

Braunston Parish Council

Braunston Neighbourhood Plan Up to 2029

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Braunston Neighbourhood Development Plan. The examination was carried out by written representations and I undertook a visit to the area in September 2016.

The Plan takes a straightforward and refreshing approach to its presentation. It has a well-defined vision with eight underlying objectives for the Parish. As well as defining village confines for Braunston, it includes a range of policies that seek to reinforce local distinctiveness whilst ensuring that sustainable growth takes place.

Further to consideration of the Plan and its policies I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Daventry District Council that the Braunston Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
13 October 2016



1.0 Introduction

This is the report of the independent examiner into the Braunston Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Daventry District Council (DDC) with the agreement of the Braunston Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The basic conditions¹ 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site² or a European offshore marine site³ either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² As defined in the Conservation of Habitats and Species Regulations 2012

³ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Daventry District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

3.0 Neighbourhood plan preparation and the examination process

A Consultation Statement (CS) has been prepared and submitted in accordance with the Neighbourhood Planning (General) Regulations 2012.⁵

The CS explains that one of the drivers for undertaking the Plan was to involve more parishioners in planning matters.

A Steering Group was established consisting of both parish councilors and volunteer parishioners. In addition some tasks were delegated to working groups involving more residents.

The CS explains that consultation took place in two distinct stages; informal and formal.

Informal consultation was carried out over a long period of time. Interestingly, what is described as a trial neighbourhood survey was carried out in late December 2012. This tested the clarity and meaning of questions and seems to me to be an excellent technique for finalising the survey.

The survey was carried out in February 2013 and distributed to each household. The CS includes this survey at Appendix 2 and explains that the analysis is also to be found in that appendix; I couldn't find any analysis and so four other documents were sent to me in response to my query on this which show the results. These documents have been made publicly available and should be read alongside the CS. A high response rate was achieved perhaps due to the personal and repeat visits made by collectors. Feedback was given to the community about the results of the survey through a monthly village newsletter and at an annual parish meeting. Additional volunteers were sourced through the questionnaire responses and organised into working groups to assist with the Plan's preparation.

A second questionnaire was circulated in February 2014 to ask more detailed questions. This also had an online element.

A business breakfast was held for all businesses in Braunston. Young people were engaged through the school and the local Scout groups and a photography event.

⁵ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

At the annual parish meeting in 2014, a further opportunity to comment was given. This was followed by specific consultations on housing and traffic with the latter dovetailing with another village event. Progress was reported at an Autumn Fair in 2014.

At the annual parish meeting in 2015, further information was given. Throughout the process there has been regular feedback, information on the Parish website and articles in the Parish magazine.

Pre-submission (Regulation 14) consultation took place between 27 July – 21 September 2015. The Plan was published in paper format and online and publicised in the Parish newsletter and local press as well as on the website. Three question and answer sessions were held on different days and times. Banners were displayed on the Village Green and at other locations around the village. The publicity offered to deliver a copy to any household that needed it and to read the Plan to anyone. Appropriate consultees were contacted by email. Unsurprisingly, given the effort to publicise the Plan this generated a number of responses to the draft Plan.

The Plan has been the result of sustained effort and consultation over a long period of time. The approach to engagement, the targeted consultation with young people and businesses has been exemplary. The level of feedback at every stage of the Plan's production has been outstanding. In many ways the engagement has been exemplary and the Steering Group is to be commended for this.

In addition the CS has achieved the right balance between information and explanation and is a well-written and presented document.

The evidence strongly demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies.

Submission (Regulation 16) consultation was carried out between 4 March – 22 April 2016. This attracted seven responses which I have taken into account in preparing this report.

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

Some representations suggest additions or amendments to the Plan. I have set out my remit earlier in this report. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required. On occasion I refer to a specific representation, but I have not felt it necessary to comment on each of them.

⁶ PPG para 055 ref id 41-055-20140306

⁷ *Ibid*

As PPG explains⁸ the general rule of thumb is that the examination will take the form of written representations,⁹ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of the documentation, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

However, I did raise a number of queries with DDC and the Parish Council of a factual or clarification nature. My list of questions is appended to this report.

