

# The Moulton Neighbourhood Development Plan 2014-2029

## Report of Examination

**Report to Daventry District Council**

by the Independent Examiner:

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31 March 2016

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## Summary

1. From my examination of the submitted Moulton Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, with modifications, the making of the plan will meet the Basic Conditions. In summary they are that it must:
  - Be appropriate, having regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
2. I have also concluded that:
  - The plan has been prepared and submitted for examination by a qualifying body - Moulton Parish Council;
  - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
  - The plan does not relate to “excluded development”;
  - The plan specifies the period to which it has effect – to 2029; and
  - The policies would, once some are modified or removed, relate to the development and use of land for a designated neighbourhood area.
3. I recommend that, once modified, the plan should proceed to a Referendum. This is on the basis that I have concluded that making the plan will meet the Basic Conditions once modified.
4. If the plan goes forward to Referendum, I recommend that the Referendum Area should be the same as the Parish area, given that only a small area of the parish has been excluded from the plan area and that consultations were conducted across the whole parish.

## **1. Introduction**

- 1.1 I am appointed by Daventry District Council, with the support of Moulton Parish Council, the Qualifying Body (the Parish), to undertake an independent examination of the Moulton Neighbourhood Development Plan, as submitted for examination.
- 1.2 I am a planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

### **The Scope of the Examination**

- 1.3 It is the role of the Independent Examiner to consider whether making a neighbourhood plan meets the "Basic Conditions." These are that the making of the Neighbourhood Plan must:
- be appropriate, having 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 (see Development Plan, below) for the area; and
  - not breach, and must be otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.5 In examining the Plan I am also required to establish whether:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body;
  - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
  - The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (i.e. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
  - 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 PCPA.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or

- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

### **The Examination process**

1.8 I commenced initial preparation for the examination of the plan in December 2015 by reading the plan documents. The default position is that neighbourhood plan examinations are conducted by written representations. However, in this case, I decided that I needed clarification of certain matters and held a local public hearing on 3<sup>rd</sup> March 2016.

### **The Examination documents**

1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan, the relevant documents that were furnished to me, and were identified on the Parish and Council's websites as the neighbourhood plan and its supporting documentation for examination, were:

- Moulton Neighbourhood Plan – Submission version
- Basic Conditions Statement;
- Public Consultation Statement and appendices;
- Screening Report for Strategic Environmental Assessment; and
- Evidence Base.

### **The Qualifying Body and the Designated Area**

1.10 Moulton Parish Council is the designated Qualifying Body for the geographical area that is the neighbourhood plan area; the vast majority of the parish is the designated Neighbourhood Area, with only a small area in the south-east excluded, as it is part of a planned Sustainable Urban Extension. Daventry District Council, the local authority for this neighbourhood plan, designated the Neighbourhood Area in December 2012. There is no other neighbourhood plan for this area.

### **The Neighbourhood Plan Area**

1.11 The plan area is focused on the village of Moulton, which lies some 4 miles to the north of the centre of the county town of Northampton; though in practice it is now physically attached at its southernmost extremity. Moulton is a large village with some 3500 residents in about 1500 homes. The setting of Moulton has been significantly affected by the expansion of Northampton, while retaining the village's identity. The boundaries of the parish extend from Pitsford Reservoir in the north to Moulton Lane in the south; the A43 marks the eastern boundary and Spectacle Lane the western. Pitsford Reservoir is a Site of Special Scientific Interest (SSSI).

