

**Independent Examiner's Report of the**  
**Guiltsborough Neighbourhood Development**  
**Plan**

*Author*

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*13<sup>th</sup> August 2018*

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## **SECTION 2**

### **Summary**

*As the Independent Examiner appointed by Daventry District Council to examine the Guilsborough Neighbourhood Development Plan, I can summarise my findings as follows:*

- 2.1 I find the Guilsborough Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2.2 I am satisfied that the Referendum Area should be the same as the Plan Area, should the Guilsborough Neighbourhood Development Plan go to Referendum.*
- 2.3 I have read the Guilsborough Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 2.4 I find that the Guilsborough Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 2.5 At the time of my examination the Development was the west Northamptonshire Joint Core Strategy and the saved policies of the 1997 Daventry District Local Plan (DDL P).*

## **SECTION 3**

### **Introduction**

#### **3.1 Neighbourhood Plan Examination.**

3.1.1 *My name is Deborah McCann and I am the Independent Examiner appointed to examine the Guilsborough Neighbourhood Development Plan.*

3.1.2 *I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.*

3.1.3 *My role is to consider whether the submitted Guilsborough Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Guilsborough Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.*

3.1.4 *The Guilsborough Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

3.1.5 *The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, 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. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.*

#### **3.2. The Role of Examiner including the examination process and legislative background.**

3.2.1 *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 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).*

*3.2.2 As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:*

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

*Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “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. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.*

- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

*3.2.3 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Guilsborough Neighbourhood Development Plan go to Referendum.*

3.2.4 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

3.2.5 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

3.2.6 Daventry District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

## **SECTION 4**

### **The Report**

#### **4.1. Appointment of the Independent examiner**

*Daventry District Council appointed me as the Independent Examiner for the Guilsborough Neighbourhood Development Plan with the agreement of Guilsborough Parish Council.*

#### **4.2. Qualifying body**

*I am satisfied that Guilsborough Parish Council is the Qualifying Body.*

#### **4.3. Neighbourhood Plan Area**

*Daventry District Council approved the designation of Guilsborough's Neighbourhood Development Plan Area on the 2nd October 2014. The designated Neighbourhood Area follows the Parish Boundary.*

#### **4.4. Plan Period**

*It is intended that the Guilsborough Neighbourhood Development Plan will cover the period 2016-2029.*

#### **4.5. Daventry District Council Regulation 15 Assessment of the Plan.**

*Guilsborough Parish Council, the qualifying body for preparing the Guilsborough Neighbourhood Development Plan, submitted it to Daventry District Council for consideration under Regulation 15. Daventry District Council has made an initial assessment of the submitted Guilsborough Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.*

#### **4.6. Site Visit**

*I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 5<sup>th</sup> of June 2018.*

#### **4.7. Questions for clarification**

*The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, 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. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing. However, there were*



*a number of issues on which I required clarification from the Qualifying Body. These questions were published on the Daventry District Council website together with the response from the Qualifying Body. There were also a number of representations received in the light of the questions and responses and these too have been published on the Council's website. I have carefully considered the responses and representations taken them into consideration in my conclusions and referred to them in my report where appropriate.*

#### **4.8. The Consultation Process**

*4.8.1 The Guilsborough Neighbourhood Development Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.*

*4.8.2 The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):*

*(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;*

*(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and*

*(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.*

*Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.*

*A list of statutory bodies consulted is included in the Consultation Statement.*

#### **4.9 Regulation 16 consultation by Daventry District Council and record of responses.**

*4.9.1 Daventry District Council placed the Guilsborough Neighbourhood Development Plan out for consultation under Regulation 16 from Monday 19th February 2018 to Monday 9th April 2018.*

*4.9.2 A number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.*

#### **4.10 Compliance with the Basic Conditions**

***Guilsborough Neighbourhood Development Plan***

4.10.1 The Guilsborough Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Guilsborough Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

4.10.2 I have to determine whether the Guilsborough Neighbourhood Development Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

4.10.3 Documents brought to my attention by the District Council for my examination include:

- (i) The Guilsborough Neighbourhood Development Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.
- (ii) Guilsborough Neighbourhood Development Plan Appendices
- (iii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.
- (iv) Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of SHDC and any other policies and guidance.

4.10.4 Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Guilsborough Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

## **4.11 Planning Policy**

### **4.11.1 National Planning Policy**

4.11.1.1 National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) 2012. During the course of my examination the government published the revised NPPF.

*The revised NPPF provides for transitional arrangements as follows:*

*“214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted<sup>69</sup> on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*

*(69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.*

*(22) During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”*

*Therefore for the purposes of my examination the relevant national policy document is the NPPF (2012).*

*4.11.1.2 To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.*

*4.11.1.3 The Guilsborough Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.*

*4.11.1.4 I have examined the Guilsborough Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.*

#### **4.11.2 Local Planning Policy- The Development Plan**

*4.11.2.1 Guilsborough is within the area covered by Daventry District Council. The relevant development plan, at the time of my examination was the West Northamptonshire Joint Core Strategy and the saved policies of the 1997 Daventry District Local Plan (DDLPL).*

#### **4.12 Other Relevant Policy Considerations**

##### **4.12.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

##### **Guilsborough Neighbourhood Development Plan**

4.12.1.1 As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

4.12.1.2 A screening assessment to determine the need for a SEA in line with regulation and guidance was undertaken by Daventry District Council on behalf of the Qualifying Body. The conclusion of the report was that no significant effects will occur as a result of the implementation of the Guilsborough Neighbourhood Development Plan, particularly as the neighbourhood plan does not seek to allocate any sites for development, directs all development to within or adjacent to its village confines and supports small scale development. The assessment also found that many of the policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy, which has been subject to a full SA/SEA where no significant effects were identified.

4.12.1.3 From the findings of the screening assessment it was recommended that there was no requirement for a SEA to be undertaken. All of the consultation responses from the statutory bodies concurred with this conclusion.

