

EXAMINER'S REPORT

WELFORD NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS

The following are the abbreviations used in this examination:

“The Council”- Daventry District Council

HRA - Habitats Regulation Assessment.

JCS - West Northamptonshire Joint Core Strategy Local Plan 2014

NPPF - National Planning Policy Framework.

NPPG - National Planning Policy Guidance.

SEA - Strategic Environmental Assessment

INTRODUCTION

1. This is an independent examination of a Neighbourhood Development Plan prepared by Welford Parish Council (subsequently referred to as “the Parish Council”) in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. The Plan covers the whole of the Parish, which had a population of 1,043 in the 2011 Census.
4. I have been appointed by Daventry District Council (subsequently referred to as “the Council”) in consultation with the Parish Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.
5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.
6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted by the Parish Council under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012:

The Neighbourhood Development Plan 2011-2029,
Basic Conditions Statement, November 2016,
Consultation Statement, November 2016,
Screening Report for Strategic Environmental Assessment and Habitat Regulation Assessment July 2016

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses, received during the consultation period, 5th. December 2016 to 20th. November 2017.

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG).

West Northamptonshire Joint Core Strategy (JCS) Local Plan 2014.

“Saved Policies from the Daventry District Council Local Plan (June 1997), Saved 28th September 2007, Revised Post adoption of WNJCS Local Plan (December 2015).

Settlements and Countryside Local Plan (Part2a) for Daventry District Council, Issues and Options Consultation 29/1/16-11/3/16.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

11. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

12. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an

issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing.

13. I visited the Plan area on the 19th June 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

14. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

15. The Parish Council is authorized as the qualifying body to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

16. The whole Parish Council area was formally designated as Neighbourhood Area by the Council on 28th May 2015.

17. The Plan clearly states that it relates to the period until 2029.

18. The Plan does not include any provision about development that is “excluded development”, such as minerals, waste disposal and major infrastructure projects.

19. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

20. The Parish Council has submitted a Consultation Statement of November 2016, which explains how they have carried out consultation as the Plan has progressed.

21. The “Consultation Statement” explains that, in April 2015, the volunteer steering group of the parish council held a public meeting seeking to raise awareness about the production of a neighborhood plan. This was publicised widely in the village and local newspapers and on notice boards.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

22. During summer of 2015 the Steering Group conducted a neighbourhood plan questionnaire exercise. This was hand delivered to every household and as an incentive a £100 cash prize draw was offered. Businesses and some landowners were consulted. It was publicised in a similar manner to the above event. The response rate was reasonable for these types of questionnaires producing a response from 42% of households i.e.189 responses out of 455 questionnaires delivered

23.The questionnaire is included in the consultation statement and covers a wide spectrum of topics that could be referenced in the plan.

24.The steering group then used this information to help identify objectives and produce policies. A draft plan was the subject of the statutory 6-week consultation² exercise in July and August 2016.

25.A leaflet was delivered to all households explaining where to view the plan and how to comment. The draft plan was published on the parish council web site and hard copies were placed in various communal locations in the village.

26.Various technical bodies were also consulted.

27.The consultation statement summarises the 17 responses and illustrates how these were incorporated into a further draft of the plan.

28.The next formal stage of publicity under regulation 16³ was carried out by the Council and the results have been forwarded to myself for analysis as part of this examination.

29.The Council have pointed out that there are inconsistencies in the tables in the consultation statement which list the amendments to be made to the draft plan and the actual amendments that are made. This is clearly confusing and the consultation statement should be corrected in the manner suggested by the Council to reflect the actual changes made by the parish council to version of the plan, submitted under regulation 16.

RECOMMENDATION 1

Correct the consultation statement in the manner suggested by the Council in its representation to the regulation 16 stage of publicity to accurately reflect the changes introduced into the submission plan.

² regulation 14 of the Neighbourhood Planning (General) Regulations 2012

³ regulation 16 of the Neighbourhood Planning (General) Regulations 2012

30. I consider that the consultation effort by the Parish Council has been adequate and engaged the people who reside and work in the area to a sufficient extent. There has been good publicity of the plan at its various stages. Apart from the issue referred to above, the consultation statement demonstrates that these views have been properly considered.

