

BRIXWORTH NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Daventry District Council
into the examination of the
Brixworth Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Brixworth Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Brixworth to help it to remain a rural community with its own identity and place and address concerns about the capacity of the village to absorb significant new residential development.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policy 1;
 - Revisions to Policies 3 and 4 to ensure that they do not act as blanket restrictions on new development around the village;
 - Further revisions to improve the clarity of the policies and their background text to assist in the interpretation of the policies by decision makers.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Brixworth Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 This report sets out the findings of the independent examination into the Neighbourhood Plan. The report makes recommendations to Daventry District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum.
- 2.6 Daventry District Council will decide what action to take in response to the recommendations in this report. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by Daventry District Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

- 2.7 I have been appointed by the Daventry District Council with the consent of Brixworth Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and Daventry District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.8 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.9 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.10 The Neighbourhood Plan area is co-terminus with the parish of Brixworth and was designated by Daventry District Council on 28 February 2013 as a Neighbourhood Area. Paragraph 2.7 – 2.8 of the Basic Conditions statement states that the Plan relates to the Brixworth Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.11 Paragraph 2.5 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 2014 to 2029. However the date shown on the front cover of the Neighbourhood Plan and in paragraph 1.8 states that it covers the period from 2011-2029 corresponding to the plan period of the West Northamptonshire Joint Core Strategy (JCS).
- 2.12 The neighbourhood plan making process has been led by Brixworth Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of district and parish councillors and community volunteers.
- 2.13 I am satisfied therefore that the Brixworth Neighbourhood Plan satisfies all the requirements set out in paragraph 2.8 above.

Conformity with Basic Conditions

- 2.14 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.15 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
- 2.16 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

- 2.17 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.18 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

- 2.19 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.20 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.21 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.22 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The current Development Plan includes saved policies from the Daventry District Local Plan (adopted 1997) and the West Northamptonshire Joint Core Strategy (JCS) (adopted December 2014). Daventry District Council is currently preparing the Settlements and Countryside Local Plan which will eventually replace the saved policies in the Daventry District Local Plan, covering the period to 2029.
- 2.23 Work on the Local Plan is at an early stage with a consultation on the Issues and Options undertaken between January and March 2016. It is not envisaged that it will be adopted until 2018. It is not my role to consider whether there is any tension between one policy in the Neighbourhood Plan and one element of the emerging local plan. The saved Local Plan policies were adopted in 1997 and pre-date the NPPF. I have considered whether the relevant saved Local Plans policies accord with the national policy. I have also considered whether the Neighbourhood Plan would introduce policies

and designations that may constitute blanket restrictions that may restrict future development in the area in the forthcoming Local Plan. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.

- 2.24 The Basic Conditions Statement sets out an assessment of each policy to demonstrate how it has had regard to national policy and that it is in general conformity with the local strategic policies of the JCS and the saved Local Plan policies.
- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.26 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.27 Screening Opinions for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) were undertaken by Daventry District Council on the draft Neighbourhood Plan. The SEA screening report recommended that a full SEA did not need to be undertaken for the Brixworth Neighbourhood Development Plan. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.28 The screening assessment to determine the need for a HRA found that many of the policies are in conformity with the policies of the JCS which was subject to full HRA which found no significant or in combination effects. It is considered that due to the plan demonstrating conformity with the JCS and its promotion of growth to assist with delivering that strategy, including through supporting development within the confines of the village and the proposed development to the south of the village, that it will not result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits pSPA/pRAMSAR or the Rutland Water SPA/RAMSAR sites. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.29 The Basic Conditions statement does not include an assessment of whether the Neighbourhood Plan is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The

Qualifying Body has confirmed that the statutory and non-statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Qualifying Body also stated that they were constantly mindful of the need to engage all sections of the community and confirmed that the Brixworth Neighbourhood Development Plan has been prepared to represent the views of the whole community.

- 2.30 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.31 Paragraphs 3.7 – 3.13 of the Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how the plan contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.32 I am satisfied that, subject to the modifications proposed, the Brixworth Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.33 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.34 The Consultation Statement sets out an overview of the consultation process. The preparation of the Neighbourhood Plan commenced in September 2013 with a community day. This was followed with a number of community discussions between September 2013 and January 2014 to discuss key issues affecting the village. A questionnaire survey was sent to all households in the area in April 2014 with 769 responses. Widespread publicity was given for the survey and commencement of the preparation of the Neighbourhood Plan. Consultation was held with developers who had submitted planning applications for housing development in the village prior to and during the plan making period.
- 2.35 Consultation on the pre-submission draft plan took place in June – July 2015. This included general publicity, a village workshop and correspondence to statutory consultees.
- 2.36 Consultation on the submission draft plan ran from 11 January to 26 February 2016. This resulted in 9 representations.

- 2.37 A comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate is included in the Consultation Statement.
- 2.38 A representation has been received from the landowner of three proposed Local Green Spaces that they were not notified during the course of plan preparation of the proposals to designate three parcels of their land as Local Green Space contrary to advice in PPG on Local Green Space. This states that the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space.
- 2.39 The Qualifying Body has confirmed that the known agents for the representor were consulted during the Regulation 14 consultation but no response was received. As they are not a statutory consultee and did not, either individually or through their agent, respond to the Regulation 14 consultation, they were not consulted under Regulation 16. Notwithstanding this, the landowner and their current agent have become aware of the proposed Local Green Space on their land and were able to respond to the Regulation 16 consultation.
- 2.40 I am satisfied that reasonable efforts were made to contact the landowner through their agents during the course of the preparation of the plan. The landowner has been able to make their views known to the publication draft plan.
- 2.41 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.42 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.43 The Neighbourhood Plan contains a summary of the background evidence and supporting documents on landscape appraisal and sensitivity which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have undertaken an unaccompanied site visit to the parish. I have also presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing.
- 2.44 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.