I made an unaccompanied site visit to Braunston and the neighbourhood plan area on 10 September 2016.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

The Plan and the Basic Conditions Statement (BCS) confirms that Braunston Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the Parish administrative boundary. Daventry District Council approved the designation of the area on 5 December 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is clearly shown on Map 1 on page 5 of the Plan.

Plan period

The Plan covers the period up to 2029. This is clearly shown on the front cover and confirmed within the Plan itself. This conforms to the plan period for the JCS. However, no start date is apparent; whilst I do appreciate that start dates can cause some confusion, I consider it important that a start date is specified and in this case that it

⁸ PPG para ref id 41-056-20140306

⁹ Schedule 4B (9) of the Town and Country Planning Act 1990

should be 2011. This modification is made in the interests of ensuring the Plan specifies the period to which it has effect.

- **Insert start date of “2011” on the front cover of the Plan and within the Plan at paragraph 1.6**

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the BCS.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰ In this case section 9 of the Plan clearly sets out community aspirations and distinguishes them from the development and use of land planning policies. This requirement is therefore met.

5.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

¹⁰ PPG para 004 ref id 41-004-20140306

¹¹ NPPF paras 14, 16

¹² *Ibid* para 184

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁵

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

The BCS sets out how the Plan has responded to national policy and guidance particularly through Table 1 which sets out each of the Plan policies and discusses each with reference to the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁸ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

Table 2 of the BCS assesses how each Plan policy will contribute to the achievement of sustainable development and a commentary helpfully discusses each dimension of sustainable development.

¹³ NPPF para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁹ *Ibid* para 7

General conformity with the strategic policies in the development plan

The development plan includes the West Northamptonshire Joint Core Strategy (JCS) adopted in December 2014 and the saved policies of the Daventry District Local Plan adopted in June 1997 (LP).

The JCS sets out the long-term vision and objectives for the period up to 2029. For the rural areas, vibrant communities, retention of the distinctive character of villages, the provision of affordable homes for local people and a diverse rural economy are key. The vision is supported by 16 spatial objectives. In the rural villages the emphasis is on providing for local needs and basic facilities and services.

JCS Policy S1 limits development in the rural areas and places the emphasis on the character and vitality of rural communities, shortening journeys and facilitating access to jobs and services, strengthening enterprise and respecting tranquility.

JCS Policy R1 sets out the spatial strategy for villages including housing provision indicating that the distribution of the rural housing requirement will be subject to Part 2 Local Plans. DDC is preparing the Settlements and Countryside Local Plan (Part 2a) for Daventry District and the Issues and Options Consultation document was consulted upon earlier this year. JCS Policy R1 indicates that development within the rural areas will be guided by a rural settlement hierarchy; a full assessment of services and facilities is being carried out across the District by DDC and so the Part 2 Local Plan is likely to define this further.

The BCS includes an assessment of conformity with the relevant policies of the LP and the JCS at Tables 3 and 4 respectively. The BCS also refers to the emerging Settlements and Countryside Local Plan indicating that, in line with good practice, an eye has been kept on the emerging policy and liaison with DDC Officers has taken place. Up to date evidence on housing need has been taken into account in the preparation of this Plan.

The Daventry Masterplan 2040 is referred to in the Plan. This was adopted in July 2012; this is a conceptual plan for the future development of the town and includes ideas for land uses up to 7km from the town, an area that includes part of the Plan area. DDC confirm that the Masterplan is a material consideration in decision-making, but that it does not form part of the development plan.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²⁰

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

Daventry District Council undertook a screening assessment in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The screening report dated October 2015 concluded it is unlikely significant environmental effects would occur and a SEA would not be needed. The statutory consultees all responded and the Environment Agency and Natural England agreed with this conclusion. Historic England raised an issue in relation to the impact of a proposed site allocation on listed buildings at Bragborough Hall. This site allocation has now been removed from the Plan as the site has been granted planning permission in the intervening time. As a result events have overtaken this point made by Historic England; the body did not consider there would be significant effects on cultural heritage.

In addition Natural England confirm their agreement with the SEA and HRA screening opinions in their representation at Regulation 16 stage.²¹

I have taken the screening report of October 2015 to be the statement of reasons. I am therefore satisfied that the requirements in this respect have been satisfactorily met.