BASIC CONDITIONS

31. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

32. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

33. The Parish Council has submitted a “Basic Conditions Statement”, November 2016, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

34. The “objectives” of the Plan are a clear statement of the commitment to the ideals of sustainability as expressed in the NPPF incorporating economic, social and environmental factors. The Plan seeks to retain the traditional character of the village, protect valued open spaces and community facilities whilst allowing an element of growth to provide for objectively identified housing needs. It also promotes business and tourism growth to provide local job opportunities. The physical growth of the village is limited to that within its existing confines, which is in accordance with the development plan.

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

35. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development and achieves a balance between economic, social and environmental factors accordance with the requirements of the National Planning Policy Framework (NPPF).

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

36. A neighbourhood development plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

37. The Council carried out a “Screening Report for a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)” in July 2016 to determine whether either of these studies should be carried out.

38. Whether a neighbourhood development plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft plan.

39. A strategic environmental assessment may be required, for example, where:

- a neighbourhood development plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood development plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

40. The screening report considers the plan against criteria in the Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

41. The assessment analyses the conformity of each of the neighbourhood development plan policies with those in the Joint Core Strategy (JCS). This is relevant as the JCS, adopted in 2014, was the subject of a full SEA and no significant environmental effects were identified.

42. Consequently, due to the close conformity with the JCS, the screening assessment recommends that a full SEA does not need to be undertaken for the Welford Neighbourhood Development Plan. This has been confirmed through the responses from the statutory consultees Historic England, Environment Agency and Natural England, which are set out in Appendix E of the screening assessment.

43. The national planning policy guidance states, *“The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts, which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan (NPPG para. ref: ID: 11-030-20150209)*

44. I consider that given the conformity with the JCS, the responses from the statutory consultees and that the Plan does not allocate sites for development, this process in this Plan is proportionate and a robust conclusion has been arrived at.

45. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation. These include Special Protection Areas (SPA) valued for their role as habitats for birds of international importance and Ramsar sites which are wetlands of international importance, designated under the 1971 Ramsar Convention. The nearest sites of this nature, which could be affected, are Rutland Water Special Protection Area (SPA) and Ramsar site and the Upper Nene Valley Gravel Pits SPA and Ramsar site. The Neighbourhood Area is 25km from the Upper Nene Valley and 35km from Rutland Water.

46. The screening report referred to above also related to the need for an HRA. It concludes due to conformity with the JCS and the distance from the nearest designated sites there is no requirement for an HRA. This conclusion also considered any likely “in combination “ effects with any existing plans and proposals.

47. The report indicates that Natural England raised no objections to the screening process.

48. I am satisfied that the conclusions of the screening report are correct.

49. The Basic Conditions Statement states the *“Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.”*

50. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Community responses have been taken into account in a satisfactory manner during the processing of the plan.

51. I also agree with the statements in the Basic Conditions Statement that the plan does not contravene the Article 1 right to peaceful enjoyment of possessions as it works within existing legislation to control the development and use of land. Furthermore in terms of Article 14 I can find no evidence of discrimination against any individual.

52. Hilary Hunt has responded to the regulation 16 consultation that the basic conditions statement should also refer to articles 2, 4, 5, 7, 8, 9, 10, 11 and 17. These relate respectively to "Freedom from torture and inhuman or degrading treatment", "Freedom from slavery and forced labour", "Right to liberty and security", "No punishment without law", "Respect for your private and family life, home and correspondence", "Freedom of thought, belief and religion", "Freedom of expression", "Freedom of assembly and association" and "Prohibition of abuse of rights". I do not consider the Plan or its process has raised any issues which may be considered to contravene any of these rights.

53. Ms. Hunt raises a scenario as to what may happen if the Act is abolished, which is not a contingency I should consider.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

54. The "Basic Conditions Statement" provides an analysis of whether the Plan has had regard to national planning guidance and that it is in general conformity with local strategic planning policies.

