

John Slater Planning Ltd

Welton Neighbourhood Development Plan 2018-29

Submission Version

A Report to Daventry District Council on the Examination of the Welton
Neighbourhood Development Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

johnslaterplanning@gmail.com

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Executive Summary

My examination has concluded that the Welton Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Any rural exception site should be allowed to incorporate market housing only to the extent required to deliver a viable scheme of primarily affordable housing.
- That the policy relating to non-designated heritage assets should be amended to bring it into line with Secretary of State policy.
- That the open countryside policy should be cross referenced with other development plan policies which relate to acceptable uses and development in the countryside.
- That the local services or community facilities to be protected should be identified in the policy.
- Policies relating to traffic management and the reinstatement of a bus service be removed as a planning policy but can be retained as a Community Aspiration.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the West Northamptonshire Joint Core Strategy and the saved policies of the Daventry District Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Welton Parish Council. A Steering Group was appointed to undertake the plan preparation made up of parish councillors and local volunteers. Welton Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Welton Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Daventry District Council, the Local Planning Authority for the neighbourhood plan area.

The Examiner’s Role

4. I was formally appointed by Daventry District Council in July 2018, with the agreement of Welton Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS)
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Daventry District Council, and Welton Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum if modified
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Welton Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.
 9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Daventry District Council, for the Welton Neighbourhood Plan on 14th April 2016.
 10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2029.
 11. I can confirm that the plan does not cover any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the Plan designation.
 13. Welton Parish Council as a parish council is a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to Welton and the surrounding countryside on 28th July 2018. This enabled me to familiarise myself with the village and the surrounding countryside, as well as its relationship with Daventry.

The Consultation Process

18. The Parish Council decided in 2015 to produce a neighbourhood plan so as to be able to influence future development in the parish. It used the local newsletter to invite expressions of interest for persons to become involved in the plan, which led to the creation of a Steering Group, comprised of three parish councillors and six local residents.
19. It was agreed with the Daventry planners that the neighbourhood area should exclude the new housing area within the parish that lies on the edge of Daventry at Micklewell Park.
20. In the summer of 2016, a questionnaire was distributed around the village, seeking views and opinions from the local community. There was a separate questionnaire for young people.
21. Local groups and organisations were invited to an open meeting held on 7th June 2016. The Steering Group also attended the village fete and separately consulted the business community within this village. There was a total of 201 questionnaires returned. Two further public meetings were held on the 19th and 22nd of November 2016 which fed back on the results of the questionnaire responses and also sought views on other planning issues.
22. All this work culminated in the preparation of the Pre- Submission version of the plan and the Regulation 14 consultation took place between 19th June and 14th August 2017. This was publicised by a flyer and response form was delivered to every household and business in the village. It was further publicised at the 2017 village fete and in addition three drop in sessions were held in the Village Hall. The consultation received 71 responses. These are summarised in Appendix 9 of the Consultation Statement and it is clear that many of the comments have influenced the submission version of the plan.
23. I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the neighbourhood plan process.

Regulation 16 Consultation

24. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 26th

March 2018 and 14th May 2018. This consultation was organised by Daventry District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

25. In total 15 individual responses were received. These came from Natural England, Northamptonshire Lead Local Flood Authority (Northamptonshire County Council), Norton Parish Council, Network Rail, Northamptonshire County Council, Anglian Water Services Ltd, Daventry Town Council, Harrabin Construction Ltd, Daventry District Council, Gladman Development Ltd and Historic England. In addition, 4 letters were received from local residents.
26. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

27. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
28. The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -
- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
 - Whether prescribed conditions are met and prescribed matters have been complied with?
 - Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?
29. During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of

Paragraph 214 of the 2018 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework.