- 1.12 The heart of the village, which dates back to Saxon times, is a conservation area, with narrow lanes lined with stone-built houses. In the centre is Pages Brook Valley, part of a tributary of the River Nene, flowing east-west.
- 1.13 There is a significant range of local facilities, groups, voluntary organisations, clubs, societies, churches and activities supporting a strong community spirit, with a number of significant local events. Facilities include four pubs, a Working Men's Club, Theatre, library, health centre, some shops, Post Office and garages. There is a primary and secondary school (with a large 6<sup>th</sup> Form), as well as some nursery schools.
- 1.14 Moulton College is a significant Further Education institution, focused on the natural, built and recreational environments, with over 400 students, some 500 staff and extensive landholdings across the parish and beyond. The College has suggested that greater recognition should be given to their facilities and role in the community than is given in the pink box on page 8 of the plan. I have not seen the need for that but respond on their other points in the appropriate places of my report.
- 1.15 Two sites in the plan area have recently been the granted planning permission (one on appeal), on either side of Boughton Road, at the western periphery of the village: known as the Salisbury Landscapes and David Wilson 2 sites I take these into account when dealing with housing supply. In addition the village adjoins a Sustainable Urban Extension, which although designed to meet Northampton's needs, will bring an additional 11745 residents into Moulton Ward.

## **2. Neighbourhood Plan preparation and public consultation**

- 2.1 The Neighbourhood Plan grew out of the local communities concerns to have a greater degree of control over the growth of the village and to resolve certain key issues such as traffic and parking, as well as to expand and enhance facilities and services to existing and new residents. These include a new medical centre, community centre and expansion of sports facilities at Moulton School and Football Club. The latter includes resolution of parking and access issues at Pound Lane.
- 2.2 The Parish agreed to undertake a neighbourhood plan in May 2012 and set up a Steering Group, who began carrying out a number of public meetings and consultations seeking the views of local residents, businesses and other stakeholders from July 2012. The Parish Council monitored progress at each of its regular meetings. The high level of community consultation and involvement is set out in the Consultation Statement.
- 2.3 The main themes, which emerged and became the focus of the consultations, were: Creating a sustainable community, improving community services, housing, protecting the environment, and jobs and the local economy. These featured in local surveys, workshops, public meetings and contact with stakeholders. A website carried neighbourhood planning events and news; and email communication was set in train.
- 2.4 The Parish received 115 separate responses to the Regulation 14, pre-submission version of the plan. These – and the Actions taken in response - are set out clearly in the Consultation Statement.

## **Environmental Assessment and EU Directives**

- 2.5 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC SEA is required of plans and programmes which “determine the use of small areas at a local level”. The District Council is the “responsible authority” and must determine whether the plan is likely to have significant environmental effects. The District Council determined in July 2015 (as set out in their Screening Report) that the plan would not have such effects and a full SEA would not need to be undertaken. I agree.

## **European Sites and the Habitats Directive**

- 2.6 A screening assessment to determine the need for a Habitats Regulations Assessment was also undertaken by the District Council and found that many of the policies were in conformity with the policies of the West Northamptonshire Joint Core Strategy which had already been the subject of a full HRA, which found no significant effects.
- 2.7 From the submitted material, I have concluded that the plan would not be likely to have a significant effect on a European Site.

## **Examination version – public consultation**

- 2.8 The Draft Plan was submitted to the Council in August 2015. The Council published the Draft Plan, under Regulation 16, with all supporting documents, for a 6-week period of public consultation, from 1<sup>st</sup> September 2015 to 16<sup>th</sup> October 2015. A total of 31 representations were received. The substantive representations were concerned with housing supply, one main housing allocation, a policy creating areas of separation and a Local Green Space designation.
- 2.9 The District Council noticed, after my appointment, that a small number of parties that had made comments on the pre-submission version had not been invited to respond at Regulation 16 stage. As I had already decided to hold a public hearing I advised the Council to alert those parties to the fact and to ask whether they they wished to rely on their earlier representations or attend the hearing and address me on their remaining concerns. In the event none came to the hearing. Northamptonshire County Council relied on their earlier representations – though these had not been seen by the parish until the hearing, see my later comments on E2 - and two submitted further written representations, which were made public at the hearing: Natural England and NLP on behalf of UK Strategic Land. I have taken these into account.

## **Human Rights**

- 2.10 I have no reason to believe that making the plan breaches or is incompatible with the European Convention on Human Rights.

