

# **Badby Parish Neighbourhood Plan**

## **Submission Version 2018 – 2029**

**Report of Examination**

**September 2018**

**Undertaken for Daventry District Council with the support of  
Badby Parish Council on the submission version of the plan.**



**Independent Examiner:**

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## Contents

Summary .....	3
1. Introduction and Background .....	4
1.1 Neighbourhood Development Plans .....	4
1.2 Independent Examination .....	4
1.3 Planning Policy Context .....	6
2. Plan Preparation and Consultation .....	7
2.1 Pre-submission Process and Consultation .....	7
2.2 Regulation 16 Consultation Responses .....	8
3. Compliance with the Basic Conditions .....	9
4. Compliance with National Policy and the adopted Development Plan .....	11
5. The Referendum Boundary .....	20

### **Abbreviations used in the text of this report:**

The Badby Parish Neighbourhood Plan is referred to as ‘the Plan’ or ‘BPNP’.

Badby Parish Council is abbreviated to ‘Badby PC’.

‘Steering Group’ refers to the BPNP steering group.

Daventry District Council is abbreviated to ‘Daventry DC’, and sometimes referred to as the ‘LPA’.

The National Planning Policy Framework is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The West Northamptonshire Joint Core Strategy 2014 is abbreviated to ‘WNJCS’

The Daventry District Local Plan 1997 is abbreviated to ‘DDLp’

The emerging Local Plan Part 2 (Settlements and Countryside) for DCC is abbreviated to ‘DDSCLP2’

## Summary

- I have undertaken the examination of the Badby Parish Neighbourhood Plan (BPNP) during September 2018 and detail the results of that examination in this report.
- The steering group of Badby PC have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan does not allocate housing sites, but does formally designate a boundary to the Village Confines.
- The development plan for Daventry comprises an old Local Plan adopted in 1997, which still has saved policies relevant to this examination. A joint strategic planning exercise was undertaken by Daventry, Northampton and South Northampton Councils that resulted in the 2014 adoption of the West Northamptonshire Joint Core Strategy. As proposed in that document, Daventry DC are now working on a part 2 local plan, a submission version of this plan is currently being consulted on until October 5<sup>th</sup> 2018.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

**Acknowledgements:** Thanks to the Local Authority and Neighbourhood Plan Steering Group for their assistance with this examination. My compliments to the steering group local volunteers and Badby PC, who have produced a concise and locally relevant neighbourhood plan.

# 1. Introduction and Background

## 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Badby that is the Badby Parish Council (Badby PC). Drawing up the Neighbourhood Plan was undertaken by a steering group working to the Parish Council.

## 1.2 Independent Examination

1.2.1 Once Badby PC had prepared their neighbourhood plan and consulted on it, they submitted it to Daventry DC, the local planning authority (LPA). After publicising the plan with a further opportunity for comment, Daventry DC were required to appoint an Independent Examiner, with the agreement of Badby PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Badby and Daventry DC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Badby Parish Neighbourhood Plan (BPNP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 26<sup>th</sup> February 2015 by Daventry DC. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2018 – 2029 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Badby to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

## **1.3 Planning Policy Context**

1.3.1 The Development Plan for Daventry District, not including documents relating to excluded mineral and waste development, are the saved policies from the Daventry District Local Plan 1997 (2015 version) and the West Northamptonshire Joint Core Strategy (WNJCS), adopted 2014. The Settlements and Countryside Local Plan (Part 2) for Daventry District is currently out for Consultation prior to being submitted to the Secretary of State for its examination. Adoption is currently anticipated in the summer of 2019.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted before January 2019 will need to have regard to the previous 2012 version of the NPPF, and it is this earlier version of the NPPF that is referred to throughout this examination (sometimes written NPPF2012).

1.3.3 During my examination of the BPNP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Guidance to service users and examiners 2018 NPIERS
- Submission version of the Badby Parish Neighbourhood Plan (BPNP)
- The Basic Conditions Statement submitted with the BPNP
- The Consultation Statement submitted with the BPNP
- The Strategic Environmental Assessment and HRA Screening Decision for the BPNP
- Neighbourhood Area Designation (map) [within the BPNP]
- Daventry District Local Plan 1997: saved policies (2015) identified as strategic
- West Northamptonshire Joint Core Strategy 2014 (WNJCS)
- Daventry District Settlements and Countryside Local Plan Part 2 – submission version
- Badby Parish Housing Survey 2016
- Daventry DC Guidance Note for Defining Village Confines 2017
- Representations received during the publicity period (Reg16 consultation)

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Badby Parish comprises the village and surrounding rolling countryside. It is located just southwest of the town of Daventry in the County of Northamptonshire, and the parish and therefore the neighbourhood area is all within the Daventry Special Landscape Area (policy EN1 in the DDLP, continuing in the emerging Local Plan). Much of the village is a designated conservation area.