Compliance with the Development Plan

30. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the West Northamptonshire Joint Core Strategy, adopted in 2014, as well as the saved policies of the Daventry District Local Plan, which was adopted in 1997 (with the relevant policies saved in 2007).
31. The Joint Core Strategy covers Daventry District, Northampton Borough and South Northamptonshire District and provides strategic planning policies for the period up to 2029. The most relevant policies for the plan area are Policy R1 – Spatial Strategy for the Rural Areas and Policy R2 – Rural Economy. In addition, there are specific policies dealing with such issues as rural exception sites, and policies dealing with the historic environment and landscape.
32. The Daventry District Local Plan categorises Welton as a “restricted infill village” where the relevant housing policy is set out in Policy HS22.
33. Daventry District Council is currently preparing a Settlements and Countryside Local Plan (Part 2). This plan has reached the Proposed Submission stage, which is shortly to go out to public consultation. As an emerging policy document, there is not a requirement that the neighbourhood plan should be in general conformity with its strategic policies, as a basic condition. However, its overall approach and underlying evidence can be relevant to the issues guiding the neighbourhood plan and I am aware that the neighbourhood plan group has had regard to the emerging policies. Welton, in this new plan, will be categorised as an “Other Village” in the settlement hierarchy. Of particular note is the proposal (Policy HO2), which will provide approximately 250 dwellings as an extension to the existing residential development at Micklewell Park (Policy HO3). The plan proposes a green wedge between Micklewell Park and its extension and Welton village. I can give very little weight to these policies as there are still subject to public consultation and public examination in due course.
34. I have found no strategic policies in the Joint Core Strategy or the saved Local Plan which are in any way undermined or compromised by the policies in this Neighbourhood Plan and this element of basic condition is met.

Compliance with European and Human Rights Legislation

35. Daventry District Council prepared a Screening Report dated July 2017 which concluded, having consulted Natural England, Historic England and the

Environment Agency, that the Welton Neighbourhood Plan is unlikely that there will be any significant effects arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the "Environmental Assessment of Plans and Programmes Regulations 2004" would not be required.

36. The District Council, as competent authority, also at the same time, issued a screening opinion under the Habitat Regulations. The assessment concluded that the Plan will not likely have a significant effect on the Upper Nene Gravel Pits SPA / Ramsar site or Rutland Water SPA / Ramsar site, which are the nearest European protected sites.
37. I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

38. The policies in this plan are entirely consistent with Welton's position in the saved policies of the Daventry District Local Plan. I am aware that work is advancing on the Settlement and Countryside Local Plan and that the District Council would have wished me to make recommendations which would have brought some of the policies closer into line with the new plan. However, that is only a draft plan at the moment, which contains only emerging policy, compliance of which is not the requirement of the basic conditions test.
39. I believe the plan represents and responds to the views of the local community and has been based on a good evidence base, showing an understanding of the character and the needs of the village. The plan document is well presented and is very readable and will be a sound basis for determining planning applications in the future.
40. Unusually, I have not had to make many recommendations which change the wording of the policies, to bring the plan into line with Secretary of State policy. There is one issue, mainly where the plan addresses transport matters where the plan sought to make policy, which would not be used for determining planning applications. It is a legislative requirement that neighbourhood plan policies should be for the use and development of land. I have suggested that the role of Chapter 8 be enhanced and perhaps be retitled Community Aspirations.
41. My examination has concentrated on the policies themselves, rather than the supporting text as these will be used to determine planning applications. It is beyond my role as examiner to be making editorial changes to the Plan's supporting text as these are not required to ensure the plan meets the basic conditions. There are several helpful suggestions made by the District Council in its Regulation 16 submission, which could usefully improve and update the text and I

would hope that these can be taken on board in the Referendum Version of the Plan. Equally there will be changes necessary to the supporting text and policy justifications, which are needed in the light of my recommendations so that the plan reads as a coherent planning document.