## **Plan period**

- 2.11 The neighbourhood plan states clearly in a number of places, for example at 1.1 (second paragraph), that the plan covers the period to 2029, which is co-terminus with the plan period of the West Northamptonshire Joint Core Strategy, adopted December 2014.

## Excluded development

- 2.12 The plan cannot include policies for excluded development, such as minerals and waste. The County Council raised a point about the way the plan describes how it fits into the planning system at an early stage and the clarification has been carried into the submission version. I am clear that the plan does not cover excluded development.

## 3. The Neighbourhood Plan in its planning and local context

### National policies and advice

- 3.1 The neighbourhood development plan (NDP) must have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development (the first two Basic Conditions). Paragraph 16 of the National Planning Policy Framework (the Framework) is concerned with neighbourhood planning: *“The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*

- *“develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”*

- 3.2 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, para 042 of the Guidance explains 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 Also, there has to be evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. Paragraph 040 of the Guidance (recently revised) states:

*“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

*A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body .....*



*Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.*

*In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.*

- 3.4 The latter references to housing need were added shortly before the hearing and so I had asked the local authority and Parish to address me on the latest position, which I cover later in my report.
- 3.5 The Basic Conditions Statement sets out how the Parish Council considers that the plan has appropriate regard to national policy and meets the relevant Framework policies for planning positively and for sustainable development. The Evidence Base sets out at section 5 how it is related to meeting national policy and policies for: Building a strong competitive economy; Promoting sustainable transport; Delivering a wide choice of high quality homes; Requiring good design; Promoting healthy communities; Conserving and enhancing the natural environment; and Conserving and enhancing the historic environment, contribution to the achievement of sustainable development and its general conformity with strategic policies [in the development plan]. .

#### **The Development Plan - strategic policies**

- 3.6 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The development plan is the West Northamptonshire Joint Core Strategy (JCS), adopted December 2014, with the Saved policies of the Daventry Local Plan, adopted in 1997.
- 3.7 The two policies that are particularly significant for the neighbourhood plan are Policy S3 of the JCS and saved Policy E10:
- S3 concerned the scale and distribution of housing development, providing for about 2360 dwellings in the Daventry Rural Areas, which included Moulton. It was agreed that this “target” had been already met. I agree that this policy is strategic.
  - E10 concerned Green Wedges, one of which partially covered Moulton, where development would only be permitted in certain circumstances (identified as A, B, C or D). The Parish did not agree that this policy was strategic, nor did some representators. The Basic Conditions Statement sets out the argument against, having regard to para 075,6 of the Guidance. I deal with this issue later in my report.
- 3.8 I consider that Policy R1 of the JCS is also strategic. It provides for the spatial strategy for the Rural Areas. It was pointed out in that policy, that the rural hierarchy to be settled in the Local Plan Part 2 includes, at objective 10: “Enabling local communities to identify and meet their own needs”. This would include a neighbourhood plan, in my view.

#### **The Neighbourhood Plan and its objectives**

- 3.9 The plan’s strapline is “Our Community – Our Decisions” which encompasses the

local community's desire to have a greater degree of control over where development should go and to influence it for the community. The plan is described as "... about making our community and its surroundings a place where people are happy to live, work and visit; ensuring that the leisure, community facilities and infrastructure meets the requirements. It lays the foundations for the aspiration for Moulton and its immediate surroundings to be a "better place"" (para 1.1).

3.10 The community's Vision for their plan area (section 2) is: "A sustainable, vibrant, lively community which retains and improves what is good, whilst embracing positive changes that appropriate development can bring. At the same time, ensuring protection for residents' quality of life and that these improvements are shared by all."

3.11 To achieve this vision the plan sets out six main aims, supported by four main objectives. The plan then sets out the main issues that it needs to tackle:

"Moulton needs to provide a range of different services as well as housing, ie – community facilities, education, library and healthcare facilities for existing and new residents. It is important that good public transport, walking and cycling accesses are provided so that people from our community and surrounding villages can get to them easily."