55. Table I in the Basic Conditions Statement illustrates in detail the manner in which the plan policies have had regard to Secretary of States guidance in the NPPF relating to core planning principles. In some cases it specifies how individual policies demonstrate this. The Statement also refers to other guidance in the NPPF in particular that the plan does not promote less development than the local plan.

56. The Plan makes explicit reference to the manner in which each policy conforms to national advice and local strategic policies.

57. Table 3 in the Basic Conditions Statement explains how each plan policy is in general conformity with the JCS or the saved policies of the Daventry District Local Plan 1997.

58. Each policy in the plan contains supporting text explaining the background and justification for the policy. This generally makes appropriate connection with the local strategic planning policies.

59. I have suggested some modifications below where it is necessary for the policies to be in general conformity with development plan policies.

60. I am satisfied that subject to my modifications Plan has taken in to account the Secretary of States guidance and is in general conformity with local strategic development policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

61. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

62. I have taken into account all the representations received during the Plan process. In a number of cases I have considered that these do not require specific reference, as they do not relate to the need to conform to “basic conditions”. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

63. I have not referred to comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

64. A considerable number of my recommendations are based on the need for the plan and its policies to be clear and precise to allow effective implementation and guidance. This is necessary in order to comply with NPPF guidance in paragraph 154 that ;

“ Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

Planning Context

65. In paragraph 1.4 of the plan there is selective reference to two of the basic conditions. In the interests of clarity and precision all the basic conditions should be listed.

66. I agree with the county Council that there should be clarification regarding minerals and waste issues.

RECOMMENDATION 2

Retitle the paragraph “Basic Conditions”

Add the following bullet points to paragraph 1.4

“

- **demonstrate they contribute to sustainable development,**
- **be compatible with, EU obligations and human rights requirements,**

- **demonstrate it is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects). “**

Add a paragraph after paragraph 1.4 “In accordance with the Neighbourhood Planning(General) regulations 2012 the plan does not deal with minerals and waste matters.

What policy R1 says about the level of housing and the settlement hierarchy in West Northamptonshire

RECOMMENDATION 3

The first paragraph in this section needs to be numbered and other paragraphs re-numbered.

Village Form and Layout

67.The last sentence in paragraph 2.13 refers to greenfield sites but development on brownfield sites also has the potential to affecting the profile, skyline and intrinsic character of the village. This sentence states the obvious and is making a statement hinting at a potential design policy but is out of context in the plan format. It is confusing and I recommend it be removed.

RECOMMENDATION 4

Delete the last sentence in paragraph 2.13.

On being the right size

68.The Council considers this term to be inappropriate as it indicates no further growth. Given the text in this section, which expands on the theme, I consider it gives a reflection of sustainable development rather than no growth and is, therefore, in accordance with NPPF advice and an appropriate title for this section.

69.It would be more appropriate in quotation marks as suggested in the regulation 16 comments by the Parish Council.

RECOMMENDATION 5

Place “On being the right size” in quotation marks.

Work and Business

70.The last sentence in paragraph 3.21 is anecdotal and unclear as to whether it

was Susie Bevan who said it or another “Suzie”. I consider use of personalized anecdotal evidence of a potential demand for ‘B and B business’ to be insufficiently robust to be quoted in the plan and should be replaced with a more general observation.

RECOMMENDATION 6

There is some evidence that farmers have had to diversify into activities such as B and B business.

Objective 4 –To meet housing needs

71. In paragraph 4.8 it is suggested that a substantial proportion, possibly 40% of the potential 25 (approximate) houses could be “affordable”.

72. JCS Policy H2 sets out that in rural areas in Daventry only in schemes of 5 or more dwellings will there be a requirement to provide 40% affordable housing. However, subsequent National Planning Policy Guidance(NPPG)⁵ outlines certain circumstances where contributions from affordable housing and tariff style planning obligations should not be sought from small-scale development. This states contributions for affordable housing should not be sought from developments of ten units or less and which have a maximum combined floor space of no more than 1,000 square metres. In designated rural areas, a lower threshold of five units or less may apply but the plan area is not designated as such. I do not consider that the plan has produced sufficient housing needs evidence to justify a demand for affordable housing in this plan area, which could override the Secretary of State advice. Despite the overall conclusions in the JCS, the housing survey carried out as part of this plan does not fully analyse supply and demand for affordable housing in the plan area. It is stated in paragraph 3.5 of the plan that the Newlands Road scheme should deliver the modest amount of affordable housing required.