Appendix 5 of the BCS contains the screening report, but does not include the map of the Plan area or the responses from the statutory consultees highlighted as Appendices D and E respectively. These are however included in the standalone screening report available on DDC's website and submitted as part of the documents and this omission has no bearing on the process followed.

The screening report also refers to "pSPA/RAMSAR" in various places. In response to my query the "p" indicated a potential SPA/RAMSAR site, but the Upper Nene Gravel Pits was designated in 2011. I have received confirmation from DDC that this is an old label and that the screening was undertaken based on the designation.

²⁰ PPG para 031 ref id 11-031-20150209

²¹ Natural England representation of 14 April 2016

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²² The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Plan area is some 23km from the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/RAMSAR and some 50km from Rutland Water SPA/RAMSAR. Daventry District Council's screening assessment concluded that the Plan would not result in any likely significant effects and Natural England and the Environment Agency have indicated their agreement to this conclusion. I am satisfied that the Plan is not likely to have a significant effect on any European site.

European Convention on Human Rights (ECHR)

Although the BCS does not refer to the fundamental rights and freedoms guaranteed under the ECHR or the Human Rights Act 1998, there is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions.

The Plan is presented very well and has an eye catching front cover. It begins with a helpful contents page.

1. Introduction

This is a well-written section that sets out basic information about the Plan and is extremely helpful. The section also includes a clear map of the Plan/Parish area.

2. National and Local Planning Context

This is a well-worded section that offers an excellent explanation of the basic conditions, national and local planning context, sustainable development and the other requirements the Plan must consider.

²² PPG para 047 ref id 11-047-20150209

Further to DDC's comment that the Plan area is only partly within the Daventry Masterplan area, paragraph 2.9 should be revised in the interests of accuracy.

- **Change the word "all" in paragraph 2.9 on page 7 of the Plan to "part"**

3. Description of the Neighbourhood Area

Another well-worded, clear and informative section.

4. Community Engagement

This is a well-worded section that sets out the engagement which has taken place and signposts the reader to the Consultation Statement.

5. Key Issues

A wide range of issues from housing to transport, business to character and amenity are covered in this section which serves as a useful, helpful and well-written introduction to the issues of concern.

6. Vision and Objectives

The clearly articulated vision for Braunston is:

"To maintain and develop a thriving, working village by encouraging development that meets the needs of local people, whilst protecting and enhancing the distinctive character and features of the settlement, and its surrounding countryside and canals."

The vision is underpinned by eight objectives. All relate to the development and use of land and are clearly articulated.

A table on page 25 of the Plan then usefully shows which policies will help to deliver the Plan's objectives providing a clear link back to the objectives and the overall vision.

7. Policies and Proposals

The Plan indicates that this part has been divided into four themes: housing, transport and traffic, character and amenities and business. In fact there is a fifth theme that of sustainable development and so this should be added to paragraph 7.1 in the interests of accuracy.

- **Add the fifth theme “Sustainable Development” to paragraph 7.1 on page 26 of the Plan by changing the reference to “four themes” to five and by adding a further bullet point “Sustainable Development” to reflect this**

Housing

The supporting text explains that Braunston is identified as a “restricted Infill village” in the LP. LP Policy HS22 permits small-scale development within the confines of the village so long as it does not affect open land of significance to the village’s form and character or it relates to an existing building.

Beginning with District level policy background, the preamble to the two policies under this theme also speculates at paragraph 7.7 on page 27 of the Plan which category of village Braunston might be in the emerging Local Plan. It is risky to predict this and does not add anything to the Plan and will become out of date quickly. Therefore it would be best if this was removed from the Plan so that it is not open to accusations of being misleading and I recommend a modification to this effect.

- **Delete the final sentence from paragraph 7.7 on page 27 of the Plan which begins “However, based on the criteria listed in Policy R1...”**

Policy A Residential Development within Braunston

A settlement boundary or village confine line, has been identified for Braunston and is shown on Map 6. In the LP, Braunston is identified as a “restricted infill village” and LP Policy HS22 explains what is meant by the confines of the village, but the village confines are not currently mapped. This Plan then seeks to define a boundary on Map 6. The supporting text to this Plan explains what is meant by the confines of the village and this updates, but reflects the definition in the LP for LP Policy HS22.