- 2.45 This report is the outcome of my examination of the Submission Draft Version of the Brixworth Neighbourhood Plan dated December 2015. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by the District Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by Daventry District Council.
- 2.46 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - that the plan should proceed to referendum if modified; or
 - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.47 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
- 2.48 The District Council has made a representation that there are a number of maps, many containing evidence and context and other show designations made through the Neighbourhood Plan. It is suggested that it would be clearer if there was one overall map showing the village confines and two separate inset maps showing, conservation area, listed buildings, local green space, open spaces and important views and vistas.
- 2.49 It is important that clear maps of the designations should be included in the plan at such a scale that the boundaries of the sites are clear and legible. It would be helpful if these maps were included within the plan or in an appendix separated from the maps of background evidence and contextual material.

Recommendation 1: Maps 1, 5, 6, 8, 9, 11 and 12 (amended where necessary by the modifications) show the designations referred to in the policies and should be presented in a clear and legible format separated from the maps of background evidence.

3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general

conformity with the strategic local policies. I now turn to considering whether the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 The vision and objectives of the plan seek to deliver a sustainable and thriving community with housing growth tailored to the community needs balanced with safeguarding the environment and improving local facilities.
- 3.8 Brixworth is a large village with a population of over 5200 in 2011. It is classified as a Limited Development Village in the 1997 Saved Local Plan. The JCS does not include a settlement hierarchy but indicates that this and the allocation of housing sites in rural communities to meet the district's housing need will be included in the forthcoming Settlements and Countryside Local Plan.
- 3.9 I am required to consider the Neighbourhood Plan in the context provided by the policies of adopted Local Plan. However, I am mindful that the saved policies date from 1997 and predate the NPPF and PPG. The Core Strategy policies are for the sub-region and as such provide a strategic approach for the rural areas as a whole.
- 3.10 The Neighbourhood Plan considered the options for future residential development in and around the village. It concluded that the A508 provided a logical boundary to the east of the village and that development to the north, west and south of the village would have an adverse impact on environmental considerations. This means that the future housing growth for the next 15 years would be met through limited infill development in addition to the site to the south of the village, phase 2 of which has recently received planning permission. Table 1 of the Neighbourhood Plan shows that over 300 additional homes have been approved since 2011.
- 3.11 To implement this approach to safeguard land around the village from development, the plan retains the village confines set in the 1997 Local Plan, includes policies to safeguard views and vistas from the edge of the village and to designate areas of Local Green Space within and on the edge of the village. Unless there is robust evidence to support these policies, it is considered that the Plan would set blanket restrictions that may prevent the consideration of further sites for residential development around the village in the forthcoming Local Plan to meet the future housing need of the village and the nearby rural area.
- 3.12 In my detailed considerations of the policies, I have made recommendations to modify Policies 3 and 4 which would effectively mean that the policies would not provide blanket restrictions on future development around the village. I have concluded that three of the proposed Local Green Space sites do not meet the criteria set out in NPPF paragraph 77. Revisions are proposed to Policy 4 that would limit development in the most sensitive locations and would require development proposals to be laid out and designed to minimise harm to important views and the setting of the village.

Introductory Sections to the Neighbourhood Plan

- 3.13 Chapters 1 and 2 provide a helpful introduction to the Neighbourhood Plan and the national and local planning context. Chapter 4 summarizes the process of consultation that has been carried out in preparing the plan.
- 3.14 Chapter 3 summarises the historical development of the village and background information about the village and parish today. Concerns about the capacity of the medical centre and primary school to accommodate recent housing growth are highlighted although paragraph 6.30 indicates that proposals have been agreed for a new GP surgery and improvements to the primary school. A representation has been made that paragraphs 3.12-13 and 4.9 should be updated to reflect the latest position. I recommend that this factual correction should be made.
- 3.15 The findings of the Landscape Character Assessment commissioned as part of the preparation of the Plan are summarised. The historic importance of the area and main heritage assets are detailed.

Recommendation 2: Update paragraphs 3.12-13 and 4.9 to reflect the latest position on the proposals for the GP surgery and primary school.

The Neighbourhood Plan's Vision and Objectives for Brixworth

- 3.16 The Neighbourhood Plan includes a chapter entitled Vision and Objectives. The section highlights the key issues that have been identified during consultation including the strong desire for Brixworth to remain a rural community with its own identity and the need to maintain a suitable mix of housing to meet the needs of the community. The community also desires to improve the community infrastructure in terms of the GP surgery and school provision, shopping facilities and public car parking.
- 3.17 Paragraph 5.6 sets out a succinct vision statement that:
- By 2029 we aim to have created a Brixworth that will:*
- *be a sustainable, thriving and prosperous community;*
 - *have maintained its village character within its rural surroundings;*
 - *be a parish with a thriving natural environment with sustainable wildlife;*
and
 - *have seen changes that will have benefited the whole community.*
- 3.18 The vision is supported by five objectives covering a housing growth strategy tailored to the community needs and context of Brixworth; achieving sensitively designed development; protecting the environment; improving local facilities and maintaining a vibrant local economy.

- 3.19 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.