73.The policy for housing in the village is JCS policy R1 that limits the scope for housing to mainly within the confines of the village and subject to a number of criteria. It is possible that there will not be many developments of 10 or more dwellings, which require provision of an affordable housing. It is, therefore, confusing to estimate an affordable housing level of 40% and this should be deleted.

RECOMMENDATION 7

**Delete the last sentence in paragraph 4.8 and replace with the following;
“ A number of these homes may be affordable and the Parish Council is keen to encourage self-build developments.”**

⁵ NPPG, Paragraph: 031 Reference ID: 23b-031-20161116

Objective 7 – To support business growth and access to job opportunities

RECOMMENDATION 8

The figures quoted in paragraph 4.14 require a reference.

Policies

Key to Map 2

74.This does not contain a symbol for the green spaces. There is potential for confusion with map 3, which identifies local green spaces for protection. The key, therefore, needs to refer to “existing” green open spaces.

75.The significant views should all be on one map to avoid confusion. It is not clear what the status of the views shown on map 2 is and I recommend these be deleted. from that map

76.I do not agree with the Council that the symbol for listed buildings in the key does not match that used on the map. I consider it appears a reasonable match.

RECOMMENDATION 9

Insert a symbol for the green spaces in the key to Map 2 and refer to it as “existing green open spaces”.

Delete the views from map 2.

Design-Policy W1

77.Criterion a) refers to protection of locally distinctive views and is a part repetition of policy W3 on which I have commented below. It is confusing to have policies relating to views in two separate policies and I recommend that the reference to views is removed from this policy

78.Criterion b) has the potential to cause confusion with policy W4 and the protection of designated green spaces shown on map 3. Significant green spaces should be identified on map 3 and fall within policy W4. Other “green spaces” may be small or have limited value in the street scene and resistance of development may not be justified. I appreciate that the infilling of some spaces, whether “green” or not, may undermine the character of the village. I consider it is clearer in a policy covering design to relate this to the street scene.

79. Criteria f) and g) are similar. Criterion g) uses a subjective term “high quality” and vague terms such as “depending on circumstances”, “day to day activities” and “stepping-stones”. These are too imprecise for a planning policy and I recommend they are deleted and the remaining intention of criterion g) is merged with f).

80. Criterion h) refers to the setting of “listed buildings” and “other areas of heritage interest” is a repeat of JCS policy BN5 and is therefore unnecessary. The intentions to declare Article 4 areas and conservation areas to seek extra protection of the traditional character of the village are not appropriate for inclusion in policies. These aspirations however can be included in the supporting text.

81. In paragraph 5.6 in the ‘Justification’ section reference is made to the Northamptonshire Environmental Characterization Process. This needs to be explained in a little more detail.

RECOMMENDATION 10

In criterion W1(a) delete “from locally significant views”.

Reword criterion (b) as follows;

“Development of spaces between buildings which are an important part of the character of the village will be resisted where it is intrusive or incongruous in the street scene.

In the first sentence in criterion f) after “buffers” insert the following at the end of the sentence;

“ by using separated green planted areas”

Delete Criterion g).

Delete criterion h).

Delete the final paragraph in the policy.

Introduce a new paragraph 5.7 as follows;

“ The Parish Council wish to improve protection of the traditional character of the village by working with the Council to designate a conservation area and, if appropriate, a direction under Article 4 of Town and Country Planning (General Permitted Development) Order 1995, to reduce permitted development in this area to allow greater control of development.

in paragraph 5.6 at the end of the first sentence add a footnote, as follows, to explain the Northamptonshire Environmental Characterization Process.

“This was completed in 2003 and provides a comprehensive characterisation of the county by integrating three primary environmental aspects comprising

the historic, the biodiversity and the current landscape character and the delivery of the county's Environmental Character Assessment (ECA)."