This policy supports residential development within the village confines subject to a number of criteria. All are well-worded and clearly articulated. The policy reflects LP Policy HS22. Reference is made to JCS Policy R1 and the Character Area Assessment carried out as part of the evidence base for the Plan within the policy and although it could be argued that there is some duplication, the policy is worded well and so in this instance it makes better sense to be a little repetitive as the policy will make more sense. The policy will ensure that any development is encouraged to meet the needs of the community and that local distinctiveness is reinforced. It takes account of national policy and guidance, is in general conformity with relevant JCS and LP policies, particularly LP Policy GN1 which seeks to limit development in the villages and JCS Policies R1 and H1 which seeks a mix of housing and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy B Affordable Housing

This is a clearly articulated policy that supports the provision of affordable housing in line with JCS Policy H3 which refers to rural exception sites and provided the development reflects local housing needs and is prioritised for those with a local connection. The Daventry District Nominations Cascade is used. The preamble to the policy explains local circumstances and refers to recent local housing needs surveys.

The policy reflects national policy in that it seeks to be responsive to local circumstances and reflect local needs, takes its lead from JCS Policy H3 and will help to achieve sustainable development. As a result it meets the basic conditions and no modifications are recommended.

Transport and Traffic

Policy C Traffic Management

This is a short policy that supports appropriate traffic management measures to improve highway safety subject to satisfactory scale, layout and materials appropriate to the Character Area. The policy reflects the need to improve accessibility in rural areas which is highlighted by the JCS and Policy R3, but recognises that often traffic management measures can be unsightly and detract from the character and appearance of rural villages and the countryside. The policy makes good use of the Character Area Appraisal work carried out as part of the neighbourhood planning process. Overall the policy will help to improve design whilst ensuring that traffic management measures add to the safe functionality of the Parish. Consequently this clearly articulated policy meets the basic conditions and no modifications are suggested.

Policy D Link to Daventry

Policy D supports a cycleway and footpath between Braunston and Daventry. The accompanying text explains this has been supported in principle in LP Policy RC17 and also takes its lead from JCS Policy C1 which seeks to change behaviour and achieve modal shift and JCS Policy R3. Such a proposal would encourage walking and cycling for both recreational and social purposes and to offer those who work in Daventry with an option not to travel by car. Such a link would promote healthy communities in line with the NPPF. The policy requires the route to be attractive and safe and to take account of its effects on ecology.

A representation²³ considers such a link may have numerous adverse effects including to wildlife and canal users and queries the safety aspects as well as considering it to be unnecessary and a waste of funds. I consider that the policy as drafted will ensure that these considerations are dealt with appropriately. I note that Highways England²⁴ welcomes the principle of such a link to help reduce vehicle trips between Braunston and Daventry.

The policy is clearly worded. It will help to achieve sustainable development, is in line with national policy and guidance and takes its lead from LP and JCS policies. Therefore it meets the basic conditions and there is no need for me to recommend any modifications.

Character and Amenity

Policy E Local Services and Community Facilities

Local service or community facilities are supported by this policy. First of all the development of such facilities is encouraged subject to satisfactory effects on the amenities of residents and nearby occupiers. Secondly, the loss of facilities is resisted unless it is surplus to requirements or no longer viable or the loss is replaced by equivalent or better provision in a suitable location or it would bring about a community benefit that outweighs the loss. The NPPF promotes the retention and development of local services and facilities recognising they are needed to support a strong rural economy and to provide services for local residents as well as be a source of employment. The policy is articulated clearly, it takes account of national policy and guidance and will help to achieve sustainable development.

Existing community facilities are identified on Map 7. I understand that it is the intention that the policy applies generally, not just to the existing facilities shown on Map 7. To ensure this is clear, two modifications are suggested.