4.0 Neighbourhood Plan – The Policies

Strategic Context for Residential Development in Brixworth

- 4.1 The strategy for development in the JCS is to focus most development in sustainable urban extensions in the main towns of the sub-region. As a corollary, the JCS recognises that there is a need for limited development in the rural areas, but aims to ensure that the scale of this development is consistent with the objective of meeting local needs and supporting local services. To this end the overall housing provision set out in Policy S3 of the JCS includes an allowance for development in the rural areas of about 2360 dwellings in the period to 2029. Section 16 of the JCS provides the framework for a rural settlement hierarchy which will enable the provision of new homes, jobs and services needed in rural areas. This should ensure that new development is focused in sustainable settlements whilst protecting the overall rural character of the area including the tranquillity of areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 4.2 Paragraph 16.14 of the JCS states that *“The scale of development which will be appropriate in each village will vary having regard to the criteria set out in JCS Policy R1 and the housing requirements for the rural areas of individual districts. Part 2 Local Plans (currently being prepared by Daventry District Council) will ensure that the scale of development is proportionate to the scale of each village within the hierarchy and will take into account the level of existing planning permissions and completions that have taken place within the village during the plan period”*.
- 4.3 The JCS goes on to state that *“Irrespective of whichever category villages are allocated to within the hierarchy this will not automatically mean that development will be appropriate. The Local Planning Authority will need to be satisfied that any proposals are acceptable in terms of environmental, social and economic sustainability”*.
- 4.4 Further, *“whilst in general terms the rural housing needs will be set by the requirements set out in Policy S3, it is not the intention of the Plan to prevent additional appropriate development in the rural areas from coming forward. For example, development considered under Policy H3 (Rural Exception Sites), would not be constrained by the rural housing requirement specified in Policy S3. In addition the Part 2 Local Plans could allocate additional sites based on evidenced local need”*.
- 4.5 JCS Policy R1 sets out the spatial strategy for the Rural Areas. This sets out the framework for establishing a hierarchy of rural settlements to guide the location of future development. It includes 10 criteria to steer the development

of Part 2 Local Plans in guiding development to suitable locations. Residential development in rural areas will be required to meet seven requirements. These include:

- not affecting open land which is of particular significance to the form and character of the village; and
- preserving and enhancing historic buildings and areas of historic or environmental importance including those identified in conservation area appraisals and village design statements.

- 4.6 The JCS strategy is aimed at managing the release of land in rural areas in order to support the focus of development in the main towns. Policy R1 sets out the limited circumstances where additional housing may be developed in the rural areas once the housing requirement for the rural areas has been met. This includes where it has been agreed through an adopted neighbourhood plan.
- 4.7 The Neighbourhood Plan notes in paragraph 6.9 that the District Council's monitoring has established that the rural housing figure set out in JCS Policy R1 has now been reached. However this figure is not a ceiling and Policy R1 would not prevent allocation(s) for additional development being made in the Neighbourhood Plan or rural exceptions sites being brought forward, where this would help to support local services or meet local housing need.
- 4.8 The Brixworth Neighbourhood Plan includes two policies on housing development. Policy 1 sets out detailed requirements for the site between Northampton Road and the A508 which has received planning permission for the reserved matters since the plan was submitted. Policy 2 supports limited infill development within the existing village confines. Paragraph 6.32 states that "*proposals for further residential development outside the settlement confines will not be supported*".
- 4.9 The plan makers have chosen not to make use of the provisions of JCS Policy R1 to allocate one or more sites for residential development to meet the community's needs for the 18 year plan period. There is no requirement for the plan to allocate land for residential development. It will therefore be a matter for the forthcoming Part 2 Local Plan to determine whether additional housing allocations are required in the rural area of the District and the role that Brixworth village should play, taking account of the policies set out in the Neighbourhood Plan once it has been made.
- 4.10 Whilst the Neighbourhood Plan has chosen not to allocate land for housing development, national guidance is clear that neighbourhood plans should not put blanket policies in place that would restrict housing development (eg through allocations in emerging Local Plan) unless they are supported by robust evidence.
- 4.11 The Neighbourhood Plan has chosen to retain the village confines from the 1997 saved Daventry Local Plan amended only to include sites where development has occurred or planning permission has been granted in the

intervening years and has included a number of policies that would restrict development on sites within and on the edge of the village. These include policies to safeguard the open countryside other than for exceptional development; to safeguard views and vistas around the village; and to designate Local Green Spaces and safeguard open spaces on sites on the edge of and within the village. I will consider under each policy whether there is robust evidence to support these policies.

- 4.12 A representation has been made that the approach adopted in the Neighbourhood Plan will severely constrain development in the village for the next plan period through its failure to allocate land for development and does not support NPPF objective to boost housing supply. It recognises that JCS Policy R1 does not prevent further housing allocations through the Neighbourhood Plan. A proposal is put forward that “*the clear and obvious next direction for growth for the village is to the north east*”. The representation further states that the Neighbourhood Plan could become out of date quickly should the Part 2 Local Plan choose to allocate development in the village.
- 4.13 Once the neighbourhood plan is made it will become part of the development plan. When a neighbourhood plan is prepared ahead of an up to date Local Plan, the PPG advises local planning authorities to work closely with the qualifying body to produce complementary plans in order to minimise conflicts between policies in the neighbourhood plan and the emerging Local Plan. Should any conflict arise, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.
- 4.14 The Examiner’s responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions and it would be appropriate to make the plan. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development are in general conformity with the strategic policies contained in the adopted development plan for the area. Consideration of the suitability or otherwise of any alternative sites outside the village confines for development or the future direction for growth is not within the remit of the examination.

Policy 1 Site between Northampton Road and A508 Harborough Road

- 4.15 Policy 1 sets out detailed requirements for the layout of a site for residential development between Northampton Road and the A508 and the associated infrastructure requirements. At the time of the submission of the Neighbourhood Plan the site had been granted outline planning permission.
- 4.16 Representations has been made by the District Council and a landowner to state that the planning permission with reserved matters has been approved and the policy is no longer needed and should be deleted. It is suggested that

the supporting text entitled “Approach adopted in the Neighbourhood Plan” is changed to “Site between Northampton Road and A508 Harborough Road” and the paragraph is updated to reflect that reserved matters have been approved.

- 4.17 A representation has raised concerns about the design and layout of the proposed pumping station to serve the development. Anglian Water has made no objections to residential development on the site.
- 4.18 I agree with the District Council that with the approval of reserved matters for the development on this site, the policy is no longer required and should therefore be deleted. The text in paragraph 6.30 should be updated to reflect the details of the reserved matters approval. The layout and design of the pumping station is a matter to be considered in implementing the planning permission.