2.1.2 A Steering Group, made up of Parish Councillors and volunteers from the local community worked on developing the BPNP and consulting with the local community. A dedicated website was used to keep people informed about events, the results of consultation and the progress of the Plan's preparation. The Consultation Statement submitted with the Plan to the LPA sets out well the nature and form of consultation prior to the formal Reg14 six week consultation.

2.1.3 As required by regulation 14 (Reg14) of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Draft BPNP ran from the 26<sup>th</sup> October to the 8<sup>th</sup> December 2017. A letter and summary of the draft Plan was sent to every household in the parish. An Open Day event and other drop-in sessions were held, and paper copies of the Plan were available at several locations in the village and Daventry Public Library. A response sheet and electronic version of the Plan was available online.

2.1.4 Twenty eight representations were received during the Reg14 consultation period, and several amendments have been made to the plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.5 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Daventry DC in March 2018.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 Daventry DC undertook the Reg16 consultation and publicity on the BPNP for slightly longer than six weeks, from Monday the 9<sup>th</sup> April to Friday the 25<sup>th</sup> May 2018. Sixteen representations were received during this consultation, five statutory bodies responded with a 'no comment' response, two with a comment specific to Badby and the Plan. Northamptonshire County Council (NCC) Drainage and Infrastructure Sections replied, and there were five comments from local residents, often supporting the Plan. The Local Planning Authority (LPA), Daventry DC, offered detailed comments on the Plan and several policies. A response was also received from IntroCrowd, a real estate crowd-funding company, objecting to aspects of the Plan.

2.2.2 In line with suggested good practice in the RICS advice on examinations of neighbourhood plans (Guidance to service users and examiners 2018 NPIERS: para 1.11.4 page 31), I have also considered comments from the Steering Group on the Reg16 responses. Issues raised in the responses at Reg16 stage that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

### 3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the BPNP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Plan has been criticised for not being positive and allocating sites. Because the emerging Local Plan is proposing that Badby could meet some local housing need, it is further suggested that not to allocate a site in the BPNP is contrary to the requirements of sustainable development. However an emerging development plan document is not relevant for the consideration of whether or not a neighbourhood plan is in general conformity with the strategic policies of the development plan. The BPNP end date conforms with that of the current development plan, and there is no requirement in that document for further housing in Badby parish. The current requirement for housing allocations in the rural areas set by the WNJCS has been met. A neighbourhood plan does not have to allocate sites, although the LPA could undertake future allocations in line with their obligation to objectively assess need. The BPNP does indicate that exception sites would be acceptable in Policy B2, and indicates that the need for affordable homes was appreciated during consultation. I find the Plan sufficiently positive therefore given the environmentally sensitive features of the parish, and do not consider the lack of housing allocations to be contrary to the Basic Conditions.

3.3 The Basic Conditions Statement discusses how the Plan promotes sustainable development with reference to the section headings of the NPPF (2012). These set out the overarching role of that document's purpose which is 'Achieving Sustainable Development'. The Statement then assesses the Plan and its policies in terms of how it meets the three dimensions of sustainable development, the economic, environmental and social aspects. I accept this assessment and agree that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.4 A screening opinion has been issued by Daventry DC in October 2017 which considers whether Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) are required for the BPNP. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states that:

- “No significant effects will occur as a result of the implementation of the Badby Neighbourhood Plan.... Consequently.... a full SEA does not need to be undertaken.”
- “With regards [to] HRA ..... it is not considered that the implementation of the Badby Neighbourhood Plan ... will result in any likely significant effects [upon European sites].”

The BPNP has therefore complied with EU Regulations in that it has been decided by a competent authority that there is no requirement for SEA or HRA.

3.4 The BPNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and as stated in the Basic Conditions Statement, the need to consult with a wide cross-section of the community and respect their fundamental rights and freedoms was appreciated.