3.12 The plan then summarises the range of key issues that it must address, responding with the six core themes making up the groups of policies in Section 3, covering:

1. Creating a sustainable community: Policies SD1-3
2. Community Involvement: Policy C1
3. Improving community services, including sport and recreation: policies CS1-4
4. Housing: Policies H1-6, including two housing allocations
5. Protecting our environment: Policies E1-5, including designation of Local Green Spaces and defining Areas of Separation around the village
6. Jobs and the local economy: Policy EMP1

3.13 The plan concludes with a short section on monitoring and review –suggesting reviews in 2019 and 2024.

#### **4. Overview**

4.1 The essence of the plan, in land use terms, is summarised by the Proposals Map – Areas of Separation, largely enveloping the village, while acknowledging some recent housing developments and making two new housing allocations, providing for (and protecting) the expansion of the sporting quarter and designating some significant areas in and around the village as Local Green Spaces. The rest of the plan fits around these main land use elements.

4.2 I had some difficulty reconciling two aspects in the making of the plan with the Basic Conditions: Areas of Separation and one of the main Local Green Space designations (Pages Brook Valley) – both of which I deal with specifically later in my report. In most other respects I have found the plan to be positively prepared, indeed catering for more housing than is required by the development plan, and supportive

of sustainable development.

- 4.3 I now turn to consider the main issues that the plan raises, followed by the remaining policies, identifying any necessary modifications with the words **I recommend** (in bold).

## 5. Areas of Separation

- 5.1 Policy E2 designates extensive parcels of land around much of the village as Areas of Separation, which are defined on the Proposals Map. The policy itself explains that the reason is to protect the open countryside and the village's character and identity as a village and to avoid further physical coalescence with Northampton and its Sustainable Urban Extension. The supporting text explains that the policy is related to saved Policy E10 (Green Wedges), which has not been taken forward into the JCS, and to the Residents Survey.
- 5.2 While the District did not object to the concept of Areas of Separation they felt that the boundary should be aligned with the Green Wedge boundary. However, this is far less extensive and I can't see how the two could be easily reconciled. E2 also covers saved Policy E11 – Rural Access Areas, which includes much of the undeveloped land between the Green Wedge, the village and Northampton. It has similar criteria to E10.
- 5.3 The County Council objected to the legitimacy of the designation, as they considered them to be of a nature that should be defined in local plan. They also pointed out that the JCS did not provide a policy context for such a designation; also there was a lack of technical assessment. They did, however, accept that such a designation "can ...be a tool in development management to prevent unnecessary, unplanned and piecemeal urban development".
- 5.4 I was concerned to find out that the Parish Council only saw this objection on the day of the hearing. They thus had little time to respond so I have accepted their subsequent response (letter of 10<sup>th</sup> March) and taken this into account. The letter also points out that the County Council, who did not attend the hearing, has extensive landholdings in an area covered by E2, which they do not mention in their representations.
- 5.5 Other parties took up the main arguments against the designation, particularly that the designation was not supported by a robust assessment. It was pointed out that the saved Green Wedge policy is now over 20 years old, had not been carried into the JCS and covered only part of the area proposed for Areas of Separation. The policy could have the indirect effect of defining the limit of the built up area of the village and so constrains its growth – though one needs to take into account that the plan is already planning for more housing than the development plan requires. They argue it is imposing an inflexible environmental policy that would pre-empt the plan-making process of the emerging Local Plan Part 2 for the rural areas. Moulton College argues that the policy is unnecessary and unjustified.
- 5.6 I found the evidence for the full extent and precise boundaries of the Areas of Separation very thin. I find that there was no robust technical assessment. Also, I find that the relationship to the Green Wedge areas to be too tenuous. The Parish point out that in their letter of 10<sup>th</sup> March that:

*E2 designation is an evolution and rationalisation of the areas covered by the much older EN10 and EN11 policies of the DDLP, reflecting recent planning permissions granted by the Council - and on appeal - and the development proposals of the MNDP. The NPPF allows plans to “identify land where development would be inappropriate....because of its environmental... significance” (para.157, penultimate bullet). This is what E2 seeks to do and the boundaries were drawn to include the land which the Parish Council considered necessary to preserve the character and identity of the village and to avoid further physical coalescence with the urban area of Northampton and the Overstone SUE (see policy wording). The boundaries were drawn following field walking with a qualified Landscape Architect (as explained by at the public examination last week). The field data sheets support this designation and the proposals have been consulted upon and warmly welcomed, save by a few of those with land interests which would be affected.*

- 5.7 However, I find that the policy is not mainly concerned with the environment but is effectively a blanket approach that is unjustifiably restrictive and does not constitute positive planning for sustainable development. I do not find the field data sheets a sufficiently robust basis for the designation concerned, so in the absence of a robustly evidenced new designation, I consider that the saved policies of the development plan should continue to apply until they are replaced by a fresh approach, most likely in the Local Plan Part 2. I therefore **recommend** that Policy E2 be deleted.
- 5.8 A further strand of the argument related to whether saved Policy E10 was strategic. This particularly impinges on the housing allocation at Policy H6, see below. The District Council argue that E10 is strategic and set out their case in an appendix to their representations. They relate their points to para 41.076 of the Guidance, for example, and argue that E10 relates to an overarching policy, that operates on a significant scale and is concerned with a strategic objective of preventing coalescence. They accept that it is not a blanket restriction on new development, given the nature of the four criteria; indeed two recent developments have been allowed in the Green Wedge.
- 5.9 The Parish Council argue that it is not strategic and set out the reasons in a schedule in the Basic Conditions Statement (Table on p 8); Hallam Land and Moulton College also argue that it is not strategic. Together they argue that the policy is too historic, was not carried forward into current strategic policy and that the policy does not, in any event, meet the characteristics in the Guidance. It is not, Hallam argue, consistent with a strategic policy anyway (for example, it applies to Moulton and parts of Daventry) though the inset map shows the designation extending across the edge of Northampton in Daventry District.
- 5.10 Hallam further point out that the designation has been overridden by significant policy developments around Daventry and in two recent approvals on land on Boughton Road (Salisbury Landscapes appeal, to the north; and David Wilson 2 approval, to the south (Land adjacent to Carey Close/Boughton Road; Ref DA/2014/0604), part of the same allocation as H6.
- 5.11 I note that decision-makers have given some weight to the designation in the recent appeal decisions, though these were development management, not policy, decisions; and that specific site-landscape considerations were involved. By way of distinguishing recent application and appeal decisions from the matter before me, the decision-makers were dealing with development management issues not whether the policy was strategic in the context of a neighbourhood plan.

5.12 Overall, I have concluded that Policy E10 cannot be regarded as a strategic policy, as it was not carried into the Core Strategy, has been significantly overtaken by events and has insufficient characteristics of a strategic policy (as per Guidance (41.076), as for example it does not set out an overarching direction or policy, does not seek to shape the broad characteristics of development, does not operate beyond a localized scale and is not identified as strategic anyway.

## 6. Housing development

- 6.1 At the hearing the District confirmed that the JCS strategic housing target for the rural areas had already been met and that there was no further requirement to allocate more land for housing in the plan area, within which it sits. No one disagreed. The neighbourhood plan does, however, plan for approximately 220 dwellings (Policy H4). This is simply the arithmetical total of the plan's two housing allocations.
- 6.2 Some objectors were critical of the process of identifying the scale of new housing and the assessments used for site selection. Given that the plan is promoting more housing than the development plan requires I find no fault in the means of identifying the scale of further housing.
- 6.3 The assessments for site selection used, as a starting point, a template supplied by the District Council for the purpose of neighbourhood planning in their district. While the parcels were somewhat arbitrary in places, could have benefited from greater use of the SHLAA and did not take account of the Green Wedge issue, I find them robust enough for the purpose of site selection.
- 6.4 At the hearing I was updated on the planned provision. For example, netting off the consented part of Land south of Boughton Road (H6) - David Wilson 2, now under construction for 56 homes - and noting that it is now being promoted for 125 homes, H6 should now allocate 125 new dwellings; 41 houses are now being promoted on Northampton Lane North/Cottingham drive (Policy H5), though they are not consented. I therefore **recommend** that:
- H4 be modified to state approx.166 dwellings;
  - H5 be modified to state approx. 41 dwellings; and
  - H6 be modified to state approx.. 125 dwellings; and
  - The H6 allocation on the Proposals Map be adjusted to remove the part which now has planning permission, for consistency.
- 6.5 The site south of Boughton Road (Policy H6) was the subject of objections from the District Council who have twice refused applications for housing (including other elements described in the policy). The core objection is that the site lies in a Green Wedge (E10), which is regarded as a strategic policy. I have concluded that it is not a strategic policy and as such is not a bar to the plan allocating land for housing within it.
- 6.6 The Council refused the most recent application on H6 – effectively for the net new homes in the allocation – because they did not regard the benefits as justified (the new access to Moulton School, new areas of parking, open space and extension to the sporting quarter, all provided for in Policy H6). The allocation of land in a