The following organisations are the statutory bodies for the purposes of the SEA screening:

- Natural England
- Historic England
- Environment Agency
- Daventry District Council

#### **4.12.2 Habitats Regulations Assessment (HRA)**

4.12.2.1 A screening assessment to determine the need for an HRA in line with regulation and guidance was undertaken by Daventry District Council. The conclusion of the report was that as many of the neighbourhood plan policies are in conformity with the policies of West Northamptonshire Joint Core Strategy (which was subject to a full HRA which found no significant or in combination effects) it will not result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits SPA/RAMSAR or the Rutland Water SPA/RAMSAR sites. The statutory consultees concur with this conclusion.

The following organisations are the statutory bodies for the purposes of the HRA screening:

- Natural England
- Historic England
- Environment Agency
- Daventry District Council

#### **4.12.3 Sustainable development**

4.12.3.1 *The Basic Conditions sets out the neighbourhood plan's approach to achieving sustainable development by:*

- *planning positively for housing development to help meet the needs of present and future generations by identifying opportunities to meet, and exceed the assessed need for housing up to 2029;*
- *supports the location of new development where it relates well to the existing village, and so, supports sustainable transport links, and protects the high quality of the community and environmental assets of the Plan area;*
- *Supports the expansion of the secondary school/academy, providing a service for 36 surrounding parishes.*
- *assisting the rural economy by supporting the retention of existing businesses, and encouraging new ones in Guilsborough; focusing on the vitality of the village and supporting the change of use or extension of rural buildings for business or tourist purposes;*
- *supporting the retention and enhancement of community and leisure facilities which are important to the social fabric of the village and the distinctive areas within it;*
- *protecting and enhancing the high-quality natural, built and historic environment of Guilsborough and the surrounding countryside; encouraging high quality development that responds to the distinctive character of Guilsborough and protecting and enhancing the area's public open space, biodiversity, landscape quality and heritage assets; and*
- *securing the necessary social, physical and green infrastructure needed to support the proposed development, and the additional infrastructure identified in the Neighbourhood Plan which can be provided in a timely manner.*

4.12.3.2 *My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Guilsborough Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.*

*The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.*

*I am satisfied that the Guilsborough Neighbourhood Development Plan has done so.*

*I am therefore satisfied that the Guilsborough Neighbourhood Development Plan meets the basic conditions on EU obligations.*

#### **4.12.4 Excluded development**

*4.12.4.1 I am satisfied that the Guilsborough Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*

#### **4.12.5 Development and use of land**

*4.12.1 I am satisfied that the Guilsborough Neighbourhood Development Plan, subject to modification covers development and land use matters.*

#### **4.12.6 General Comments**

*4.12.6.1 Planning Guidance on preparing neighbourhood plans and policies is clear, it states:*

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

*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. 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. For example, set out in a companion document or annex.”*

*4.12.6.2 In order to provide clarity and to ensure that the policies in the Guilsborough Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:*

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.*
- It has been necessary to replace ‘permitted’ with ‘supported’ as the power to determine planning applications lies with the Local Planning Authority.*
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning*

applications.

4.12.6.3 As I have found it necessary to modify a number of policies it will also be necessary to modify the supporting text within the plan to align with the modified policies. The details of these modifications are set out within my comments on the related policies. My comments on policies are in **blue** with the modified policies in **red**.

4.12.6.4 In addition to policy specific text modification, Daventry District Council have highlighted the issue relating to the “emerging” Settlements and Countryside Local Plan as follows:

“Where policies or supporting text from the emerging Settlements and Countryside Local Plan have been copied and pasted into the GNDP or stated so they are read as statements of fact they should be removed as they may be subject to change following consultation and examination.

4.12.6.5 Para 27, 89 – Text from SCLP should be deleted

4.12.6.6 Where text is copied and pasted from the saved 1997 Local Plan this should be caveated to say the policies will be replaced as they will be replaced by the SCLP and if left in it will soon be out of date. (p15, para 130)

4.12.6.7 Paragraph 47-49 should be condensed as the Settlements and Countryside Local Plan is still emerging. The final sentence of para 47 should be deleted as guidance on the weight to be applied to policies is set out in national guidance.

4.12.6.8 Para 49, 112, 116, 121, 133, 163 include references related to emerging text and policies in the Settlements and Countryside Local Plan. Such references should be deleted or clarification provided that these policies are still emerging and could be subject to change or removal from the plan following consultation and examination. Para 96 and 97 appear to repeat each other.”

#### **4.12.6.9 RECOMMENDATION**

**I agree that the revisions suggested by Daventry District Council and detailed above should be made. Including clarifying the text in paragraphs 49, 112, 116, 121, 133 and 163 and the deletion of any repeated text in paragraphs 96 and 97. However the text in paragraph 27,89 referring to the SCLP can remain provided that it is revised to make clear that it is in draft and may be subject to modification.**

4.12.6.10 Daventry District Council also draws attention to paragraph 44:

4.12.6.11 “Para 44 - This sentence should be amended to be clear that the neighbourhood plan only needs to be in conformity with the strategic policies in the Development Plan. This

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sentence also doesn't appear to fit within the sub heading 'Daventry District 1997 Saved Policies'. It would better be merged with para 45 to create a new paragraph 45 that is consistent with the Basic Conditions that plans are required to satisfy. For example:

4.12.6.12 "The Guilsborough Neighbourhood Development Plan has regard to national planning policy, is in general conformity with the strategic policies in the Development Plan for Daventry. This includes the West Northamptonshire Joint Core Strategy and the saved policies of the Daventry District Local Plan. The Evidence base used to inform the plan includes the Guilsborough Housing Needs Survey and the Guilsborough Parish Planning Policy."