Recommendation 3: Delete Policy 1

Revise the heading to paragraph 6.30 to read “*Site between Northampton Road and the A508 Harborough Road*”.

Update the second sentence of paragraph 6.30 to reflect the reserved matter planning permission.

Delete the last two sentences of paragraph 6.30.

Policy 2 – Residential Development

- 4.19 Policy 2 supports “acceptable infill” residential development within the village confines provided that it is of a scale, layout and design that is in harmony with its surroundings. The policy includes a number of design factors to be taken into account. It also makes provision for compensatory provision to be made should the development result in the loss of an existing service or facility or it is demonstrated that the service or facility is no longer economically viable. The policy also requires proposals to be in accordance with Policy R1 of the JCS and the guidance in the Brixworth Village Design Statement. A representation has been made that reference to the SPG on Design out Crime should be included.
- 4.20 The justification to the policy (paragraph 6.33) explains that development will be considered acceptable provided that it meets the criteria set out in the policy. A modification is recommended to improve the clarity of the policy in this respect.
- 4.21 Paragraph 6.31 of the justification to the policy sets out the reasons why the Neighbourhood Plan does not make any allocations for residential development. Representations have been made to this paragraph stating that:

- Policy 2 and its justification is anti-growth and the plan fails to plan positively to support local development of the village and to support the strategic development needs. The plan will severely constrain the growth of the village. It is therefore considered to be contrary to the NPPF and PPG;
 - There is no evidence to support the statement that the need for affordable homes has been met by recent development;
 - There is no substantial evidence to support the statement that development to the north, west and south of the village would involve incursion into the surrounding open countryside and would have a detrimental impact on sensitive landscape.....and other environmental and recreational considerations;
 - There is no evidence to support the claim that some of the existing services and facilities are already overstretched and could not cope with additional demand.
 - The clear and obvious next direction for growth is to the north east in view of the environmental considerations to the west of the village;
- 4.22 A representation has been made by Scaldwell Parish Council to support the statement and reasons for considering the unsuitability of growth to the east of the A508.
- 4.23 The settlement boundary in the Neighbourhood Plan includes sites at the southern edge of the village with planning permission for almost 250 new homes. There is also a number of potential smaller sites identified within the settlement boundary. The Neighbourhood Plan suggests that there is the potential for an increase of about 15% in the dwelling stock over the 2011 figure. It is evident therefore that the Neighbourhood Plan, whilst not allocating any further sites for housing development, is seeking to accommodate the already approved major growth site and make provision for further small scale development.
- 4.24 Paragraph 6.17 and Table 2 report the findings of the 2013 Housing Needs Survey which identified 19 potential households in need of affordable housing. The local authority has confirmed that the two phases of the Northampton Road development will provide 59 affordable homes that will be for shared ownership and affordable rent. This is well in excess of the identified need from the Housing Needs Survey.
- 4.25 During the course of preparation of the Neighbourhood Plan, a Landscape Character Assessment and Landscape Sensitivity Appraisal were commissioned from specialist landscape consultants. The assessment was undertaken in accordance with nationally agreed methodology and concluded that much of the land around the village was of high sensitivity.
- 4.26 The local health authority has confirmed that the new GP surgery on phase 2 of the Northampton Road scheme will only be funded to cater for the population growth in the next five years and would struggle to accommodate further significant housing development. The capacity of the primary school

will be increased from 490 to 525 which will enable it to accommodate the pupils from the two phases of the Northampton Road development however, this would be on the basis that entry would be restricted to pupils from the Brixworth and Scaldwell linked catchment area.

- 4.27 As stated in paragraph 4.9 above there is no requirement for neighbourhood plans to allocate sites for future housing development. There is however a requirement that they do not impose blanket restrictions that would limit the consideration of proposals for future growth. As worded in the submission draft, paragraph 6.32 clearly states that further residential development outside the village confines would not be supported. Although it is noted that Policy 3 makes provision for a limited amount of residential development in exceptional circumstances. The following recommendation is made in the light of recommendations on subsequent policies to ensure that the plan does not set blanket restrictions to housing development and to explain how the evidence on environmental considerations is to be used in considering any future proposals for residential development around the village in accordance with the strategic policy.
- 4.28 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in accordance with local strategic policies.

Recommendation 4: Amalgamate the first sentence and criterion 1 of Policy 2 to read:

“Residential development on infill sites within the village confines will be supported provided that:” Renumber the criteria.

Include reference to the Planning out Crime SPG and any future SPD.

Revise paragraph 6.32 to read:

“As a consequence of the above, the Neighbourhood Plan does not include any allocations for residential development outside the current village confines. The plan gives careful consideration to the assessment of the environmental factors of the landscape around the village which should be taken into account in the consideration of the suitability of sites for development (through the emerging Local Plan Part 2) should there be evidence of the need for further housing development in the village. This forms evidence to be taken into account in considering the following criterion of JCS Policy R1: “Residential development in rural areas will be required tonot affect open land which is of particular significance to the form and character of the village.”

Policy 3 - Development in the Open Countryside

- 4.29 Policy 3 sets out the exceptional circumstances where development in the open countryside outside the village confines will be permitted. This covers development that:
- “1. contributes to the local rural economy;*
 - 2. is for the re-use or extension of an existing building;*
 - 3. is for sport or recreation; or*
 - 4. is for an isolated dwelling in the special circumstances identified in paragraph 55 of the National Planning Policy Framework.”*
- 4.30 The policy states that any such development should not cause demonstrable harm to a list of six types of environmental factors. Point 8 of the policy states: *“ the quality of the landscape, especially Areas of High Sensitivity as defined on the Proposals Map and the Special Landscape Area as defined in saved Policy GN2 and Policy EN1 in the Daventry Local Plan (1997);”*
- 4.31 The PPG includes guidance on the use of landscape character assessments in plan making. It states that *“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.”*
- 4.32 *“Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making.”*
- 4.33 The PPG also states that *“The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.”*
- 4.34 *“When thinking about new development the site’s land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.”*
- 4.35 JCS para 10.7 refers to the Landscape Sensitivity and Green Infrastructure Studies that have been carried out for the towns in West Northamptonshire. These studies have provided additional broad advice on the overall sensitivity of an area, including historic character, green infrastructure, biodiversity and overall landscape sensitivity. These studies have informed the selection of the areas for development identified in the JCS.