The Neighbourhood Development Plan Policies

Policy 1 – Residential Development within Welton

42. I consider that this policy pays proper regard to the strategic policies in the adopted development plan, as well as responding to the aspirations of the local community. It meets the basic conditions. Whilst I appreciate the aspirations of the LPA in seeking to futureproof the neighbourhood plan, by requiring consistency with the emerging policies, that is not the requirement set out in legislation by way of the basic conditions. Policy RA3 may well be changed or modified by its examination etc. and I do not consider it necessary to make the alterations proposed in Daventry District Council’s Regulation 16 representation.
43. I do not believe that the village confines need to be extended as proposed by Harrabin Construction Ltd in their Reg 16 representations.

Policy 2 – Rural Exception Sites

44. The Framework and Core Strategy Policy H3 both acknowledge that exception sites can include an element of market housing, so long as it is shown to be the minimum necessary to make the scheme viable and that it meets specific local identified housing need. I do note that the policy does include reference to compliance with Policy H3 but it is in the context of the policy supporting proposals for *affordable housing*. I consider that to ensure the affordable housing can be delivered in a viable scheme the policy should acknowledge that the minimum necessary component of market housing is also allowed. I will recommend that inclusion, to ensure that policy meets basic conditions.
45. I will also clarify that the relevant SPD is the *Housing* Supplementary Planning Document, as suggested by the LPA.

Recommendations

At the end of the policy insert “d) any market housing is demonstrated to be the minimum required to deliver a viable affordable housing development and also meets locally identified housing needs”.

In c) insert “Housing” before “Supplementary”,

Policy 3 – Sustainable Development

46. The Secretary of State's policy, as set out in a Written Statement to the House of Commons dated 25 March 2015 is that neighbourhood plans should not impose technical requirements regarding the construction of new housing. As this policy merely offers *support* for proposals that "incorporate features that address the challenge of climate change" rather than imposes any requirements, which could lead to the refusal of planning permission, then I am satisfied that the policy does meet basic conditions.

Policy 4 – Preventing Coalescence

47. I understand the local sensitivities over this issue. This policy is a response to pressures that the community feels exist which could reduce the gap between Welton and Daventry. I have to urge caution to the effectiveness of the policy in countering the proposals being advanced in the new Local Plan for areas on the fringes of Daventry as has been suggested in some local residents' Regulation 16 representations. If Policy HO2 and its associated Green Wedge policy, survives its public examination and the plan is adopted, then that policy will override Policy 4 in respect of that allocation site. In the meantime, the policy is a locally distinctive and is an appropriately worded policy which can be used for development management purposes. It meets the basic conditions.

Policy 5 – Heritage Assets

48. The policy, as it relates to non-designated heritage assets, requires that development "preserve or enhances" the asset or its setting. That wording offers the same level of protection as designated heritage assets. Paragraph 135 of the NPPF 2012 requires the decision maker to exercise more nuanced judgement, namely to have "regard to the scale of any harm or loss and the significance of the asset". That is a more proportional requirement and I will recommend alternative wording regarding non-heritage assets to ensure the policy aligns with Secretary of State's policy, in order to meet the basic conditions. This is the same point that is made by Gladman Developments Ltd in their representations.

49. The Character Assessment should be attached to the plan as an Appendix. I appreciate that there is a link but some users of the Plan will not be using the policy in electronic form. However, I do not necessarily accept with District Council's proposed amendment, that in the context of heritage assets, mitigation can be offered, where there is harm to heritage assets.

Recommendations

In a) delete “and non–designated”

Insert new b) “any development that directly or indirectly affects a non-designated heritage asset will need to balance the scale of the harm or loss arising from the development, against the significance of the asset”.

Renumber b) and c) consecutively

Attach the Character Assessment as an Appendix to the Plan.

Policy 6 – Local Green Space

50. I have no comments to make on this policy. I believe that the importance of these two green spaces has been properly evidenced.

Policy 7 – Trees and Hedgerows

51. I have no comments to make on this policy.

Policy 8 – Important Views

52. From what I witnessed from my site visit, I consider that this is an appropriate and locally distinctive policy seeking to protecting these important viewpoints. I do not believe, that for the purpose of meeting the basic conditions, it is necessary to bring the policy into line with the draft Local Plan policy as suggested by the LPA. I consider that the policy as proposed, already meets the basic conditions.