- **Delete the last sentence of the policy which reads “Community facilities existing are shown on Map 7.”**
- **Add a new paragraph to the supporting text which reads: “*Many of the community facilities which existed at the time of writing the Plan are shown on Map 7 together with local services. The policy however applies to all community facilities throughout the lifetime of the Plan.*”**

²³ Representation from Mrs. Harrison

²⁴ Highways England representation of 19 April 2016

Policy F Local Green Space

This policy refers to areas of public open space and Local Green Spaces (LGS). I am concerned that the title of the policy does not reflect this and therefore it would be easy to miss the relevance of this policy to other public open spaces. Therefore it would be helpful in the interests of providing the practical framework required by national policy to alter the title of the policy to reflect its intended coverage.

The first part of the policy seeks to preserve existing areas of public open space. It refers to LGSs as well and I consider the policy would be clearer if the two elements were more separate.

Taking the first element, the NPPF and JCS Policy RC2 protect open spaces unless the open space is found to be surplus to requirements or that any loss would be offset by equivalent or enhanced provision in a suitable location or that the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. Therefore this element of the policy requires some changes in order for it to meet the basic conditions.

Turning now to the proposed LGSs, the NPPF explains that LGSs are green areas of particular importance to local communities. The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

Four LGSs are proposed to be designated in the policy and are clearly shown on Map 8 on page 39 of the Plan.

With regard to each proposed LGS and taking The Green first, this area is the village green and an area of grass along the southern side of Welton Road. I saw at my site visit that the area was a focal point for the village visually; it provides an important setting for houses and the village hall around it and makes a major contribution to the character of the heart of the village. The supporting information also outlines its importance for village events.

The second proposed LGS, Jetty Field, is a pocket park owned by the Parish Council. It consists of a number of different areas designed to enhance both a diverse biodiversity and educational opportunities. In addition it is readily accessible from its surrounds and the Canalside. It is also defined as a nationally important open field system with ridge and furrow of potentially national significance.

The third area, Braunston Playing Field, has pitches used for football and cricket and a play area. Permission has been granted for a skate park. It is used by the local school as well as for events such as a visiting circus.

Lastly, Manor Field is an area of open land at the western end of the village. It is particularly valued by the community as an important gateway to the village and for the views across to All Saints Church and over the surrounding countryside. It is also part of the nationally important open field system.

I consider that all four areas satisfactorily meet the criteria in the NPPF.

This part of the policy is clearly worded identifying the four areas and explaining what development will be permitted on the LGSs and in what circumstances.

- **Add the words “...and Other Areas of Public Open Space” to the title of the policy**
- **Delete the words “...and Local Green Spaces...” from the first sentence of the policy**
- **Add a new sentence to the policy after the first sentence which reads:**

“Any loss of open space will need to demonstrate that the open space is surplus to requirements, is replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports or recreational provision, the needs for which clearly outweigh the loss.”

Policy G Preventing Coalescence

The preamble to Policy G refers to LP Policy HS11; this policy refers to “limited development villages” and Braunston is not identified as this type of village. Therefore it is misleading to refer to this policy and in the interests of accuracy the reference should be removed from the Plan. I do however note that LP Policy HS22 which does apply to Braunston also makes this reference and so “HS22” could be substituted for “HS11” if so desired. JCS Policy R1 also reflects this reference.

Coalescence between settlements is a recognised planning issue. A key facet of the NPPF is to reinforce local distinctiveness and the separate identities of settlements. An “Area of Separation” is defined and shown on Map 9 on page 42 of the Plan. It has been defined to protect the gaps between Braunston and the Canal Wharf, the Wayside Business Park, Little Braunston and Daventry. Policy G seeks to ensure that any development does not narrow the gaps, detract from the separate identities of these areas or have a harmful impact on their landscape setting. The aim of the policy is primarily to prevent coalescence and to reinforce the local identity and local distinctiveness of the area which is clearly a matter of great importance to the local community.

I saw at my visit that areas (a), (b) and (c) are areas which separate the village of Braunston which sits on a ridge and the canal and Little Braunston. Part of these areas fall within a Conservation Area and also were assessed as part of the Plan's Area Character Assessment (Character Area 1). There is no doubt that these areas are of great importance to the setting and form and character of the village and canalside as well as the separate settlement of Little Braunston. These areas are defined at a local scale.