#### **4.12.6.13 RECOMMENDATION**

**I agree that the revisions suggested by Daventry District Council and detailed above should be made to provide clarity in the text and avoid confusion.**

### **4.13 The Neighbourhood Plan Vision, Strategic Aims and Policies**

#### **4.13.1 VISION FOR GUILSBOROUGH**

**4.13.1.1 The Vision and Objectives for Guilsborough Parish emerge from the results of the GNDP questionnaire, the key issues and other background evidence outlined in this plan.**

**The Vision is: "In 2029, Guilsborough Parish will still be a thriving rural community with strong, high quality and improved community services providing for the parish and surrounding villages. Whilst limited development will be acceptable, all development will respect the local historic built form and architecture, our strong heritage character, historic linear form, valued ridgeline and 'Uplands' landscapes. The parish will have continued to adapt to the changing needs of the community through the provision in small-scale new housing allowing older people to down-size and younger people to start on the housing ladder. The opportunities for small-scale employment for local people will help rural businesses to thrive. Our agricultural base will continue to be supported for its important economic and environmental role".**

#### **Objectives of the Neighbourhood Development Plan**

**The GNDP is committed to the ideas of sustainability as expressed in the NPPF incorporating economic, social and environmental factors, and the GNDP objectives are:**

**A. Provide a limited number of dwellings that meets the assessed local parish needs for Affordable Houses and for smaller low-price market homes. This will include small**



**family homes, homes for young people starting on the housing ladder and homes for the elderly.**

**B. Provide some further rural employment (including tourism employment) opportunities in the parish for residents, particularly where this provides opportunities to reduce commuting, including support for small scale agricultural diversification and enhanced amenities for the community.**

**C. Ensure the preservation and enhancement of the best qualities of traditional and local distinctiveness including heritage, landscape, biodiversity and form and character of the village and the Parish.**

**D. Address traffic, parking and pedestrian movement and safety issues in Guilsborough village, from local residents, those that travel to the villages for services and those that travel through the village for other purposes. This will include specific measures to reduce major issues with HGVs, speeding traffic, and localised and peak time traffic and parking issues.**

**E. Protect, support and enhance all the valued amenities in the village. This will include supporting the upgrading and enlargement of the village hall, the sustainability of the village pub and shop, facilities for youth and the elderly including the upgrading of play facilities and a new multi-use games area, amongst other amenities and services.**

**F. Protect and enhance access to informal recreation in the surrounding countryside and the green spaces and footpaths much valued by the community.**

**G. Provide for small-scale limited provision in renewable domestic energy generation that does not impact harmfully on residential amenity, the built environment and the valued landscape.**

#### **4.13.1.2 COMMENT**

*I am satisfied that the Vision, aims and objectives of the Guilsborough Neighbourhood Development Plan were established as a result of the community consultation and engagement carried out as part of the plan preparation process. I am also satisfied that the policies in the Plan were developed from the vision, aims and objectives.*

#### **Guilsborough Neighbourhood Plan Policies**

##### **4.13.2 Policy 1: General Development Policy**

**Meets objectives: A, C**

**Proposals for development will be supported provided that they:**

- i. Mitigate any impact on residential amenity;***
- ii. Mitigate any impact on the landscape, character and heritage assets;***
- iii. Provide safe access;***
- iv. Mitigate any impact on traffic and highway safety, including issues with narrow lanes such as the Cold Ashby Road and Nortoft;***
- v. Mitigate impact on on-street car parking;***
- vi. Seek to protect the Parish's best agricultural land;***
- vii. Be designed to integrate well with the nearby existing buildings and structures in terms of scale, location and design as well as support the wider character and distinctiveness of the village;***
- viii. Mitigate adverse impacts arising from noise, light or air contamination, land instability, or cause ground water pollution;***
- ix. Can be provided with the necessary utilities, infrastructure and public services, and be served by public transport where appropriate;***
- x. Supports contributions to infrastructure through s106 and/or CIL (see section on developers' contributions)***
- xi. Meet other policies in this GNDP and the wider Local Development Plan.***

#### **4.13.3 COMMENT**

*Please see my general comments at the beginning of this section (4.12.6.1 and 4.12.6.2).*

*Planning Guidance on preparing neighbourhood plans and policies is clear, it states:*

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

*Neighbourhood planning can inspire local people and businesses to consider other ways to*

*improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. 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. For example, set out in a companion document or annex.”*

#### **4.13.4 RECOMMENDATION**

*Criteria 3 of policy 8 refers to general development and I consider fits more appropriately in policy 1 than policy 8. As currently worded the policy in some points fail to provide ‘sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications’ or seeks to impose more restrictive controls than currently exist in local and national policy. For clarity and to meet the Basic Conditions, the policy should be modified as follows:*

#### **4.13.5 Policy 1: General Development Policy**

**Meets objectives: A, C**

**Proposals for development will be supported where they meet other policies in the Guilsborough Neighbourhood Plan, the Development Plan and:**

- i. Protect the amenity of existing residents;***
  - ii. protect the landscape, character and heritage assets;***
  - iii. provide safe access;***
  - iv. mitigate impact on traffic and highway safety, including issues with narrow lanes such as the Cold Ashby Road and Nortoft;***
  - v. mitigate impact on on-street car parking;***
  - vi. seek to protect the Parish’s best agricultural land;***
  - vii. are designed to integrate well with the nearby existing buildings and structures in terms of scale, location and design as well as support the wider character and distinctiveness of the village. This is particularly important in the Historic Core of the High Street and Nortoft where any development will need to be particularly sensitively developed, commensurate with the status of its individual features and with the setting of the streetscape as a whole.***
  - viii. mitigate impacts arising from noise, light or air contamination, land instability and***
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*would not result in land instability, or cause ground water pollution.*

*ix. can be provided with the necessary utilities, infrastructure and public services, and be served by public transport where appropriate;*

*x. utilise sustainable construction methods (where viable and where the appearance does not conflict with other criteria in this policy), including minimising the use of non-renewable resources, limiting harmful climate change, and maximising the use of recycled and sustainably sourced materials;*

*xi. where appropriate provide accessible and legible connections for all members of the community;*

*xii. Create a safe environment that minimises opportunities for crime;*

*xii. where appropriate Incorporates designs that can be easily adapted to accommodate changing personal health circumstances, lifestyles and technologies;*

*xiii. supports contributions to infrastructure through s106 and/or CIL (see section on developers' contributions) where required.*

#### **4.13.6 Policy 2: Village Confines**

**Meets objectives: A, C**

**1. Development shall be focused within the Village Confines of Guilsborough as shown on the Village Confines Map. Development proposals will be supported in these locations subject to compliance with other policies in the development plan.**

**2. Development directly adjacent to the Village Confines is classified as being in open countryside and development here will only be acceptable in exceptional circumstances where it is:**