Policy 9 – Open Countryside

53. This policy seeks to protect the countryside from the adverse impacts of development. As a policy, it does not indicate what categories of development should be allowed in the areas outside the village boundaries. Some development by their nature are acceptable uses in the countryside e.g. agricultural uses or extensions to or the reuse of existing buildings. I believe that to provide the necessary clarity, expected of a neighbourhood plan policy, it would be helpful to cross reference compliance with appropriate other policies in the development plan. The four criteria set out in the policy are to be retained.

Recommendations

In the first sentence, after “supported” insert “where it meets the requirements of saved Policy EN1 of the Daventry District Local Plan and Policies R1 and R2

of the West Northamptonshire Joint Core Strategy (or whatever equivalent local plan policies that replace them) and .”

Policy 10 – Canals and Their Setting

54. Again, I consider this is a locally distinctive policy which meets basic conditions.

Policy 11– Local Services and Community Facilities

55. My only concern is that the wording does not point to the local service or community facilities, that the policy seeks to protect. The facilities are actually identified in the supporting text and I propose to refer to these facilities in the policy itself, apart from the Playing Field, which is already protected as Local Green Space in Policy 6.

Recommendations

Replace in the first sentence “a local service or community facility” with “the following community facilities”.

Insert between the two paragraphs.

- ***The Village Hall***
- ***The White Horse***
- ***St Martin’s Church***
- ***Welton CE Academy***

In the second paragraph, replace “a local service or community facility” with “any of the above facilities”.

Policy 12 – Communication Infrastructure

56. I have no comments to make on this policy, which meets basic conditions.

Policy 13– Traffic Management

57. The purpose of a neighbourhood plan policy is to be used for the determination of planning applications. The question that will be asked in any referendum will be along the lines of “Should the Welton Neighbourhood Development Plan be used in connection with the determination of planning applications”. Matters of traffic management are issues normally covered by a Traffic Regulation Order made by the Highway Authority, rather than by the Local Planning Authority. Any works required are invariably “permitted development” and do not need the grant of

planning permission. I do not therefore consider that the policy meets the legislative criteria of being “a policy for the use and development of land”. Planning Practice Guidance is that matters that are clearly of importance to the local community but which are not policies for the use and development of land, can be included in the neighbourhood plan document, but not as development plan policy. The advice is that they should be clearly differentiated and in the case of the Welton Neighbourhood Plan could be covered by Chapter 8, Aspirational Projects, which could possibly be retitled to “Community Aspirations”.

Recommendation

That the policy be deleted and the relevant text moved to Chapter 8 which should be retitled Community Aspirations.

Policy 14– Traffic Links to Daventry

58. This is not a land-use policy, but an aspiration for the introduction of a bus service which is primarily a budgetary issue or a public transport policy issue. It is not a policy for the use and development of land and I will again be recommending that it be transferred to Chapter 8.

Recommendation

That the policy be deleted and the relevant text moved to Chapter 8 which should be retitled Community Aspirations.

Policy 15– Business Development

59. I have no comments to make on this policy which meets basic conditions.

The Referendum Area

60. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Welton Neighbourhood Plan as designated by Daventry District Council on 14th April 2016, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

61. The Steering Group has produced a very professional neighbourhood plan, in just over 2 years. I congratulate the group on all their hard work that has gone into its

preparation. This is a plan that has been prepared for Welton by Welton's residents. Whilst the parts of the Parish on the fringes of Daventry will be under pressure, as the town needs to expand to meet housing need, this plan will protect the identity of the village itself and allow it to respond to its own needs for affordable housing by allowing for rural exception sites, if they are shown to be needed over the lifetime of the plan.

62. The plan identifies the open spaces, the community facilities and the views which it seeks to protect and encourages sustainable development. It also defines the village settlement boundary based on objective criteria.

63. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

64. I am therefore delighted to recommend to the Daventry District Council that the Welton Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

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