However, area (d) is a large area of land that extends to the Parish and Plan area boundary towards Daventry. The effect of the proposed designation and policy would be to seriously restrict and hamper any development or growth in this extensive area to the north-west of Daventry. The area is not subject to any environmental or landscape designations and is not a "green wedge" in the LP. There is insufficient evidence in the Plan to justify why the area has been drawn in the way it has. Given that area (d) arbitrarily stops, as it must, at the Plan area boundary, given its size and the lack of robust evidence to demonstrate why area (d) has been included or needs to be defined in the way that it has, I consider that the designation would not achieve sustainable development but may actually restrict its achievement. In addition there is potential for this policy to undermine the delivery of the JCS. Therefore this element of the designation does not meet the basic conditions.

I do however recognise that it is important to ensure that Braunston and Daventry do not merge. For this reason it seems to me that the intent of the policy can be supported and I consider that a more generally worded 'anti-coalescence' policy would be regarded as being in line with the basic conditions.

Therefore I recommend that the "Area of Separation" is removed from Map 9 and that Policy G is reworded in line with my suggestion below.

- **Change "HS11" in paragraph 7.44 to "HS22"**
- **Delete the "Area of Separation" from Map 9 and amend Map 9 accordingly to remove references to Policy G**

- **Reword Policy G as follows:**

"Development proposals should respect the individual and distinct identities of Braunston village, Braunston Canal Wharf, the Wayside Business Park, Little Braunston and Daventry and the open gaps between them. Development will not be permitted if, individually or cumulatively, it would result in the loss of the visual and physical separation of these areas which would harm the setting and identity of these distinct areas or lead to their coalescence."

- **Consequential amendments to the supporting test will be required**

Policy H Important Views

The supporting text to this policy explains that as Braunston is sited on a ridge there are outward views in every direction across the surrounding open countryside and of course conversely, this means that Braunston is visible in the landscape.

Policy H seeks to protect important views. It relies largely on evidence from the Area Character Assessment. Whilst the supporting text indicates that the important views are shown on Map 9, and indeed eight viewpoints are shown on the Map, the Map's key refers to "examples of views" and this is not precise enough. The eight viewpoints are usefully documented in a series of photographs too but these are labeled "sample views". In response to my query, the Parish Council confirm that the "sample views" are the same as the eight viewpoints shown on Map 9, but it was intended that Policy H would apply to all important views into, out of or within the village not just the eight identified views. This is perhaps why there is also no mention of Map 9 in the policy itself.

I do appreciate from my site visit that the area offers many views. The policy supports development provided "important views" are not harmed i.e. that the development does not have a significantly adverse impact on a view. This is imprecise and it is not clear to me how a decision maker might make a judgment based on this wording. It does not therefore provide the practical framework sought by national policy. There should be a balance between requiring new development to respect these important views in the interests of local distinctiveness. It is also not clear which views are those covered by the policy; if the intention was all views it seems odd to refer to them as "important". Therefore given the information in front of me the best I can do is to insert a cross reference into the policy to make it clear that the policy applies to these identified views.

Therefore in order to meet the basic conditions by providing a more practical framework, the following modifications are recommended:

- **Reword Policy H to read:**

"The Plan protects the important views shown on Map 9. Any development proposals must ensure that the openness and key features of the view can continued to be enjoyed including distant buildings, areas of landscape and the juxtaposition of the village edge and the surrounding open countryside. Development proposals which have a harmful impact on the view will be resisted."

- **Rename Map 9 "Important Views (Policy H)"**
- **Amend the key for Map 9 so that the words "examples of" are removed from the three instances where this wording appears**

(continued on next page)

- **Change the title “sample views” on page 43 of the Plan to “*Photographs illustrating the viewpoints identified on Map 9*”**
- **Consequential amendments to the supporting text may be required**

Policy I Open Countryside

The Parish Council confirm, in response to my query, that a reference to “Policy J’ in paragraph 7.62 is made in error. I therefore make a modification to address this.

This is a criteria based policy in two parts that deals with development in the open countryside. By default any development not specified in the policy would fall foul of the policy. The policy as presently worded covers development “where it contributes to the local economy”, the reuse or extension of an existing building and a new dwelling where they are special circumstances. Looking at policies at national and at District level in both the LP and the JCS, the policy is too restrictive; there are a number of other types of development such as agricultural development and replacement dwellings which would be permitted in the countryside. This element of the policy then does not meet the basic conditions.