**i. Immediately adjacent to the Village Confines, and**

**ii. Able to mitigate impact on sensitive views, landscape, character, heritage or other constraints identified in the development plan, including on the GNDP Proposals Map;**

**and**

**iii. Needed to meet the housing needs identified in the most up to date Housing Needs**

**Assessment, and this GNDP, including small bungalows and Starter Homes, or**

**iv. It is a use which represents very small-scale sustainable employment development, and which is appropriate and directly related to, necessary support of the rural**

**economic needs of the parish, or**

**v. It is a Rural Exception Site.**

#### **4.13.7 COMMENT**

*Daventry District Council have requested minor changes to the policy to avoid any confusion or conflict with the open countryside policy; and to ensure the policy has longevity by making the reference to meeting local housing needs explicit and reliant on the most up to date housing needs survey. It has been pointed out that there are 4 minor amendments needed to the confines boundary that should be made to ensure it reflects those that have been consulted on in the Settlements and Countryside Local Plan and also the guidance prepared on defining confines and that the word "draft" should be removed from the map.*

#### **4.13.8 RECOMMENDATION**

*I recommend that these changes are made.*

#### **4.13.9 COMMENT**

*Development outside the Village Confines will by definition be an "exception" therefore new residential development would need to meet the definition set out in p the NPPF (2012):*

*"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding."*

*Whilst the inclusion of bungalows and starter homes can be encouraged, it cannot be required.*

*I am satisfied that the rewording of the policy does not result in the policy not being in "general conformity " with the strategic policies of the development Plan, in particular JCS policy R1.*

#### **4.13.10 RECOMMENDATION**

***For clarity and in order to meet the Basic Conditions the policy should be modified as follows:***

#### **4.13.11 Policy 2: Village Confines**

***Meets objectives: A, C***

***1. Development shall be focused within the Village Confines of Guilsborough as shown on the Village Confines map. Development proposals will be supported in these locations subject to compliance with other policies in the development plan.***

***2. Development outside the Village Confines is classified as being in open countryside and development here will only be acceptable in exceptional circumstances where it is:***

***i. Immediately adjacent to the Village Confines, and***

***ii. Able to mitigate impact on sensitive views, landscape, character, heritage or other constraints identified in the development plan, including on the GNDP Proposals Map; and***

***iii. It is a Rural Exceptions Site or required to meet the housing needs identified in the most up to date Housing Needs Assessment.***

***iv. It is a use which represents very small-scale sustainable employment development, and which is appropriate, directly related to, and necessary to support of the rural economic needs of the parish.***

## **Housing**

#### **4.13.12 Policy 3: Housing General**

***Meets objectives: A, C, D, E***

***Small-scale housing development is supported where this meets the community's aspiration for housing levels, and should meet the following criteria;***

***1. Developments should provide a mix of house sizes and types to include 2-bedroom market houses and 2-bedroom market bungalows;***

***2. Be in the Village Confines where it would not adversely impact any of the following:***

***i. Landscape,***

*ii. Public or private amenity,*

*iii. The character of village,*

*iv. Lead to loss of open space or local green space identified in the Proposals Map,*

**3. Proposals for new housing that is in the Open Countryside will only be permitted in the following exceptional circumstances:**

*i. The conversion of an existing building, on a footprint close to its original size, or ii. A single small dwelling, or a small building to support a local rural enterprise; or iii. Part of a Rural Housing Exception Site, or*

*iv. Otherwise meets GNDP Policy 2 (Village Confines), or*

*v. Otherwise provided for in the Development Plan.*

#### **4.13.13 COMMENT**

*Daventry District Council point out that a revision is needed to paragraph 102 and it should be amended:*

*“The text refers to the wrong policy in the WNJCS in the second sentence of this paragraph.*

*The need of 2,360 rural homes identified in Policy S3 has been exceeded.”*

#### **4.13.14 RECOMMENDATION**

***The policy error should be corrected.***

*Daventry District Council point out the following in Paragraphs 106 and 107:*

*“This section includes a copy of an interim parish council policy which is potentially confusing to the reader as it is not part of the plan. Suggest this section is either deleted in its entirety or condensed down with reference made to the appendix where this interim parish council policy is.”*

#### **4.13.15 RECOMMENDATION**

***Paragraph 107 deleted and paragraph 106 should be modified as follows:***

***...the Parish Council drafted an interim Neighbourhood Plan Housing Policy. There was an overwhelming majority in favour of the draft proposals and Guilsborough Parish***

***Guilsborough Neighbourhood Development Plan***

**Council adopted it as policy in February 2015; The 'Interim Neighbourhood Plan Position for Housing Development in Guilsborough (see Appendices)'**

#### **4.13.16 RECOMMENDATION**

**Paragraph 128 to be revised as suggested by Daventry District Council.**

Paragraphs 129 and 132:

*Daventry District Council recommended:*

*"Paragraph 129 should be amended as set out below. The scale will be judged relative to the location in the village. To dictate a number of dwellings would be too prescriptive.*

*The second part of the paragraph should also be deleted as this statement is based on needs in the current housing needs survey and takes no account for future housing needs over the lifetime of the plan.*

*'Small scale' housing in the GNDP policy is generally considered to be sites up to 12 dwellings, however in determining 'small scale', other considerations will need to be taken into account such as the location of the site within the village"*

*"Para 132 attempts to dictate how DDC would define small scale when judged against the saved Local Plan policy HS22. It is not for the neighbourhood plan to do this."*

*The Qualifying Body does not agree with these suggested amendments and suggest:*

*" Paragraph 129 'Small scale' housing in the GNDP policy is therefore defined for Guilsborough as ranging from single properties up to a group of houses of about 11 or 12 homes, leading to a total of up to a maximum of 28 homes over several sites over the plan period. One development of 11 or 12 homes with the current 40% affordable housing policy would meet all the affordable housing needs and the vast majority of the market homes needs identified in the current Housing Needs Survey. This level of housing would also likely be able to support the delivery of other smaller market homes (two-bedroom houses and bungalows), noting the very strong community desire for such smaller market homes should be a material consideration in any planning application.*