## 4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the BPNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is primarily the NPPF (2012) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The LPA has identified the saved policies from the 1997 DDLP it considers strategic, and together with the WNJCS, these are the strategic policies for the purposes of the Basic Conditions. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The BPNP is well laid out with a separate section titled 'Parish Actions' setting out issues that had arisen during the neighbourhood plan process but were not land-use issues. The Plan has been criticised for not showing clearly the source of figures in tables, but there is a general statement that figures come from the 2011 Census. For accuracy paragraph 2.9 should refer to the latest version of saved policies, in 2015 not 2010. Also Daventry DC have indicated that paragraph 5.2.4 should refer to 'Part 2' not 'Part 2A'. These corrections are Basic Conditions issues as clarity is a requirement of the NPPF (para 154). Other corrections suggested are not, but as the LPA will be aware they are authorised to make minor alterations for accuracy [Town and Country Planning Act 1990 Schedule 4B section 12(6)].

**Modification 1:** The text of the BPNP is recommended to be altered as follows in order that it is accurate and clear as required by the NPPF:

Para 2.9: add an additional sentence: *“Not all of the Local Plan’s policies are still extant and in 2010, the Council published a list of “saved” policies, in line with a direction from the Department of Communities and Local Government. **This was further amended in 2015 after the adoption of the WNJCS.***

Para 5.2.4: amend as shown the phrase *“Under the emerging DDC Settlements and Countryside **Local Plan Part 2**”*

#### 4.4 Policy B1: Protecting the landscape and local countryside character

The Policy has been objected to on the grounds that the views have not been selected as a result of a technical survey, but a popular vote. The process of selecting views has been subject to arbitration, and although there is not a formal landscape assessment for each one, this would not matter if the designated views were all suitably worthy. The informal process may have missed some, but the designation would be protecting public views of note, in a hilly landscape where views are an important part of the street scene and enjoyment of the wider countryside.

4.4.1 On visiting the disputed views however, I found that the formal assessment from the planning consultants, Pegasus Group, with regard to view ‘D’ was broadly correct. The visual assessment by Pegasus is the only survey evidence for the views, and while it acknowledges the other views have merit to a greater or lesser degree, it does not support the selection of view C or D. I have some sympathy with the analysis of View ‘C’ as also not of adequate quality, although it is more visible than view D, and more panoramic. On balance I accept that the photographic evidence in the Plan justifies view C as significant. However view D is a glimpsed view that is not of a quality that merits the description ‘significant’. It is not reasonable to expect development to protect something that is insignificant and hardly visible and I do not think a case has been made for view D. Policies in neighbourhood plans need to be based on proportionate and accurate evidence (NPPG ID 41-040-20160211) and the inclusion of view D is contrary to the Basic Conditions in that there is no evidence or case made that supports the proposition that it is a significant view, and my own visual appraisal did not identify a significant view at this location.

4.4.2 I recommend Policy B1 is altered as shown in Modification 2 below, so that it meets the requirements of the Basic Conditions with regards to supporting evidence. Map 8.2 also needs amending in order that it has the clarity required by the NPPF.

**Modification 2: Policy B1 to be amended as follows:**

*Development proposals that respect Badby's setting will be supported provided that:*

- 1. They retain the compact nature of the village and are located within the 'Built Confines' (as shown on Map 8.3) or are 'Exception Sites' for Affordable Housing in compliance with WNJCS Policy H3;*
- 2. They maintain the scale, form and character of the existing settlement; and*
- 3. They preserve or enhance **the significant** views into and out from the village **listed below** ~~regarded as significant~~ and identified on Map 8.2*

*The views identified (all accessible from public footpaths, rights of way or roads) are as shown in section 8.1*

*A. Looking south-east towards Badby Woods from the footpath to the south of the cricket pitch*

*B. Looking north-west from the Knightley Way*

*C. Looking west towards Park Close from Chapel Lane*

~~*D. Looking south from Newnham Road*~~

~~*D*~~ *Looking south towards Badby Village from the footpath between A361 layby and Newnham Road*

~~*E*~~ *E Looking east towards Badby Village from the Staverton direction footpath*

~~*F*~~ *F Looking west towards the village from the playing field boundary*

~~*H*~~ *G Looking south and south-west from Newnham Road over the valley with Badby nestling into the contours*

Map 8.2 to be altered so that view D is no longer indicated and photo evidence removed. The identification letters on the views to be made more visible and references altered as necessary.

#### **4.5 Policy B2: New housing development**

Policy B2 has been objected to on the grounds that the boundary of the built confines of the village is not accurately showing the existing village as experienced. A case is particularly made for the dwellings at Nene Close to be added to the village: at present it is outside of the boundary. The LPA

have also suggested in their Reg16 submission that Nene Close and Bridge House should be included within the village confines, and that a small group of single storey dwellings off Bunkers Hill should also be included. The definition is important in that within the confines new housing is encouraged subject to certain criteria. Outside the boundary, development is further restricted by DDLP saved policy EN1 (Special Landscape Areas) and requirements in the WNJCS (Policy R1) that any development in the rural areas is within the existing confines of the village.