The second element of the policy seeks to ensure that development is acceptable in relation to its effects on landscape, ecology, archaeological interests or the intrinsic character, beauty and tranquility of the countryside. Attention is also drawn to the River Nene Regional Park’s Environmental Character Strategy and Green Infrastructure Strategy. I consider the second element of the policy to meet the basic conditions.

- **Delete the last sentence in paragraph 7.62 on page 45 of the Plan which begins “Policy J...” in its entirety**
- **Delete the first paragraph of the policy that begins “Proposals for development...” including the criteria a) to d)**
- **Delete the words “In all cases” from the beginning of the second paragraph of the policy**
- **Consequential amendments to the supporting text will be required**

Policy J The Canals and their setting

Canals are an important feature and asset of the Parish. The Plan explains that the junction of the Grand Union and Oxford Canals is located immediately outside the village and the canals have played, and continue to play, an important part in

Braunston's development. The canal area has also been designated as a Conservation Area.

Policy J seeks to protect the canals and their settings from inappropriate development. It sets out a number of criteria that any development in Character Area 1 will need to comply with. The criteria include design and ecological considerations and also support for the enhancement of canal heritage through signage and public art. LP Policy EN2 refers to Conservation Areas, JCS Policy E7 to the potential for tourism provided it does not harm the quality of the natural and built environment and JCS Policy BN5 to the conservation and enhancement of the historic environment and landscape, this policy provides a local interpretation of the standard of development the community wish to see in these areas.

The policy is appropriate; it will help to sustain this important part of the Parish's heritage and will help to achieve sustainable development. Subject to a couple of modifications to ensure clarity, it will meet the basic conditions.

- **Substitute the word "*locations*" in the second sentence of the policy for the word "parts"**
- **Substitute the word "*appropriate*" in criterion b) for the word "matching"**

Business

Policy K Business Development

Business development is supported by this policy as it is recognised that local businesses can provide both services for the local community and employment opportunities.

It was not clear to me whether the policy only applied to Braunston village and in response I am advised it was the intention that the policy would apply to the areas covered by the Area Character Assessment on Map 10. This seems to me to be inconsistent or at best confusing with paragraph 7.75 which refers to the confines of the village.

Whilst the policy takes its lead from LP Policies EM11 and EM12 which support new business development of an appropriate scale and character and within the confines of the village whilst recognising local circumstances and JCS Policies R1 and R2 which enable small-scale economic development, the policy is unduly restrictive for this wide area. It does not take sufficient account of the NPPF which supports economic growth in rural areas by taking a positive approach to sustainable new development. For this reason and to ensure the policy meets the basic conditions, a modification is recommended.

- **Reword Policy K to read:**

“Business and economic development will be supported throughout the Parish provided that:

- (a) Proposals respect the character and appearance of the appropriate Character Area with particular regard to scale, layout and materials, to retain and respect and enhance the character of the countryside, local distinctiveness and help to create a sense of place;***
- (b) Their impact in terms of traffic, noise, air pollution, light pollution, ecology and landscape is satisfactory including through the use of appropriate mitigation measures.”***

Policy L Communications Infrastructure

Poor infrastructure such as broadband and mobile phone coverage is often a key barrier to economic growth. The policy has regard to the NPPF particularly in relation to building a strong, competitive economy, supporting a prosperous rural economy and supporting high quality communications infrastructure and JCS Policy C1 which supports information communication networks.

This policy supports technology and plans positively for high quality communications Infrastructure as long as the impact can be “adequately mitigated”. I suspect what is meant is provided that any harmful visual impact can be satisfactorily mitigated as this would reflect the NPPF’s stance on new sites where equipment should be sympathetically designed and camouflaged where appropriate. Therefore a modification to this effect is recommended so that the policy provides a clearer and more practical framework for decision making in line with national policy and guidance.

- **Change the last part of the policy to read: “...phone network will be supported provided that any adverse visual impact can be satisfactorily mitigated.”**

Sustainable Development

Policy M Sustainable Development

Policy M supports features such as sustainable drainage measures providing they are in keeping with the Character Area in terms of scale, layout and materials. It takes its lead from JCS Policy S10 which seeks to ensure that development is in line with sustainable development principles. It meets the basic conditions and no modifications are recommended.