*In relation to proposed changes to para 132 we strongly disagree this dictates to DDC how it defines small scale. It fully supports extant Policy HS22, it is not contrary to the JCS or the emerging SCLP. In this context it is up to a Neighbourhood Plan to define small-scale. It is suggested Para 132 should remain as is."*



#### **4.13.17 RECOMMENDATION**

*On balance I consider that the Qualifying Body's amendments are acceptable and revisions made to paragraphs 129-132 accordingly.*

#### **4.13.18 COMMENT**

*The following amendments to the policy will ensure that the policy can apply to all housing developments, including where there is a proposal for only 1 house. It also provides clarity of how to view proposals for housing both inside and outside the confines.*

#### **4.13.19 RECOMMENDATION**

*For clarification and to meet the Basic Conditions the policy should be modified as follows:*

#### **4.13.20 Policy 3: Housing General**

*Meets objectives: A, C, D, and E*

*Small-scale housing development within the Village Confines is supported where this meets the community's aspiration for housing levels, and should meet the following criteria:*

*1. Developments should provide a mix of house sizes and types to include 2-bedroom market houses and 2-bedroom market bungalows where appropriate;*

*2. Be within the Village Confines where it would not adversely impact any of the following:*

*i. Landscape,*

*ii. Public or private amenity,*

*iii. The form and character of village,*

*iv. Lead to loss of open space or local green space identified in the Proposals Map,*

*Policy 3 (a). Housing in the Open Countryside*

*Proposals for residential development in the open countryside will only be supported in the following exceptional circumstances:*

- i. Where planning permission is required, and it involves the conversion of an existing building*
- ii. It comprises a single small dwelling to support a local rural enterprise; or*
- iii. is a Rural Housing Exception Site, or*
- iv. Otherwise meets GNDP Policy 2 (Village Confines) or is otherwise provided for in the Development Plan.*

#### **4.13.21 Policy 4: Affordable Housing**

**Meets objectives: A, C, D, E**

- 1. The amount and type of affordable homes to be delivered will be based on the latest Housing Needs Survey;**
- 2. The identification of a location for a Rural Housing Exception Site to deliver the affordable housing needs of the Parish, as identified and updated by the latest Housing Needs Study will be supported. It is desirable to deliver these needs as early as is practicable;**
- 3. All Affordable Homes, and those market homes necessary to make an Exception Site viable, will be restricted in perpetuity to local people, or persons with strong local connections.**

#### **4.13.22 COMMENT**

*I agree with Daventry District Council's comments that it is unclear whether this policy is intended to be an affordable housing policy or rural exception site policy. It is not possible to restrict the occupation of open market housing without imposing a primary residence occupation condition. I have not been provided with evidence to support this and have therefore deleted this element of criteria 3 of the original policy.*

#### **4.13.23 RECOMMENDATION**

**For clarity and to meet the Basic Conditions the policy should be modified as follows:**

#### **4.13.24 Policy 4 Affordable Housing**

**Meets objectives: A, C, D, and E**

- 1. The number and type of affordable homes to be delivered will be based on the latest Housing Needs Survey.**

#### **Policy 4(a): Rural Housing Exception Sites**

**The identification of a location for a Rural Housing Exception Site to deliver the affordable housing needs of the Parish, as identified and updated by the latest Housing Needs Study will be supported. It is desirable to deliver these needs as early as is practicable;**

**All Affordable Homes will remain affordable housing in perpetuity. They will be allocated first to local people, or persons with a strong local connection and then use the cascade set out in the Housing SPD for Daventry District.**

#### **Employment and Small Businesses**

##### **4.13.25 Policy 5: Employment**

**Meets objectives: B, C, D, E**

**1) Small scale development to support local businesses would be supported, but only where this involved the conversion of small buildings to small-scale employment uses or for the diversification of existing small rural enterprises including tourism, and where it is acceptable in terms of highways safety and does not conflict with other policies in this GNDP.**

**2) Existing employment locations will be protected unless it can be proved the site is unsuitable for such a use, or there is insufficient demand for its current use, or other employment use.**

**3) To support the development of small-scale tourism and other related small-scale agricultural diversification, the following proposals will be supported, provided that any detrimental impact on residential amenities or highway safety can be mitigated:**

**a) Visitor accommodation in existing buildings (e.g. Bed and Breakfast);**

**b) Appropriate infrastructure to support such tourism development (e.g. car parking, public toilets, a small retail area); and**

**c) Small-scale enhancements (including footpaths, signage, information boards, public art) to existing, or to create new, tourist attractions.**

##### **4.13.26 RECOMMENDATION**

**I have no comment on this policy as it meets the Basic Conditions.**

## **Transport, Traffic and Parking**

### **4.13.27 Policy 6: Transport, Traffic and Parking**

**Meets objectives: A, C.**

- 1. Proposals for traffic calming on the West Haddon Road will be supported. Traffic calming in Nortoft will be supported but only if this does not significantly affect Nortoft's valued and sensitive character and heritage value (see Policies 8 and 11).**
  - 2. Proposals to protect and improve current car parking, and provide new off-road parking will be supported, this will include off-highway solutions where this does not conflict with other policies in this GNDP.**
  - 3. Any improvements to the bus service will be supported.**
  - 4. Any increase in the parking of school related cars and buses within the existing secondary school grounds will be supported, where this does not conflict with other policies in this GNDP. The scale of any expansion of the Guilsborough Academy School will need very careful consideration in relation to adequate mitigation of traffic and parking impacts. (Also see Policy 10.4)**
  - 5. Existing highway parking, including designated off-road parking will be protected. Such off-road parking may benefit from clearer white line markings, and if necessary and appropriate, signage.**
  - 6. Due to the special difficulties of parking and traffic, any new housing in Guilsborough should aim to provide adequate off-road parking as follows.**
    - i. 2/3 bedroom dwellings, a minimum 2 parking spaces,**
    - ii. 4/5 bedroom dwellings, a minimum 3 parking spaces.**
    - iii. Parking allocation should avoid using closed garages and tandem parking should be avoided.**
- Options to vary the above may be considered if equivalent new, accessible, safe and attractive to use, small-scale, off-road communal parking is provided.**
- 7. Opportunities to provide off-highway parking for users of the church will be welcomed.**