- 4.36 The JCS makes it clear that “*The development of areas highlighted as having High Landscape Sensitivity in the study is not precluded, but it does mean that additional care and appropriate mitigation will be required when planning for new development*”.
- 4.37 Both national planning guidance and strategic local policies set out clearly that environmental considerations are important matters that are to be taken into account in considering the suitability of sites for development and in the design and layout of proposals. It will be for the plan maker or developer to demonstrate how the proposal has responded to these environment factors.
- 4.38 Policy 3 requires the decision maker to only consider whether the proposal would cause demonstrable harm to the environment. A recommendation is made to clarify the interpretation of the policy to make it explicit that this policy should not be viewed a blanket restriction on development in the countryside and that an assessment of the proposed development, including any mitigation measures should be undertaken to demonstrate whether or not the development would cause any unacceptable demonstrable harm.
- 4.39 The designation of the Special Landscape Areas is from the 1997 Local Plan saved policies and this approach has not been taken forward into the more recent Joint Core Strategy. It is acknowledged that whilst the saved policy remains, the Special Landscape Areas is retained as a local designation. Guidance in the PPG is that Landscape Character Area assessment should inform the preparation of development plans. This approach identifies the particular characteristics of each area rather than identifying some areas as special and as a corollary others as not special. It is recommended that point 8 be revised to reflect national planning guidance to refer to Landscape Character Area assessment.
- 4.40 The justification to the policy should be revised to explain how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.
- 4.41 A representation has been made by the District Council that further clarity is required to establish what is meant by sites of ecological importance. If point 5 refers to Pitsford Reservoir, the wording “*including Pitsford Reservoir*” should be included. I agree that it would be helpful to plan users to include reference to this significant environmental feature in the policy.
- 4.42 A representation has highlighted the NPPF policy that the supply of new homes can “*...sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities*” (para. 52, the NPPF). The representation goes on to state that Policy 3 pays no regard to this point and instead, seeks to apply what appears to be a Green Belt approach to all land outside of the village confines, the exception being the reference to new isolated homes which may also be supported. Policy 3 is considered to

provide no flexibility for additional development to come forward beyond those listed at criteria 1-4.

- 4.43 It is considered that the first part of the policy has had regard to national policy in NPPF paragraphs 28, 55 and 69. As stated in paragraph 4.9 above, there is no requirement for a neighbourhood plan to allocate land for residential development.

Recommendation 5: Revise Policy 3 as follows:

Revise the sentence above point 5 to read:

“Development in the countryside should include an assessment of the impact of the proposed development including any mitigation measures, if necessary. Development should not result in unacceptable demonstrable harm to any of the following matters:”

Add the following at the end of criterion 5 *“including Pitsford Reservoir”*.

Revise point 8 to read: *“The quality of the landscape as defined in the Landscape Character Assessment, including Areas of High Sensitivity.....and the Special Landscape Area....”*

Include an explanation in the justification to the policy of how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.

Policy 4 – Important Views and Vistas

- 4.44 Paragraph 6.53 states that Policy 12 *“aims to protect views into and out of Brixworth from development that would have a harmful impact on them”*. It designates 12 locations as viewpoints. Eight of these are on the edge of the village looking out towards the countryside and four are at some distance and look towards the village. Photographs and descriptions are included in the supporting text. Map 9 shows the 12 viewpoints and a further one indicated as “front cover”. The policy supports development provided that it does not harm these views and accords with the guidance in the Village Design Statement.
- 4.45 A representation has been made by the District Council that four of the important views listed in Policy 4 (those referred to as front cover, 1, 8 and 10) are outside the neighbourhood area and should therefore be deleted. It goes on to point out that the photographs of view 1 are from two different viewpoints, one of which may be outside the plan area. It states that Table 3, photographs on pages 37-41, Map 9 and Policy 4 should be amended accordingly. Views 1, 4 and 5 (pages 37-39) have more than one photograph

per view. One should be selected of each view to provide greater certainty to the decision maker.

- 4.46 A representation has been made that Table 3 of the Neighbourhood Plan provides limited justification for the views identified; the selection process is not supported by independent robust advice from a qualified body. The landscape character assessment in Appendix 1 of the Neighbourhood Plan appears to pre-date the identification of the key views. The representation considers that the policy would only serve to restrict development. The policy seeks to apply a Special Landscape Area approach to all landscape surrounding the settlement, and in doing so, it only serves to constrain development and prevent sustainable development from coming forward throughout the lifetime of the plan.
- 4.47 The Brixworth Village Design Statement Guidance which is adopted as Supplementary Planning Guidance included a number of viewpoints on the edge of the village looking out to open countryside. Guidance Note LG.1 states “*Views identified by this design statement all need to be protected and enhanced and no future building extensions or infill development should be allowed to obscure them. The Saxon Church dominates the Brixworth skyline from many directions and views of the church both from within and from outside the village as identified on the Maps 1 and 2 need to be protected. The view of the village and the church approached from the north along the A508 is especially vulnerable and developments, particularly on the industrial estate, must proceed very sensitively to preserve this. Similarly, new build should not be allowed to obscure views from the village across the Brampton valley or towards Pitsford Reservoir*”.
- 4.48 The views were reassessed by the Steering Group as part of the preparation of the Neighbourhood Plan. No evidence has been provided other than the description in Table 3 of the Neighbourhood Plan to justify the reasons for the selection of these viewpoints and their importance in terms of heritage or landscape.
- 4.49 Following a site visit, it is evident that the elevated position of Brixworth means that views to the west across the Brampton valley towards the rolling hills in the distance and to the east to the Pitsford Reservoir are special. There are also important views of the church spire from various points within the village and from vantage points looking towards the village. It is clear that the village residents value the views which confirm the importance of the historic hilltop setting of the village amongst attractive rolling hills and valleys. The photographs are helpful in appreciating the views and should be used for illustrative purposes only.
- 4.50 In considering this policy I have been mindful of the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous and should avoid creating blanket restrictions. Furthermore PPG states that “*Proportionate, robust evidence should support the choices made and the*

approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

- 4.51 The evidence presented to support the selection of the particular views is a description of the view. My site visit has confirmed that these are accurate and that the views from these viewpoints are very attractive and special. I am not aware of any nationally agreed methodology that could be used to justify the selection of these views.
- 4.52 I do have concerns about the clarity of the policy and how the decision maker would be able to interpret it consistently. This matter has been raised with the Qualifying Body who has suggested revisions to the wording of Policy 4 point A. I have considered their suggestion and put forward a recommendation to revise the wording of point A to include reference to the need to consider the historic and landscape setting of the village in order to provide a clearer explanation of how the policy is to be applied. The revisions also mean that this policy would not act as part of blanket restrictions on development around the village but would ensure that proper thought is given to the lay out and design of any proposal on the edge of the village to minimise any harm to the important views. This recommendation is made to improve the clarity of the policy to aid its interpretation.
- 4.53 It is acknowledged that viewpoints 1, 8 and 10 are outside the Neighbourhood Plan area. However, these are public vantage points from which Brixworth village can be seen from a distance. Much of the land within the views lies within the plan area and it would be appropriate to ensure that any development in the plan area that may affect these views takes account of its potential impact.
- 4.54 The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposals.
- 4.55 Subject to the recommended modifications, the policy is considered to have had regard to national planning policy and to be in general conformity with strategic local policy.

Recommendation 6: Revise Policy 4 as follows:

Rename Policy 4 “Assessing the Impact of Development on the Setting and Views around Brixworth”

Revise the second part of the policy and criterion A to read:

Proposals for development will be supported provided that:

“A. They do not have an unacceptable adverse impact on the historic and landscape setting of the village; they avoid locations on a hill slope or a prominent site on the edge of the village and are designed to minimise harm to important views or vistas into or out of the village through careful layout, sensitive design and mitigation through the appropriate use of natural screening; and”

Revise paragraph 6.53 to read:

“The following policy aims to protect *the historic and landscape setting of Brixworth and views from public vantage points in the surrounding countryside and from the edge of the village* from development that would have a harmful impact on it. The views and vistas are important to the unique character of the village and its rural feel, and it is appropriate for the Neighbourhood Plan to seek to protect them. This policy will only apply to land within the Neighbourhood Plan area. The Neighbourhood Plan seeks to protect *the setting of the village* in order to maintain its local distinctiveness.”

Policy 5 – Trees and Hedgerows

- 4.56 Policy 5 supports the protection of mature trees, woodland and important hedgerows and for the replacement of any protected trees and woodland that may be lost through development. As worded in the publication draft plan, point 1 of the policy could be interpreted to mean that all mature trees, woodland and hedgerows should be protected wherever possible. The Qualifying Body had confirmed that it is the intention to apply this policy to new development proposals. A revision to point 1 has been proposed by the Qualifying Body to clarify this.
- 4.57 Paragraph 6.58 states that Policy 5 aims to prevent development that would result in loss of or damage to significant trees, woodland and hedgerows where possible. It is considered that this approach is generally restrictive towards development and that it would better reflect the intention of the policy to refer to development retaining the trees, woodland and important hedgerows within the development, where possible.
- 4.58 Subject to the recommended modifications, the policy is considered to have had regard to national planning policy and to be in general conformity with strategic local policy.

Recommendation 7: Revise Policy 5 as follows:

Revise point 1 to read: “*When considering development proposals, mature trees, woodlands....*”

Revise the first sentence of paragraph 6.58 to read “*The following policy aims to safeguard and retain mature trees, woodlands and hedgerows within the development, where possible.*”

Policy 6 - Local Green Spaces

- 4.59 The policy proposes the designation of seven areas as Local Green Space. NPPF paragraphs 76 – 78 set out the approach and criteria to be considered in designating Local Green Space. The purpose is to give special protection

to green areas of particular importance to the community. The designation will rule out development on the sites other than in very special circumstances and should be consistent with and complement investment in homes, jobs and other essential services.

- 4.60 Paragraph 77 in the NPPF states that: *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.*
- 4.61 A representation has been received stating that no assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF has been carried out; sites LGS1, LGS2 and LGS3 are extensive tracts of land and their proposed designation would represent a blanket restriction on development; there is no public right of way crossing LGS2; and no compelling evidence has been provided to demonstrate that the proposed designations are demonstrably special to the local community. The District Council has also commented on the lack of an assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF.
- 4.62 The Qualifying Body has provided me with an assessment of the proposed Local Green Space against the criteria in paragraph 77 of the NPPF. It is recommended that this should be included in the appendices to the Neighbourhood Plan.
- 4.63 I have visited all the sites on my site visit. Sites LGS1, LGS2 and LGS3 are all arable agricultural land on the edge of the village. They are not in use as green spaces and the only access to the areas is by way of public and permissive rights of way. All three sites are extensive tracts of land. There is no compelling evidence about why the areas are of particular local significance. Footpaths border some of the sites but this is not in itself a reason to designate a parcel of land as a Local Green Space. The sites are important in the landscape setting of the village, however this is not a reason to designate them as Local Green Space. For an area to be designated as a Local Green Space it must meet all three criteria of NPPF paragraph 77 which these sites clearly do not do.
- 4.64 The other four sites (LGS4 – 7) are all recreation grounds and playing fields within or on the edge of the village used for sports and children’s play. I am satisfied that they meet the criteria of paragraph 77 and are appropriate for designation as Local Green Space.