Development in the Open Countryside Policy W2 –Development Outside the Village Confines

82.The "Justification" section refers to the need to protect the "openness" of the landscape. This is implicit in the policy but should be made more explicit in the interests of clarity.

83.The policy would be given extra clarity if it referred to the Northamptonshire Environmental Characterization Process.

84.There is a need to link this policy to W3 concerned with protecting views.

85.The Council is concerned that Map 3 includes within the village confines areas that are more suitable as countryside in accordance with the definition of confines specified in paragraph 4.90 of the Local Plan. I have assessed the Council's concerns on my site visit and I have noted the further comments at regulation 16 stage from the Parish Council. I agree with each of the Council's suggestions to exclude the areas out of the village confines. These are areas of extended or extensive domestic garden or sites, which have more physical and environmental connection with the open countryside. In these respects I have noted the District Council's parameters for defining village confines in paragraph 4.90 of the saved Local Plan 1997 which states "*Gardens, or former gardens, within the curtilages of dwelling houses, will not necessarily be assumed to fall within the existing confines of the village.*"

86.Gladman, planning consultants, have expressed an opinion that establishing a settlement boundary beyond which no more development is allowed is contrary to sustainability principles in the NPPF. They state in considering terms of housing need, whilst the Council currently considers that the housing needs of the rural area have been met, this requirement should not be considered as a ceiling as it would not accord with the national policy imperative which seeks to significantly boost the supply of housing. In addition, it is stated that the Council may still require the allocation of sites to deliver additional housing numbers to meet identified market and affordable housing needs.

87.I do not accord with Gladman's interpretation of the NPPF. There is an adequate supply of housing land as determined in the JCS and policy R1establishes that the character of rural areas outside the confines of villages should be protected. There is no evidence to suggest, as Gladman do, that there is a requirement to have the flexibility of allowing development outside, but adjacent to a settlement boundary.

88.There is an element of repetition between policies W2 and W5 regarding

protecting landscape character landscape features and “ridge and furrow’ field systems. I consider it most appropriate to contain the main detailed requirements to protect landscape character in policy W5 and to cross-refer to that policy in W2.

RECOMMENDATION 11

Reword the policy as follows;

“Outside the designated confines of Welford village (see Map 3, Policies Map) development that is appropriate to the countryside in accordance with Policies R1 and R2 of the West Northamptonshire Joint Core Strategy must take into account the character and setting of the village and the local landscape.

Development shall be sited to preserve the openness of the landscape and relate to existing built development or landscape features whenever possible. Particular attention will be given to the need to protect the views identified in policy W3 below. Features identified in the Northamptonshire Environmental Characterisation Process and criteria in policy W5 relating to protection of landscape character will also be relevant to consideration of development outside of the village confines.”

Amend the village confines boundary in map 3 to reflect the changes suggested by the Council in the map attached to its submission under regulation 16.

Policy W3 –Views

89.I note that views 9 and 10 are not on map 3 yet referred to on map 2 and appendix 1.

90.I am concerned that specifying locally distinctive views may be interpreted as a sole determinant of the areas of landscape that should be protected. There is an element of confusion with policy W2(as modified) that effectively offers protection to all areas of rural landscape not just those within the identified views. It needs to be made clearer that whilst the views are an important consideration they are not the only factor in landscape impact assessment. The views as displayed on map 3 have no view splays from the identified viewpoints and are relatively imprecise although they do serve a purpose in identifying areas of landscape considered particularly valuable to the community. The policy needs to be modified to relate to policy W2.

91.I note Gladman have criticized the process of selecting the significant views as being subjective and lacking the robust evidence necessary for inclusion in a neighbourhood plan.

92.Whilst there is an accepted objective and professional rigour to landscape appraisal, the definition of important views has an element of subjectivity as an

aesthetic judgment . In this case the views have arisen as a result of community participation, which in my view gives them some status. I observed all these views on my site visit and I can accept that all the selected views have merit apart from view 1, as shown on map 3 which does not appear to offer a significant view of a sweep of landscape or street scene due to the juxtaposition of buildings and mature landscaping. The identification of the views provides a beneficial reference point in the landscape appraisal of development proposals.