4.5.1 The WNJCS states that Part 2 Local Plans will determine the status and housing allocations for villages, and the emerging Daventry District Settlements and Countryside Local Plan Part 2 (DDSCLP2) has proposals for the defined village confines that differ from the confines shown in this Plan (BPNP). The LPA has requested at Reg16 that two areas excluded from the Confines in this Plan, but proposed to be included within the confines in the DDSCLP2, are included in the BPNP and the confines boundary altered. However the Basic Conditions do not require a neighbourhood plan to comply with emerging policy, and there is no outstanding housing allocation for the rural areas in West Northamptonshire up to 2029 that could suggest the restriction on developable land in Badby was unsustainable.

4.5.2 The village confines boundary shown in the BPNP has never been formally defined on a map in a planning document. The DDLP only offered a written definition of 'the existing confines of the village' at para 4.90 (page 39). A key phrase in this definition is:

"For the purposes of this policy, "existing confines of the village" will be taken to mean that area of the village defined by the existing main built-up area but excluding those peripheral buildings such as free-standing individual or groups of dwellings, nearby farm buildings or other structures which are not closely related thereto."

I asked a question of the LPA and parish council about any previous work that had informed the drawing up of this boundary. I was told that following on from this written definition, DCC did some work in 2003 on village boundaries, and drew up the boundary that is now being used in the BPNP. This work has been used on an informal basis since then by the parish council but has not been formally agreed by a council committee. More recent working guidelines from the LPA on defining village confines were also provided to me.

4.5.3 I find it reasonable to consider both the areas in dispute 'peripheral' to the village, and therefore not worthy of being included within the confines according to the definition in the DDLP. The dwellings off Bunkers Hill project into open country with fields on three sides. This is also true

of the small residential area at Nene Side Close, which is also the only residential area to the north of the River Nene – a potential physical boundary for the village confines. The boundary is therefore in conformity with the DDLP and its definition of ‘existing confines’ as used in its strategic policies. The emerging DDSCLP2 with its different proposals will be subject to due process, and a different boundary may emerge from this if that plan is adopted. However at present I find the evidence for the suggested boundary in the BPNP quite adequate and its current definition reasonable in terms of the existing development plan. It therefore complies with the Basic Conditions.

4.5.4 The explanatory text for the definition of the ‘Built Confines’ includes an assessment of the two sites, but does not have any detail on previous work and definitions that have informed the decision. Paragraph 5.2.6 is not entirely accurate based on the information I have been given. The confines have been defined before on a map, but not formally. They cannot be described as being based on the draft map of confines for the emerging DDSCLP2, as this map is significantly different. There is a need to clarify the process that has determined the boundary of the confines in order that this and other policies of the BPNP are demonstrated to have an adequate evidence base informing the boundary. I recommend that in order that the BPNP meets the Basic Conditions with regard to the need for a demonstrated evidence base (NPPG ID 41-040-20160211), the text is altered as shown in Modification 3.

**Modification 3:** The text of the BPNP is recommended to be altered as follows:

Para 5.2.6 is to be deleted. Paragraphs after to be renumbered consecutively.

Para 5.2.13 is to be altered as follows:

**5.2.12** *DDC Guidance Note for defining village confines supports the exclusion of groups of dwellings where they are detached or peripheral to the main body of the village. Paragraph 4.90 of the Daventry District Local Plan 1997 sets out the definition of village confines which also confirms that peripheral buildings including groups of dwellings will be excluded if they are not closely related. The boundary shown is as surveyed on an informal basis by the District Council in 2003.*

~~5.2.13~~ ~~Doing so here~~ *Defining the built confines as shown will make a significant contribution to the environmental dimension of sustainable development in the plan area by safeguarding the valuable contribution of Badby’s encircling unspoilt landscape to the character of their village and all that this means for its residents sense of place and quality of life.*

4.6 **Policy B3: Heritage** The LPA have offered comment on this policy and suggested changes, which Badby PC accept. Some of these are not Basic Conditions issues, and my brief is restricted to consideration of whether or not the Plan and its policies comply with these. I would just mention therefore that the suggested change to para 5.3.1 are quite acceptable, but do not need to be the subject of a formal modification in this report.