- 4.65 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy.

Recommendation 8: Delete sites LGS1, LGS2 and LGS3 from Policy 6 and Maps 10 and 11. Delete paragraph 6.70 and the second sentence of paragraph 6.72. Revise Table 4 by including the Local Green Space assessment and move to the appendices.

Policy 7 - Open Spaces

- 4.66 Policy 7 resists development on open spaces unless it supports the existing function or improves the quality of the open space. The policy also requires the proposal to be in accordance with JCS Policy RC2 which addresses the circumstances when considering the loss of areas of open space.
- 4.67 Map 12 identifies 16 areas of open space which are described in Table 5. These include allotments, historic open areas in the conservation area and local green areas within residential areas. Site 16 is the open area to be provided within phase 2 of the recently approved housing development near the A508 / Northampton Road roundabout. Whilst this area has not yet been laid out, it has been approved and will provide the play area, green space and swale to serve the housing development.
- 4.68 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy.
- 4.69 It would be helpful to provide clarity to the policy to include reference to the sites shown on Map 12.

Recommendation 9: Revise Policy 7 to read “Development on open spaces shown on Map 12.....”

Policy 8 - Brixworth Village Centre

- 4.70 Policy 8 supports development that will strengthen the village centre as a focal point for local service and community facilities.
- 4.71 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. The title of the policy refers to Brixworth Village Centre, whereas the policy itself refers to Brixworth Neighbourhood Centre. The Qualifying Body has confirmed that the term “village centre” is preferred.

Recommendation 10: Revise Policy 8 to refer to Brixworth Village Centre.

Policy 9 - The Conservation Area

- 4.72 The older part of Brixworth is designated as a Conservation Area. Policy 9 sets out factors to be considered when assessing development proposals within or adjacent to the conservation area.
- 4.73 A representation has been received from the District Council that:
- The first sentence should be clarified to make it clear that the conservation area boundary is being referred to by adding “conservation area’ before the word ‘boundary’.
 - Criterion 1 should apply to all development, not just extensions. A suggested modified wording of criterion 1 is as follows: ‘1. the form, design, scale and materials used in the development respect the conservation area and in the case of an extension, the host building;’
 - It is unclear what criterion 2 is seeking to achieve, if it is the setting of important open spaces and significant trees this needs to be made clearer. A suggested modification of criterion 2 is as follows: ‘the siting respects the setting of any important open space and significant trees;’.
- 4.74 I agree that revisions to the policy are needed to help clarify it for decision makers: to be explicit that the policy refers to all development and not just alterations and extensions and that development should safeguard open spaces and significant trees in accordance with Policies 5 and 7. The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposals.
- 4.75 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy.

Recommendation 11: Revise the first paragraph and criteria 1 and 2 of Policy 9 as follows:

“Development within or adjacent to the Brixworth Conservation Area will be supported providing that:

- 1. the form, design, scale and materials respect the *Conservation Area and in the case of an extension, the host building;***
- 2. the siting respects *the setting of any important open spaces and safeguards significant trees;*”**

Policy 10 – Heritage Assets

- 4.76 Policy 10 sets out factors to be taken into account in considering development proposals that affect heritage assets including listed buildings, the conservation area and scheduled monuments.

- 4.77 The JCS Policy BN5 sets out the strategic policy for the Historic Environment and Landscape. Policy 10 is in general conformity with this policy and has had regard to national policy.
- 4.78 The District Council has made a representation that criterion 2 implies that ‘significance’ refers to that of the development not the heritage asset. A suggested modification is to delete the words ‘significance and’ so that it is clear that the criterion relates to the development. If the intention is to preserve or enhance the significance of heritage assets, criterion 1 could be amended to say: ‘it preserves or enhances the significance of heritage assets and their settings.....’
- 4.79 I agree that the amendments to the policy proposed would give greater clarity for decision makers. The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposes.

Recommendation 12: Revise Policy 10 as follows:

“Development will be supported providing that:

- 1 it preserves or enhances *the significance of the designated*.....**
- 2 its contribution to local distinctiveness.....”**

Policy 11 – Outdoor Signage

- 4.80 Policy 11 seeks to control the proliferation of signage that would undermine the visual amenity of the area.
- 4.81 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. No modifications are proposed.

Policy 12 - The Rural Economy

- 4.82 Policy 12 supports proposals to enhance the rural economy providing they are in accordance with saved Local Plan Policy EM10 and JCS Policy R2.
- 4.83 Saved Local Plan Policy EM10 covers development in the village confines on the existing employment estate and on small scale sites. Whilst Policy EM10 will no doubt be superseded by policies in the emerging Local Plan, it does accord with national policy and complements JCS Policy R2 which sets out a number of factors to supports the rural economy.
- 4.84 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. No modifications are proposed other than to correct the typographical error in criterion 1.

New Policy

- 4.85 A representation has been made proposing a new policy that would promote the future direction for growth of the village in a north easterly direction.
- 4.86 It is not in my remit to consider the appropriateness of the proposals for a future direction of growth. My task as Examiner is to consider whether the Neighbourhood Plan meets the basic conditions and has regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic policies contained in the Development Plan for the area.

Recommendations, Reviews and Conclusions

- 4.87 The section headed recommendations includes a list of potential projects that have been raised by the community during the consultations on the Neighbourhood Plan. These projects are not presented as planning and land use policies and do not form part of the Neighbourhood Plan.

Recommendation 13: The section headed Recommendations in section 7 of the Neighbourhood Plan should be revised to read “*Projects – these do not form part of the Neighbourhood Development Plan*” and placed in the *Appendices*.