RECOMMENDATION 12

Reword the first sentence of the policy as follows;

“Locally significant views will be afforded particular protection when assessing development under policy W2.”

Place all the significant views on one map and include a photo of all of them in appendix 1. Delete view 1.

Add views 9 and 10 to map 3 from map 2.

Local Green Spaces and Open Space policy W4 Protecting Valuable Local Green Spaces and allocation of new Public Open Space

93.The sites listed in table 4 all qualify for an element of protection from development.

94.The Council makes a valid comment in its regulation 16 response that sites WP 4/1 and 4/5 are formal recreation facilities, which are not suitable for the very restrictive policies, which should apply in green spaces. They contain buildings and structures, which may need to be altered, or extended or new facilities provided to enhance the recreational use of the site. These sites are better listed separately as formal recreational open space and subject to a policy, which allows some ancillary development, which enhances their recreational use

95.The policy refers to valuable community assets, which has the potential to cause confusion with the formal process for designation of assets of community value. I recommend this form of words is altered to overcome this.

96.The format of the policy is disjointed with a paragraph stating the green spaces will be protected from development and then a further paragraph allowing “suitable leisure or recreation development”. The policy needs to be worded to reflect NPPF advice in paragraph 78 that development in green spaces should be based on that applied in green belts.

RECOMMENDATION 13

Reword the policy as follows;

“Development in the local green spaces listed below will not be allowed, unless it is ancillary to the current use of land, protects the openness of the site and enhances the character and environmental characteristics of the site. In exceptional cases development, which does not comply with these criteria, may be allowed if very special circumstances as described in paragraphs 87, 88 and 89 of the NPPF can be demonstrated

**WP4/2 Allotments
WP4/3 Pocket park
WP4/4 Spinney**

In addition, two new public open spaces will be created.

**WP4/6 Newlands Road
WP4/7 Northampton Road**

The following sites provide recreation facilities and development will not be permitted unless it relates to their recreational use and is sympathetic to the visual and environmental character of the site.

**WP4/1 Recreation Ground
WP4/5 Sports Field ”**

Sites WP4/1 and 4/5 should be placed in a separate table titled ‘Formal recreation open space and facilities’”

Local Landscape Character and Biodiversity
Policy W5 – Conserving and Enhancing Local Landscape
Character and Biodiversity

97.The reference to “Northamptonshire’s Environmental Character and Green Infrastructure Suite “, in paragraph 5.14 needs to be clarified.

98.I agree with Gladman that the protection of these features needs to take into account the advice in paragraph 113 of the NPPF that protection should be commensurate with the status of the features.

99.Criterion a) needs to refer to archaeological features.

100.There is reference to the presence of large areas of ridge and furrow field systems in section 5a on the Naseby plateau in the Landscape Character Assessment 2003, which justifies reference to them in the policy. However, I accept Gladman’s point that reference to protection of ridge and furrow field systems should be reliant on an archaeological appraisal by a professional archaeologist to demonstrate their particular value on an individual case basis. Furthermore, these are non–designated heritage assets and in accordance with NPPF advice in paragraph 135, any impact on them will need to be balanced in terms of its scale or harm and the significance of the particular ridge and furrow system.

101. Criterion b) is a repetition of policy W2 as modified and is unnecessary and potentially confusing. The need to protect openness is best located within the policy W2, which is dealing with the broad principles, applied to controlling development outside the confines of the village and the protection of significant views.

102. I agree with the comments of the Flood and Water Manager of Northants County Council at the regulation 16 stage that there is a need to make a general reference to aquatic environments in criterion d).

103. Criterion e) needs to take into account the potential expansion of domestic gardens into all open countryside areas as well as agricultural fields. The distinction of "historic field patterns" and "traditional" open countryside are vague concepts and not defined. It is sufficient to restrict garden extensions into the open countryside of any description as these have the potential to introduce domestic clutter which would be contrary to the aim of saved Local Plan policy GN1 to "severely restrain" development in the open countryside.

104. The references to the Bosworth Mill Meadow Site of Special Scientific Interest and other designated Local Wildlife Sites in the policy is covered by development plan and national policies and, therefore, not necessary as stated in paragraph 5.16. These references should be removed.