neighbourhood plan, however, is a different process to the determination of a planning application and subject to different tests. This was accepted.

- 6.7 There is very considerable local support for this allocation, in large part due to the benefits that it will bring to the local community, as evidenced in the public consultation responses, including resolving some intractable problems around access and parking in Pound Lane. The allocation is supported by active developers, Hallam Land, and there was no question as to the deliverability of the allocation – excluding the area already permitted and under construction.
- 6.8 I am satisfied that, in terms of the effect of the allocation on the identity of Moulton and its separation from Northampton, the new housing together with other elements in the allocation is acceptable. I noted from my own visits that the topography of the site slopes away from Northampton. I also note the professional advice of the Council's Landscape Officer on the application for the recent 125 home scheme that: "... in landscape terms there will still be a physical distinction..." and his conclusion that "... I believe in landscape terms the proposed development can be incorporated within the landscape and still provide the distinction between Moulton and Northampton." I consider this allocation constitutes positive planning and promotes sustainable development and is appropriate having regard to national policy.
- 6.9 I am convinced that it is wholly proper, given the purpose of neighbourhood plans is to empower local communities to plan for their area as they see fit (within the legal and policy framework), to allocate the land south of Boughton Road for new housing with the elements identified. The key to an effective delivery of the "package" represented by the new housing and the other elements is to ensure that the benefits are actually delivered as part of, not separate to (or not at all), the new housing.
- 6.10 I therefore **recommend** that the following words are inserted into the second sentence of H6, after the word *Development*: "...will only be permitted if it ...". To achieve appropriate clarity I **recommend** that the whole of the second paragraph (The proposal will facilitate...) be moved into the supporting text. The final sentence is no longer related to H6 – see earlier modifications (see 6.2) - so that reference should be deleted.
- 6.11 Policy H5 allocates land for approximately 45 dwellings (41 as modified). This site is at the southern end of the plan area bounded on virtually all sides by existing housing. There were no objections to it.
- 6.12 The other housing policies were not contentious. Policy H1 is supportive of small scale housing within the village, subject to a range of criteria. Policy H2 is local version of an affordable housing policy. There is insufficient evidence to support its application to developments over 5 dwellings and overall is a duplication of development plan policy. I **recommend** that H2 be deleted. Policy H3 is related to CS2 and I deal with it in that context, later.

## 7. Local Green Space

- 7.1 The draft neighbourhood plan designates six areas as Local Green Space under Policy E1, which are defined on Fig 5, a map showing "Existing Local Green Spaces". The plan notes that the Framework sets the national policy context for such designations at paras 76 and 77, with a set of criteria to be applied. These relate to, in summary, proximity, scale, being demonstrably special and holding a

particular local significance.

