wildlife interest.*”**
- **Para 4.4.13, line 2, change to “...Local Green Space.”**

Subject to the above, Policy K7 contributes to the achievement of sustainable development and meets the basic conditions.

Employment

The supporting text to Policy K8 provides a significant level of detail regarding the employment status of the inhabitants of the Neighbourhood Area.

Policy K8: Improving accessibility to local employment opportunities and supporting homeworking

The first part of Policy 8 comprises a general statement to encourage “*measures*” and does not comprise a land use planning policy. It would more appropriately form part of the supporting text.

Whilst, as worded, the second paragraph of the Policy is convoluted and therefore lacking in clarity, its overall aim has regard to Paragraph 21 of the Framework, which states that plans should:

“facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”

The final requirement set out in the Policy is unduly onerous, as it requires all development proposals to include provision for new communication technologies. Such a requirement will not be relevant or appropriate for many development proposals, for example, household extensions or applications for Listed Building consent. However, I am mindful that national policy recognises that advanced, high quality communications infrastructure is essential for sustainable growth (Para 42, the Framework).

Taking all of the above into account, I recommend:

- **Policy K8, delete the first paragraph. Move the deleted text to a new paragraph below para 4.5.9 and change the start of the paragraph to “*The Parish Council will seek measures such as improvements*” and end the paragraph at “*...Rugby.*”**
- **Policy K8, change second paragraph to “*The provision of office/small workshop space within new housing developments will be supported, subject to it respecting local character and residential amenity.*”**
- **Policy K8, change last paragraph to “*The provision of new communication technologies as part of business and residential proposals will be supported, subject to respecting local character and residential amenity.*”**

Infrastructure

Policy K9: Infrastructure

Policy K9 places a requirement on all new development to ensure that the provision of water, sewerage, electricity, broadband and mobile services, and medical facilities *“are suitable to meet the future needs of the village.”*

This Policy is inappropriate for inclusion in the Neighbourhood Plan for a number of reasons.

It does not identify the *“future needs of the village.”* Therefore, there is no clarity with regards to precisely what all new development needs to provide. Further, no indication is provided with regards why the Policy relates to all new development. It will not be relevant for some forms of development to make contributions.

No indication is provided with regards what types of development must provide what level of, say, medical facilities or broadband. I note that *“medical facilities”* is not necessarily the same as a new GP’s surgery, as referred to in the supporting text.

The fundamental point is that the Policy does not have regard to Paragraph 204 of the Framework, the content of which is considered earlier in this Report. Further, the Policy fails to explain how, or if, the Policy would work together with Daventry District Council’s Community Infrastructure Levy. It does not provide a decision maker with a clear indication of how to react to a development proposal.

Policy K9 does not have regard to national policy and does not contribute to the achievement of sustainable development. I recommend:

- **Delete Policy K9**
- **Change para 4.6.3 to “The Parish Council *will seek to secure the establishment...*”**

Rather than lose sight of the general aspirations of the Policy, I recommend:

- **Below para 4.6.2, create a new “*Action 8: The Parish Council will seek to ensure that new development aligns with infrastructure improvements. The Parish Council aims to work with developers to make sure that the provision of water, sewerage, electricity, broadband and medical facilities are suitable to meet the future needs of the village.*”**

Neighbourhood Plan – Other Matters

The Next Steps Chapter is appropriate for inclusion in a draft document but will appear out of date in the final Neighbourhood Plan. I recommend:

- **Delete Chapter 5 “Next Steps”**

Paragraph 6.3 seeks to place a requirement on Daventry District Council. The Neighbourhood Plan cannot do this. I recommend:

- **Delete para 6.3**
- **Change the last line of para 6.2 to “...then the *Parish Council will seek to work together with Daventry District Council to review the Plan.*”**

8. Summary

I have recommended a number of modifications further to consideration of the Kilsby Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Kilsby Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Kilsby Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Daventry District Council that, subject to the modifications proposed, the **Kilsby Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Kilsby Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Kilsby Neighbourhood Area as approved by Daventry District Council on 6 December 2013.

Nigel McGurk, January 2016
Erimax – Land, Planning and Communities

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