#### **4.13.28 RECOMMENDATION**

*I have no comment on this policy as it meets the Basic Conditions.*

#### **ENERGY**

##### **4.13.29 Policy 7: Energy**

**Meets objectives: G**

**1. Small scale domestic renewable energy schemes would be supported, as this scale of development is unlikely to have a significant adverse effect on the landscape character.**

#### **4.13.30 RECOMMENDATION**

*I have no comment on this policy as it meets the Basic Conditions.*

#### **Landscape and Village Design and Character**

##### **4.13.31 Policy 8: Landscape, Views and Character**

**Meets objectives: A, B, C, D.**

**1. All development should seek to preserve and enhance the character of the village by:**

**i. considering existing development in the village in terms of size, scale, density, massing layout, setting, use of materials and respecting and utilising the best qualities of local distinctiveness and architectural detailing in the Village.**

**ii. This is particularly important in the Historic Core of the High Street and Nortoft where any development will need to be particularly sensitively developed, commensurate with the status of its individual features and with the setting of the streetscape as a whole.**

**iii. Where a development will lead to less than substantial harm to the significance of the Historic Core, this harm should be weighed against the public benefits of the proposal. In the case of some listed buildings this may also include securing its optimal viable use where this is necessary to protect the building;**

**2. Any development will be required to take close account of the following to ensure**

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***the landscape character and important views (criterion 4 in this policy) are preserved and wherever possible enhanced:***

***i. DDC Policy EN1 (Special Landscape Area) and its recent update in the emerging SCLP Part 2 (ENV2 Special Landscape Area); and***

***ii. Historic England's advice on the setting of historic assets; and***

***iii. Natural England's Northamptonshire Uplands and Ironstone Uplands (particularly 'Guilsborough Ironstone') Landscape Character types with its Landscape Strategy for these including the sensitivity of development on hill slopes, ridges and prominent sites on the edge of the village and its tranquillity;***

***3. All new development proposals will be expected to demonstrate compliance with all the following criteria:***

***i. Utilise sustainable construction methods (where viable and where the appearance does not conflict with other criteria in this policy), including minimising the use of non-renewable resources, limiting harmful climate change, and maximising the use of recycled and sustainably sourced materials;***

***ii. Provide accessible and legible connections for all members of the community;***

***iii. Create safe environments that minimise opportunities for crime;***

***iv. Incorporate designs that can be easily adapted to accommodate changing personal health circumstances, lifestyles and technologies.***

***4. Development will be required to take account of the protected views and these views should be preserved and wherever possible enhanced:***

***V1: The long views of the church and its setting on the approach from West Haddon, typically West of Mud Barn;***

***V2: The short and long views from the GPFA recreation ground and Right of Way CS5;***

***V3: The short and long views from Nortoft over the Saxon fish ponds and out towards Cottesbrooke;***

***V4: The views up into Nortoft on arrival towards the village;***

**V5: The views out of the Village Recreation Ground (western half);**

**V6: The long views from the A5199/Welford Road across the reservoir to the North-Eastern vista of the village;**

**V7: The views into the Bronze/Iron Age/Roman fort on the approach up the Coton Road and its setting;**

**V8: The long views into the village from the Ravensthorpe approach; V9: Views within the Historic Core of the High Street and Nortoft; V10: Views over the wider historic fort area from Church Mount;**

**5. Where planning permission is required any extensive hard or soft landscaping including the planting of tree belts will need to avoid having a significant detrimental impact on the important views;**

**6. Regard should be had for the Northamptonshire Countryside Design Guide (CPRE/RFT) until a full village design guide is prepared and adopted. (See also GNDP General Policy 1).**

#### **4.13.32 COMMENT**

*This policy seems to mix elements relating to landscape character and views with elements more appropriately located within a general development policy or heritage policy. The policy as currently worded is confusing, refers to emerging policy rather than just the existing development plan and seeks to introduce additional controls which would not have regard for national policy or be in general conformity with local policy.*

*In my modification of policy 1 I have included criteria 3 of this policy. I consider that points i is already covered in policy 1 but I have included the additional text of point ii. Point iii does not meet the Basic Conditions as it seeks to impose additional controls not supported by national policy.*

#### **4.13.33 RECOMMENDATION**

**For Clarity and to meet the Basic Conditions the policy should be modified as follows:**

#### **4.13.34 Policy 8: Landscape, Views and Character**

**Meets objectives: A, B, C, and D.**

**1.To ensure the landscape character and important views are preserved and wherever**

*possible enhanced, any development will be required to:*

*i. have regard to Natural England's Northamptonshire Uplands and Ironstone Uplands (particularly 'Guilsborough Ironstone') Landscape Character types with its Landscape Strategy for these including the sensitivity of development on hill slopes, ridges and prominent sites on the edge of the village and its tranquility.*

*ii. Preserve and wherever possible enhance the protected views listed in figure 4 and identified on figure 9 as follows:*

*V1: The long views of the church and its setting on the approach from West Haddon, typically West of Mud Barn;*

*V2: The short and long views from the GPFA recreation ground and Right of Way CS5;*

*V3: The short and long views from Nortoft over the Saxon fish ponds and out towards Cottesbrooke;*

*V4: The views up into Nortoft on arrival towards the village;*

*V5: The views out of the Village Recreation Ground (western half);*

*V6: The long views from the A5199/Welford Road across the reservoir to the North-Eastern vista of the village;*

*V7: The views into the Bronze/Iron Age/Roman fort on the approach up the Coton Road and its setting;*

*V8: The long views into the village from the Ravensthorpe approach;*

*V9: Views within the Historic Core of the High Street and Nortoft; V10: Views over the wider historic fort area from Church Mount;*

*2. Where planning permission is required any extensive hard or soft landscaping including the planting of tree belts will need to avoid having a significant detrimental impact on the important views;*

*3.Regard should be had for the Northamptonshire Countryside Design Guide (CPRE/RFT) until a full village design guide is prepared and adopted.*