- 7.2 While one proposed designation was contentious – Pages Brook Valley - the other five proposed designations raised no objections. The justification for the designations is set out in a table on page 31 of the submitted plan, with a column devoted to most of the para 77 criteria; there isn't one for "particular significance", though some such points are mentioned.
- 7.3 The Pages Brook Valley designation is made up of a number of parcels of land, which stretch across much of the northern part of the village, spreading into open country to the west, as far as Spectacle Lane. Objectors included a local landowner and Moulton College who rejected the justification for inclusion of this land. They felt it was wholly inappropriate to include the western extent – west of Pitsford Road – as it does not have the same historical significance and cannot be given the same level of protection as the eastern part. They pointed out that this part extended into open countryside and the result was that the edges of the village was being given a form of blanket protection against the advice in the Framework and which was not appropriate for open countryside anyway. It was not in close proximity to the community it served and was not small in scale – the Framework did not advocate large tracts of land being designated.
- 7.4 The Village Design Statement, though now withdrawn, contains some valuable contextual analysis and acknowledges the historic importance of Pages Brook Valley; but it only identifies the section east of Pitsford Road, as far as The Grove, part of which is also Busby's Meadow Pocket Park (listed as LGS 6). From my own inspection, I agree that the large areas proposed west of Pitsford Road are of lesser quality, are not demonstrably special and that the case for being of particular significance is weak. As that part is also open countryside, in active agricultural use, is not in close proximity to the community and is an extensive tract of land, I find that it does not meet the criteria in paras 76 and 77 of the Framework. Accordingly, I cannot support its full designation. The parcel east of The Grove is also of lesser quality, is not identified in the Village Design Statement (notwithstanding its status) and only partially in the Conservation Area Appraisal and Design Guide.
- 7.5 I **recommend** that the extent of Pages Brook Valley as Local Green Space be restricted to the parcels between Pitsford Road and The Grove; and Fig 5 be amended accordingly. I have marked up a plan, attached, to indicate the area.
- 7.6 I find that the remaining designations can be supported for the reasons set out on page 31 of the plan. Natural England point out that Crowfields Common is designated as a Local Nature Reserve (LNR). I **recommend** that as the Areas of Separation will no longer be shown on the Proposals Map, if the modifications are taken forward, all the Local Green Spaces be shown instead; if Fig 5 is retained I **recommend** deleting the word *Existing* in the title as misleading.

## 8. Other policies

- 8.1 The first policy of the plan is Policy SD1, a presumption in favour of sustainable development. This is a laudable start; but as a policy this repeats national policy and so is largely unnecessary. It is also couched in non-land-use planning terms. It is, in effect, a positive advocacy policy. I **recommend** that it is deleted as policy and stated as opening supporting text to this section of the plan.
- 8.2 Policy SD2 is similarly not strictly a land use policy; it is an advocacy statement,

setting out how the Parish Council will work with others to secure sustainable transport solutions. I **recommend** that it be modified to read:

“To reduce traffic congestion and management of traffic and car parking in and around Moulton development should: a) encourage better access to and increased use of public transport; b) allow for good travel choices; c) ensure good connectivity through the village for walking and cycling; d) create and enhance ‘safe routes to schools’ schemes where appropriate; e) [retain text as existing].