105. The map in appendix 4 requires a key. I was unable to determine where the "white ribbon areas" are. This needs clarification.

RECOMMENDATION 14

Insert as an addition to the footnote containing the electronic link the following. "This is a collection of documents which provide character assessments relating to the Environment, Historical Landscape, Biodiversity and Green infrastructure".

In the opening paragraph after biodiversity insert "commensurate with its status including any special designations".

Amend criterion a) as follows:

"a) conserving important historic landscape and archaeological features,"

Delete existing criteria b).

Introduce a new criterion b) "b) conserving "ridge and furrow" field systems where their value is proven by an archaeological survey and the scale of the harm undermines their value".

Alter criterion c) as follows; "ensuring mature and established trees are

protected and incorporated into landscaping schemes wherever possible”

In criterion d) insert “aquatic environments” after “copses”.

Amend criterion e) as follows;

“Resisting the extension of domestic gardens into the open countryside”.

Delete the last paragraph in the policy relating to the SSSI and Local Wildlife Sites.

Introduce key to the map 4 in Appendix 4 and clarify the location of the white ribbon areas.

Meeting the Housing Requirement
Policy W6 – New Housing

106. The Council state in the consultation document relating to the “Settlements and Countryside Local Plan (Part 2a)”,

“Since the adoption of the JCS in December 2014 the housing requirement for residential development within the rural areas (i.e. outside of the Daventry Town) has already been achieved through completions and commitments (sites with planning permission), only four years into the plan period.”

107. I am satisfied therefore that the village confines boundary is appropriately drawn around the existing built form of the village subject to the introduction of the amendments referred to in recommendation 11. Furthermore, the conclusion in the plan that the interim designation of the village as a secondary service centre seems appropriate based on the settlement hierarchy identified in the JCS.

108. I consider policy W6 is misleading and imprecise in its reference to “about 25 dwellings”. There is no real point in specifying in the policy this vague target. It could cause confusion in the future in considering housing proposals if the criteria for development referred to in JCS policy R1 and this plan’s W7 are met and the figure is exceeded.

109. Policy W6 should be restricted to a statement that housing development will be constrained to within the village confines as indicated on map 3 in the Plan and in accordance with the criteria in JCS policy R1.

RECOMMENDATION 15

Modify policy W6 as follows :

“Housing development shall be restricted to within the village confines as indicated on map 3 in this Plan apart from the circumstances prescribed in policy R1 in the West Northamptonshire Joint Core Strategy Local Plan.”

Policy W7 – New Housing Development

110. Criterion a) expresses a requirement to provide for 1 and 2 person households and a mix of rented and private housing. I am concerned that the evidence for this housing mix is not sufficient. The neighbourhood housing survey is only a reflection of demand and there is no analysis of supply. I am reluctant to recommend that the requirement for this type of mix is part of the policy. Furthermore, the policy lacks a threshold for when this requirement would apply and there is no specification of the extent of 1 and 2 person dwellings, which should occupy a scheme. In addition, it is not possible to control the tenure arrangements (open market or rented) of open market housing via the planning process.

111. The remaining criteria in the policy are effectively a duplication of JCS policy R1 and its criteria A) to G).

112. It should be noted that the proposed criterion e) relating to community involvement is a matter for planning process and cannot be part of a policy in a plan.

113. It is therefore recommended that policy W7 is deleted and text introduced to cross-refer to the JCS policy R1 and the relevant criteria governing housing development.

RECOMMENDATION 16

Delete the section New Housing including the policy and paragraphs 5.25 and 5.26.

Under the title “New Housing” insert the following;

“5.25 The results of the questionnaire survey show clear support for new housing development to provide a range of housing that respects the character and form of Welford. In particular there is a need to provide accommodation for smaller households.

5.26 Policy R1 in the West Northamptonshire Joint Core Strategy requires that housing be supplied in a mix that meets the needs of all sectors of the community for open market and affordable housing. In order to determine the housing mix of developments detailed housing needs evidence is required analyzing supply and demand for housing. The District Council will have to be satisfied that this evidence is sufficient to justify the control of housing mix in development in determining proposals.”