## **Local Green Space, Open Space and Biodiversity**

### **4.13.35 Policy 9: Local Green Space, Open Space and Biodiversity**

**Meets objectives: C, F.**

#### **Local Green Space**

**1. The following areas are designated as Local Green Space as the most valued and irreplaceable areas of amenity and heritage land in the village.**

**a) The Village Greens**

**b) The Village Recreation Ground (playing field and amenity open space)**

**2. New built development on the Local Green Spaces will only be permitted in the most special circumstances.**

#### **Open Space**

**3. The following areas are designated as formal open space and as highly valued areas, some for their recreational amenity value, some for the contribution they make to visual amenity and/or heritage. They include:**

**a) The GPFA Playing Field.**

**b) Cold Ashby Road Paddock**

**c) The Village Recreation Ground (children's play and youth area) d) The Historic Fort**

**4. Open Spaces should be protected and enhanced. Any loss of Open Space will only be supported where alternative Open Space is provided with at least as good and preferably better, quality, size, tenure, attractiveness and accessibility, or where the loss of the open space will bring about community recreation (or in the case of the fort – heritage) where the benefits significantly outweigh the loss of the open space.**

#### **Biodiversity**

**5. Landscaping and boundary treatments for all new development shall use native plant species and where possible, protect and incorporate existing native vegetation, so as to protect and enhance a wide variety of wildlife;**

**6. Existing wildlife and habitats, including aquatic habitats, shall be protected, enhanced, and where possible new ones created. This includes ensuring mature and established trees are protected and incorporated into landscaping schemes wherever possible. Protection should be commensurate with the status of the features.**

#### **Gardens**

**7. The extension of domestic gardens into the open countryside will be resisted.**

#### **4.13.36 COMMENT**

*Daventry District Council raises the following issue in relation to paragraph 206:*

*“The supporting text cannot attempt to introduce a policy designation to areas of land outside the policy. The following changes to this paragraph should be made.*

*The two open countryside access areas (the Fishponds Field and the Dog Walking field) are very highly valued as open space. The landowner has allowed use for many years on a grace and favour basis, and more recently through the Countryside Access Scheme, and this has been of great benefit to the community. Securing long term access to these areas is an important aspiration for the community.”*

#### **4.13.37 RECOMMENDATION**

***I concur with Daventry District council’s view and the changes suggested should be made.***

***Figure 7 Formal Recreational Open Space and Policy 9. G4 – The boundary of the open space crosses into private gardens and should be revised accordingly.***

***Paragraphs 207-211 refer to heritage and would be better moved to the heritage section of the plan.***

#### **4.13.38 COMMENT**

*Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.*

*Paragraph 77 of the NPPF:*

*“The Local Green Space designation will not be appropriate for most green areas or open*

space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

In addition, the Local Green Space should be capable of enduring beyond the plan period and not be subject to a local plan allocation. Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

My conclusion is that the proposed Local Green Spaces do meet the required tests.

For open spaces Planning Policy Guidance states:

“Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 114), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Planning Policy Framework paragraphs 6-10).”

The National Planning Policy Framework, paragraph 74 states:

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better

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*provision in terms of quantity and quality in a suitable location; or*

- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

*The neighbourhood planning process does not, in contrast to Local Green Space designation enable the allocation or designation of public open spaces, more the identification of existing spaces or the need for additional ones.*

*I have received representation that the boundary of the open space G4 crosses into private gardens and also has no public access, not visible from any public viewpoint and is therefore not suitable to be designated as open space. In addition, as a non-designated heritage asset it does have protection nationally, locally and through policy 11.*

*The National Planning Policy Framework identifies open space as follows:*

*“Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

#### **4.13.39 RECOMMENDATION**

***Having considered this policy and the representations received carefully I consider the policy deals with three separate elements and would be better split into three policies. I consider that area G4 due to its lack of visibility and access does not comfortably sit as an open space, does not “offer important opportunities for sport and recreation and can act as a visual amenity” and should be deleted from this section. I am unclear why it was not put forward as a Local Green Space. However as noted above it does have other policy protection. For clarity and to meet the Basic Conditions the policy should be modified as follows:***

#### **4.13.40 Policy 9 (a) Local Green Space**

***1. The following areas are designated as Local Green Space as the most valued and irreplaceable areas of amenity and heritage land in the village, where in accordance with the National Planning Policy Framework inappropriate development will only be permitted in “very special circumstances”.***

***a) The Village Greens***

***b) The Village Recreation Ground (playing field and amenity open space)***

#### **4.13.41 Policy 9 (b) Open Space**

**1. The following areas are identified as open space and as highly valued areas, some for their recreational amenity value, and some for the contribution they make to visual amenity and/or heritage. They include:**

**a) The GPFA Playing Field.**

**b) Cold Ashby Road Paddock**

**c) The Village Recreation Ground (children's play and youth area)**

**2. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:**

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.**

#### **4.13.42 Policy 9 (c) Biodiversity**

**To protect and enhance biodiversity:**

**1. Landscaping and boundary treatments for all new development shall use native plant species and where possible, protect and incorporate existing native vegetation**

**2. Existing wildlife and habitats, including aquatic habitats, shall be protected, enhanced, and where possible new ones created. This includes ensuring mature and established trees are protected and incorporated into landscaping schemes wherever possible. Protection should be commensurate with the status of the features.**