- 4.88 The Conclusions section includes the statement “*No further large scale developments will be supported in order for the current developments to settle down and be absorbed within the Community.*” It is recommended that this statement should be deleted to reflect the proposed modifications to the plan that do not impose blanket restrictions on new development.

Recommendation 14: Delete the second sentence in the second paragraph of the Conclusions of section 7 of the Neighbourhood Plan.

5.0 Referendum

- 5.1 The Brixworth Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- 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 contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Daventry District Council that the Brixworth Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Daventry District Council on 28 February 2013.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Brixworth Neighbourhood Plan Submission Draft Version December 2015
- Brixworth Neighbourhood Plan Basic Conditions Statement
- Brixworth Neighbourhood Plan Statement of Consultation
- Brixworth Neighbourhood Plan SEA and HRA Screening Report
- Brixworth Neighbourhood Plan Appendix 1 Landscape Character Assessment September 2014, Lockhart Garratt Limited
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Daventry District Local Plan Saved Policies (adopted 1997)
- West Northamptonshire Joint Core Strategy in December 2014.
- Settlements and Countryside Local Plan (Part 2a) for Daventry District- Issues and Options Consultation (2016)
- Brixworth Village Design Statement

7.0 Summary of Recommendations

Recommendation 1: Maps 1, 5, 6, 8, 9, 11 and 12 (amended where necessary by the modifications) show the designations referred to in the policies and should be presented in a clear and legible format separated from the maps of background evidence.

Recommendation 2: Update paragraphs 3.12-13 and 4.9 to reflect the latest position on the proposals for the GP surgery and primary school.

Recommendation 3: Delete Policy 1

Revise the heading to paragraph 6.30 to read “*Site between Northampton Road and the A508 Harborough Road*”.

Update the second sentence of paragraph 6.30 to reflect the reserved matter planning permission.

Delete the last two sentences of paragraph 6.30.

Recommendation 4: Amalgamate the first sentence and criterion 1 of Policy 2 to read:

“Residential development on infill sites within the village confines will be supported provided that:” Renumber the criteria.

Include reference to the Planning out Crime SPG and any future SPD.

Revise paragraph 6.32 to read:

“As a consequence of the above, the Neighbourhood Plan does not include any allocations for residential development outside the current village confines. The plan gives careful consideration to the assessment of the environmental factors of the landscape around the village which should be taken into account in the consideration of the suitability of sites for development (through the emerging Local Plan Part 2) should there be evidence of the need for further housing development in the village. This forms evidence to be taken into account in considering the following criterion of JCS Policy R1: “Residential development in rural areas will be required tonot affect open land which is of particular significance to the form and character of the village.”

Recommendation 5: Revise Policy 3 as follows:

Revise the sentence above point 5 to read:

“Development in the countryside should include an assessment of the impact of the proposed development including any mitigation measures, if necessary. Development should not result in unacceptable demonstrable harm to any of the following matters:”

Add the following at the end of criterion 5 *“including Pitsford Reservoir”*.

Revise point 8 to read: *“The quality of the landscape as defined in the Landscape Character Assessment, including Areas of High Sensitivity.....and the Special Landscape Area....”*

Include an explanation in the justification to the policy of how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.

Recommendation 6: Revise Policy 4 as follows:

Rename Policy 4 *“Assessing the Impact of Development on the Setting and Views around Brixworth”*

Revise the second part of the policy and criterion A to read:

Proposals for development will be supported provided that:

“A. They do not have an unacceptable adverse impact on the historic and landscape setting of the village; they avoid locations on a hill slope or a prominent site on the edge of the village and are designed to minimise harm to important views or vistas into or out of the village through careful layout, sensitive design and mitigation through the appropriate use of natural screening; and”

Revise paragraph 6.53 to read:

“The following policy aims to protect the historic and landscape setting of Brixworth and views from public vantage points in the surrounding countryside and from the edge of the village from development that would have a harmful impact on it. The views and vistas are important to the unique character of the village and its rural feel, and it is appropriate for the Neighbourhood Plan to seek to protect them. This policy will only apply to land within the Neighbourhood Plan area. The Neighbourhood Plan seeks to protect the setting of the village in order to maintain its local distinctiveness.”

Recommendation 7: Revise Policy 5 as follows:

Revise point 1 to read: *“When considering development proposals, mature trees, woodlands....”*

Revise the first sentence of paragraph 6.58 to read *“The following policy aims to safeguard and retain mature trees, woodlands and hedgerows within the development, where possible.”*

Recommendation 8: Delete sites LGS1, LGS2 and LGS3 from Policy 6 and Maps 10 and 11. Delete paragraph 6.70 and the second sentence of paragraph 6.72. Revise Table 4 by including the Local Green Space assessment and move to the appendices.

Recommendation 9: Revise Policy 7 to read “Development on open spaces shown on Map 12.....”

Recommendation 10: Revise Policy 8 to refer to Brixworth Village Centre.

Recommendation 11: Revise the first paragraph and criteria 1 and 2 of Policy 9 as follows:

“Development within or adjacent to the Brixworth Conservation Area will be supported providing that:

- 1. the form, design, scale and materials respect the *Conservation Area and in the case of an extension, the host building;***
- 2. the siting respects *the setting of any important open spaces and safeguards significant trees;*”**

Recommendation 12: Revise Policy 10 as follows:

“Development will be supported providing that:

- 1 it preserves or enhances *the significance of the designated.....***
- 2 its contribution to local distinctiveness.....”**

Recommendation 13: The section headed Recommendations in section 7 of the Neighbourhood Plan should be revised to read “*Projects – these do not form part of the Neighbourhood Development Plan*” and placed in the *Appendices*.

Recommendation 14: Delete the second sentence in the second paragraph of the Conclusions of section 7 of the Neighbourhood Plan.