8. Monitoring and Review

This is a well-written section that sets out the reasons for and how monitoring will take place over the Plan period. Whilst monitoring of neighbourhood plans is not mandatory, I regard it as good practice to do so.

9. Supplementary Proposals

PPG is clear that wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.²⁵ This section clearly sets out and differentiates a number of actions that have arisen as a result of the neighbourhood planning process that the Parish Council will work on and take forward.

10. Proposals Map

This section confirms the proposals maps to be 6, 7, 8 and 9. Where I have felt it necessary to do so, I have commented on these maps at the appropriate place earlier in this report.

11. Appendices

A series of appendices then follow. All are appropriate to include given the contents of the Plan.

7.0 Conclusions and recommendations

I am satisfied that the Braunston Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Daventry District Council that, subject to the modifications proposed in this report, the Braunston Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Braunston Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the

²⁵ PPG para 004 ref id 41-004-20140306

Braunston Neighbourhood Plan area as approved by Daventry District Council on 5 December 2013.

Ann Skippers MRTPI

Ann Skippers Planning

13 October 2016

Appendix 1

List of key documents specific to this examination

Neighbourhood Plan Braunston Up to 2029

Basic Conditions Statement February 2016

Consultation Statement February 2016

Screening Report for SEA and HRA October 2015

Saved Policies from the Daventry District Council Local Plan 1997

West Northamptonshire Joint Core Strategy Local Plan (Part 1)

Settlements and Countryside Local Plan (Part 2a) for Daventry District Issues and Options Consultation document

Daventry Masterplan 2040

Information on www.rnrpenvironmentalcharacter.org.uk

Various evidence documents and other information linked in the Plan itself and on www.braunston.org.uk including the Housing Needs Survey 2013

List ends

Appendix 2

Note from examiner to DDC and the Parish Council of 9 September 2016

Braunston Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and DDC

Having completed an initial review of the Neighbourhood Plan (the Plan) and some of the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the start date of the plan period.
2. Please confirm the dates of the Regulation 16 consultation period.
3. The Consultation Statement refers to Appendix 2 on page 6 indicating that a copy of the questionnaire and analysis is to be found in that Appendix. However, Appendix 2 appears only to include a copy of the questionnaire not the analysis. Please could the analysis be provided?
4. What is the significance of the “p” in “pSPA/RAMSAR” in the SEA Screening Report?
5. The Plan refers to the Daventry Masterplan 2040. Please could DDC confirm the status of this document and whether there are any implications of it that I should be aware of.
6. The Plan refers to a Special Landscape Area (see for instance page 9 and Map 4 of the Plan) and saved Policy EN1 of the Local Plan 1997. Is this designation current?
7. Am I correct in thinking that the village confines are not currently mapped in any development plan as Braunston is identified as a “restricted infill village” in the Local Plan 1997, but that this Plan seeks to designate the boundary as per Map 6?
8. Map 7 of the Plan shows existing community facilities. Was it the intention that Policy E should only apply to those facilities shown on that map or more generally?
9. Policy F of the Plan refers to Local Green Spaces (LGS), but also to public open space. Was it the intention of the policy to only deal with LGSs or was it also to protect public open spaces?
10. Could you point me to any additional evidence or other information used to formulate Policy G please?
11. Policy H refers to “Important Views”. Map 9 indicates some “example views”

viewpoints and there are some photographs of what are termed “sample views” which seem to correlate to the viewpoints shown on Map 9. Is this correct? Was it the intention that Policy H refers to the eight viewpoints shown on Map 9?

12. Paragraph 7.62 of the Plan refers to “Policy J” in the Joint Core Strategy, but I cannot find any such policy?
13. Was it the intention that Policy K should only apply to Braunston village (and not the surrounding rural area)?
14. Policy BN1 of the Joint Core Strategy (JCS) refers to green infrastructure connections shown on Figure 6 of the JCS. Please confirm which, if any, of the corridors fall within the Parish.
15. Please could a copy of the Housing Needs Survey be provided? Electronically or a link is fine.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites as appropriate.

With many thanks.

Ann Skippers
9 September 2016