Policy W8 – Traffic Management and Transport Improvements

114. This policy is largely acceptable apart from a minor grammatical correction.

115. The expression of an intent to work towards improving public transport is an aspiration, which cannot form part of a planning policy.

116. The concerns of Highways England regarding potential traffic calming and limitations on use of the A5199 as an emergency diversion route need to be acknowledged.

RECOMMENDATION 17

**In the first paragraph of the policy delete “real”.
Delete “cost” from criterion b).**

Delete the last paragraph from the policy and insert it as an extra Parish Council action.

At the end of paragraph 5.30 (b) insert; after authorities “ including Highways England on the use of the road as an emergency diversion route”.

Policy W9 – Protecting Existing Community Facilities

117. There is duplication with policy W4 regarding green spaces and open spaces. The pocket park is effectively open space afforded protected under policy W4.

118. A commercial garage is not technically a community facility that can be protected under planning policies.

RECOMMENDATION 18

Delete “pocket park” and “garage” from the list in the policy.

Local Employment Opportunities

Policy W10 – New Local Employment Growth

119. The policy requires some modifications in the interests of precision and clarity.

120. The policy needs to have a requirement to conform to highway safety standards.

121. In criterion a) there is no justification for requiring buildings to be redundant before conversion. In b) there is no need to qualify the acceptability of live-work units with the term “that add to the life and viability of resources in the village”.

RECOMMENDATION 19

In the first paragraph in the policy insert after “scale”, “acceptable in terms of highway safety” .

In criterion a) delete “redundant”.
In criterion b) delete “that add to the life and viability of resources in the village”.

Policy W11 – Protecting Existing Employment

122. The policy correctly allows for conversion of sites used for business purposes to non-business uses when it can be proved the site is unsuitable for such use. The supporting text needs to make it clear the nature of the evidence required demonstrate this. This could be evidenced by potential to harm residential amenities, highway safety issues or the property has been vacant for a period of at least 6 months and it has not been possible to rent or sell it.

RECOMMENDATION 20

Insert an extra paragraph after 5.44 as follows;

“ In some case redevelopment of sites or change of use of buildings to non-employment uses has to be accepted on the basis that they are unsuitable for such use in planning terms, for example, as a result of impact on residents, poor access facilities or negative impact on highway safety. In other cases there may be insufficient demand and the site or property cannot be let or sold. In these cases it will be necessary to demonstrate that the property has been properly marketed for a period of at least 6 months.”

Outdoor Tourist/Visitor Activity Policy W12 – Promoting Tourism

123. The policy as a whole needs to be subject to impact on residential amenity and highway safety.

124. Criterion a) specifies short-stay accommodation which has no distinction in planning terms to that offering longer periods of accommodation.

125. The supporting text needs to make reference to the need to comply with saved Local Plan policies EN19 and EN 20 which establish detailed criteria regarding the type and circumstances in which buildings may be able to be converted to uses including tourist related development.

RECOMMENDATION 21

Modify the policy as follows;

“To support the development of tourism in the area the following proposals will be supported provided there is no detrimental impact on residential

amenities or highway safety:

- a) visitor accommodation in existing buildings;**
- b) Appropriate infrastructure to support tourism development, including car parking and public toilets; and**
- c) small-scale enhancements (including footpaths, signage, information boards, public art) to existing, or to create new tourist attractions.”**

Insert a new paragraph 5.48 as follows;

“Saved Local plan policies EN19 and EN20 establish criteria relating to the type of buildings which are suitable for conversion and the nature of such conversions .”

SUMMARY

126.I have completed an independent examination of the Neighbourhood Development Plan.

127.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received.

128.I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

129.I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the national planning policy and guidance and local development plans policies.

130.Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e)the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

131.I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

132. I am required to consider whether the referendum area should extend beyond the Neighbourhood Development Plan area and if it is to be extended, the nature of that extension.

133. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

134. I recommend that the Neighbourhood Development Plan should proceed to a referendum based on the neighbourhood area authorised by Daventry District Council.

135. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.