**3. The extension of domestic gardens into the open countryside will be resisted.**

#### **Other Valued Community Amenities and Services**

#### **4.13.43 Policy 10: Other Valued Community Amenities and Services**

**Meets objectives: A, B, C, D, E, F.**

- 1. The identified valued community amenities and services in the village will be protected and where appropriate enhanced.**
- 2. Proposals to enhance and improve these assets will be supported only when they:**
  - i. Do not have an adverse impact on residential amenity; and**
  - ii. They provide suitable access, car parking and necessary ancillary facilities.**
- 3. Proposals for any loss of these Valued Amenity and Service Assets will only be supported if the following can be demonstrated:**
  - i. The proposal includes alternative provision, on a suitable site within the Village, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or**
  - ii. Development that results in their loss will only be permitted where the site is no longer attractive to the market for its existing permitted use as demonstrated by independent evidence that it has been actively marketed for a period of 12 months and there is no longer an economic justification to protect the asset for community use; or**
  - iii. There are sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the settlement hierarchy**
  - iv. Opportunities for diversification of the business will be supported providing that it retains some useable, viable floorspace for its original function that meets the assessed needs of the community.**
- 4. Expansion of the Guilsborough Academy would be supported subject to:**
  - i. A detailed workable and monitored school travel plan consulted upon with Daventry District Council and Northamptonshire County Council – the latter being the statutory Highways Authority.**
  - ii. This school travel plan will be reviewed by Guilsborough Parish Council working with the Academy and Daventry District Council and Northamptonshire County Council (the latter party to be involved only if required by Northamptonshire County Council) on a two-yearly basis with full support through monitoring data provided by the school.**
  - iii. The provision of formal, internal and/or off highway parking and drop off space for**

*motor-vehicles including cars and coaches sufficient to meet all of the school's daily needs.*

*iv. Physical restriction of parking on the verges outside or close to the school.*

*5. New, small scale community facilities for youth and the elderly will be supported.*

#### **4.13.44 COMMENT**

*I agree with Daventry District Council's concerns about criteria 4, placing unreasonable conditions on development proposals, which would not have regard for national policy.*

#### **4.13.45 RECOMMENDATION**

*For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### **4.13.46 Policy 10: Other Valued Community Amenities and Services**

***Meets objectives: A, B, C, D, E, and F.***

***1. The identified valued community amenities and services in the village will be protected and where appropriate enhanced.***

***2. Proposals to enhance and improve these assets will be supported where they:***

***i. Do not have an adverse impact on residential amenity; and***

***ii. They provide suitable access, car parking and necessary ancillary facilities.***

***3. Proposals for any loss of these Valued Amenity and Service Assets will only be supported if the following can be demonstrated:***

***i. The proposal includes alternative provision, on a suitable site within the Village, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or***

***ii. Development that results in their loss will only be supported where the site is no longer attractive to the market for its existing permitted use as demonstrated by independent evidence that it has been actively marketed for a period of 12 months and there is no longer an economic justification to protect the asset for community use; or***

***iii. There are sufficient alternative equivalent services accessible in the village or immediate locality having regard to its contribution to the settlement's role in the***

### **settlement hierarchy**

**iv. Opportunities for diversification of the business will be supported providing that it retains some useable, viable floorspace for its original function that meets the assessed needs of the community.**

**4. Expansion of the Guilsborough Academy will be supported subject to:**

**i. A school travel plan agreed with Daventry District Council and Northamptonshire County Council and**

**ii. Appropriate mitigation of any additional impact on the highway network, which could include:**

**a) The provision of formal, internal and/or off highway parking and drop off space for motor-vehicles including cars and coaches required to make the development acceptable:**

**b) Physical restriction of parking on the verges outside or close to the school, wherever possible.**

**5. New, small scale community facilities for youth and the elderly will be supported.**

### **Valued Heritage Assets**

#### **4.13.47 Policy 11: Valued Heritage Assets**

**Meets objectives: A, B, C, F, G.**

**1. The Historic Fort, which has pending Scheduled Ancient Monument status, and the Saxon Fishponds area, and their settings, should be protected and enhanced and only in very exceptional circumstances may any development be acceptable including proposals that make a positive contribution to, or which better reveal the significance of designated heritage assets, and then only following a comprehensive, robust heritage, landscape and archaeological surveys, and then where the impact, with acceptable mitigation, is judged to have very limited adverse impact. The setting of the fort includes the view within, to and from it, and as covered by Policy 9.**

**2. The Historic Core of the village is identified in the Policies Map and is based around the historic streetscape of the High Street and Nortoft. It is a highly valued heritage asset (as are the views into and out of it) and development will be supported where there are high quality proposals that respond positively to their context by reinforcing**



*local distinctiveness including street pattern, siting, form, scale, mass, use, materials and architectural features. (Also see Policy 8).*

**3. Other areas of heritage value including those outside of the Village Confines, such as “ridge and furrow” field systems and other areas of archaeological interest, should be conserved where their value is proven by an archaeological survey and the scale of the harm undermines their value. Such surveys need to be robustly carried out ahead of any planning consent and any development.**

**4. Where proposals would result in harm or loss to a designated asset (that cannot be avoided, or avoidable adverse impacts mitigated), a clear and convincing justification for the harm, including public benefits, must be provided. Proposals will not be supported where the case for harm cannot be justified.**

#### **4.13.48 COMMENT**

*National and local policy already exists which sets out clearly how proposals affecting non-designated heritage assets should be considered. As currently worded this policy does not accurately reflect existing policy.*

#### **4.13.49 RECOMMENDATION**

**For Clarity and to meet the Basic Conditions the policy should be modified as follows:**

#### **4.13.50 Policy 11: Non-Designated Heritage Assets**

**Meets objectives: A, B, C, F, and G.**

**Proposals affecting non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and policy BN5 of the WNJCS.**

**Within the Guilsborough Neighbourhood Plan Area:**

**1. The Historic Fort and the Saxon Fishponds area have been identified as important non-designated heritage assets.**

**2. The Historic Core of the village, based around the historic streetscape of the High Street and Nortoft is important to the character of the village and development will be supported where there are high quality proposals that respond positively to their context by reinforcing local distinctiveness including street pattern, siting, form, scale, mass, use, materials and architectural features.**

***3. Areas outside the Village Confines, such as “ridge and furrow” field systems should be conserved where their value is proven by an archaeological survey.***

## **SECTION 5**

### **Conclusion and Recommendations**

- 5.1 *I find that the Guilsborough Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 5.2 *The general text in the plan should be modified to conform with the policy modifications.*
- 5.3 *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 5.4 *The Guilsborough Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 5.5 *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5.6 *The policies and plans in the Guilsborough Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan, currently the West Northamptonshire Joint Core Strategy Daventry Local Plan and the saved policies of the 1997 Daventry District Local Plan (DDLDP).*
- 5.7 *Therefore conclude that the Guilsborough Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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*13<sup>th</sup> of August 2018*