- 8.3 Policy SD3 is concerned with achieving high standards of sustainable design in new developments.
- 8.4 The next section is concerned with community involvement and Policy C1 is also a statement of advocacy of what the local community want to see happen; but it is not strictly a land use policy. Again, I **recommend** that it is deleted as a policy and stated as supporting text to this section of the plan.
- 8.5 Policy CS1 is concerned with the provision of community infrastructure. Together with CS2 – Provision of a Community Hub and Complementary Facility at Sandy Hill – and H3 – Provision of New Facilities – these three policies are related. The intention is that new developments make suitable provision for supporting community infrastructure or facilities (on site or off-site, as appropriate) with the Community Hub being a priority facility. I note that the Community Hub has planning permission and some funding.
- 8.6 To achieve the aims of these three policies in a much clearer way for development management purposes, I **recommend** that they be deleted and combined into a single new policy:
- “All new developments will be expected to make appropriate provision for, or contributions towards, relevant local community infrastructure and facilities”.
- The supporting text to the currently drafted policies to be re-worded; and Policy CS2 to be re-stated as part of the supporting text, to highlight the priority to be given to the sandy Hill facilities. A definition of “Community infrastructure” and “Facilities” would be helpful in the Glossary.
- 8.5 Policy CS3 is concerned with protecting local services and community facilities. Policy CS4 identifies the allocated Sporting Quarter, with both areas for the existing and expanded facilities. Funding would, in part, come from the new policy. The supporting text should acknowledge the complementary nature and role of the facilities at Moulton College.
- 8.6 Moulton College’s facilities deserve specific recognition in the plan. I **recommend** that after the first paragraph in section 2.6 (page 17, before the sub-heading Proposed....) the following text be inserted: “In addition to the public/community facilities, Moulton College currently provides a number of facilities for community, corporate and individual hire including its bars and dining areas, meeting spaces and function rooms, as well as its sports pitches, tennis courts, swimming pool, golf and other fitness facilities.”
- 8.7 Policy E3 is concerned with protection of the Conservation Area. This duplicates the national policy and statutory approach to development in conservation areas. I **recommend** that it is deleted as policy but is retained as part of the narrative of this



part of the plan. Policy E4 is concerned with historic buildings and structures (inc old stone walls); while it also duplicates in part the national policy and statutory approach to development of heritage assets, it has a local dimension.

- 8.8 Policy E5 seeks to protect certain views, as shown in the Village design Statement. As this document has been withdrawn it cannot be used to support a policy. I **recommend** that it be deleted as policy. However, as some local views are clearly significant it is appropriate to make the point in the supporting text. No doubt once the Village Design Statement is finalised it will be used in assessing applications in the village.
- 8.9 Finally, Policy EMP1 is concerned with supporting the development of small-scale employment. Moulton College point out that the wording is unreasonably narrow. They explain that education is a sector where further employment can be expected in the future. They note that the local survey evidence indicates more land should be identified. In any event, they say, a more positive and proactive approach should be taken. I agree with the essence of the points they make and **recommend** that Policy EMP 1 be modified to remove the reference to “small scale” and for a reference to be made to them in the supporting text.

## 9 Conclusions and recommendations

- 9.1 I congratulate the Parish Council and its volunteers for all the hard work that has clearly gone into the drafting of the plan; and my thanks to both Parish and District Council officers for their support in making the examination so smooth.
- 9.2 Finally, from my examination of the submitted Moulton Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that the making of the plan will meet the Basic Conditions. In summary they are that it must:
- Be appropriate to do so, having regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
- 9.3 I have also concluded that:
- The plan has been prepared and submitted for examination by a qualifying body - Moulton Parish Council;
  - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
  - The plan does not relate to “excluded development”;
  - The plan specifies the period to which it has effect – to 2029; and
  - The policies relate to the development and use of land for a designated neighbourhood area, subject to the recommended modifications.
- 9.4. I recommend that the plan, once modified, should proceed to a Referendum.

- 9.5 I recommend that the plan, in proceeding to a Referendum, should have a Referendum Area that is the same as the Parish, given that only a small area is excluded from the plan area and that consultations were conducted across the whole parish.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

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31 March 2016

**Pages Brook Valley – recommended extent (see para 7.5)**



## **Annex**

It is not my role to improve what is a well-written, succinct document. However, as the plan moves to the next stage, the Parish and District Councils might consider the following:

1. Use of paragraph numbering for each and every block of text, throughout. This is essential for the plan to be effectively used as a development plan. Not all sub-headings need a number.
2. Improved mapping reprographics: The Proposals Map, for example, is virtually unusable at the scale of Fig 6. Perhaps a pull-out A3 version could be included.
3. Using annotation for all photos and other images, such as graphs. Their message needs to come across, if they are to be included.
4. Deleting the plans and elevations on pages 18 and 19. If kept they could be much reduced and will need annotating.
5. Removing any text that will no longer be relevant once the plan is made.
6. Moving (and possibly updating) the data on page 14 to an appendix, as it will quickly become out of date.