4.6.1 The reference to 'attractive views' is acceptable as a justification for the open spaces to be retained. In the absence of evidence, consultation and survey it would not be acceptable to show new views on the policies map. The point concerning criterion 2 I do consider a Basic Conditions issue, as this could be encouraging development contrary to policy protecting listed buildings and their curtilage (WNJCS Policy BN5) and is therefore not in general conformity with the strategic policies of the development plan. The reference in para 5.3.6 to 'grass verges' would be more accurate as 'green spaces', and the term 'grass verges' is also used in Policy B3. Therefore for the clarity required of planning policy (NPPF2012/para154) this reference in Policy B3 and para 5.3.6 should be altered.

**Modification 4:** I recommend that Policy B3 is amended as shown in order that it complies with the Basic Conditions:

*Development will be supported providing that:*

*1. It preserves or enhances the character or appearance of the conservation area and is in keeping with adjacent buildings and spaces;*

~~*2. Proposals for new build adjacent to Listed Buildings are of a form and scale in keeping with their neighbours and retain the overall look and character of the area*~~

~~*3. 2. The historic stone boundary walls designated SW1-13 as shown on Map 8.3 and listed in Appendix C are preserved or enhanced.*~~

~~*4. 3. It preserves the grass verges green spaces designated GS1 - 6 as shown on Map 8.3*~~

Para 5.3.6 change the reference to 'grass verges' to 'green spaces'.

4.6.2 The suggestion that the listed buildings map 8.4 would be better if it showed the Conservation Area is sensible, but is not a Basic Conditions issue.

#### 4.7 Policy B4: Protection and enhancement of local community facilities

Complies with the Basic Conditions.

**4.8 Policy B5: Protection of Open Spaces** This policy is attempting to deal with all open space, which includes designating a Local Green Space (LGS) and an area of 'Important Open Space'. By offering both the same level of protection, Policy B5 does not having due regard to national planning policy. The NPPF makes it clear in paras 76 and 77 that only very special green spaces can be designated as LGS, and because they are special, they have extra protection. The policy is also offering strict protection of the registered Village Greens. The Village Greens are of a visual importance and quality that would have allowed their designation as LGS should that have been desired.

4.8.1 The LPA has suggested a form of words that would address the current problems with the policy, and identifies that the boundary of the space as shown on map 8.3 needs to be included in the policy. I do not agree however that the protection offered the Important Open Space should have the same level of protection as the Village Greens; as currently worded this protection is at least as strong as that for the LGS. Therefore in order that Policy B5 meets the Basic Conditions and complies with paras 76 and 77 of the NPPF2012 I recommend that it is altered as shown in Modification 5. Table 1 and paras 5.5.7 and 5.5.11 may be amended for clarity if so desired.

**Modification 5:** Policy B5 is recommended to be altered as shown:

1. ~~The following~~ **Pinfold Green as shown on map 8.3 is designated as a local green space** ~~is designated within this plan~~ *in accordance with paragraphs 76 and 77 of the NPPF. New development which impacts adversely on the function, openness and permanence of the Local Green Spaces or Important Open Spaces will not be permitted except in very special circumstances.*

~~LGS1 Pinfold Green~~

2. *The tract of land adjoining Nene Side Close and the A361 and also shown on map 8.3 is designated as an Important Open Space and should so remain.*

~~3. New development which impacts adversely on the function, openness and permanence of Local Green Spaces or Important Open Spaces will not be permitted except in very special circumstances.~~

~~4. 3. Development which adversely impacts on the protection, retention and maintenance of the registered village greens shown on map 8.3 will not be permitted.~~

Table 1 Column 2: 'Within village' to be altered to 'On edge of village'

4.9 **Policy B6: Amenity Space** Complies with the Basic Conditions.

4.10 **Policy B7: Employment** A problem with the policy was identified by the LPA in their Reg16 response, it is unclear if criteria 2 applies to the whole parish, or if it only applies to the residential areas of Badby village. Badby PC have indicated that the policy should be amended to make it clear that different criteria apply within and outside of the village confines, and indeed this is needed to ensure that the policy is in general conformity with policy in the development plan that protects the Special Landscape Areas (DDLDP Policy EN1). A revised form of words has been suggested by the LPA with the agreement of Badby PC, which will work well, and I am grateful for this assistance.

**Modification 6:** Policy B7 is recommended to be amended as shown in order that it complies with the Basic Conditions and is in general conformity with strategic policy in the development plan:

*1. Proposals for agricultural development will be supported provided they do not detract from the character and appearance of the area. They should not cause adverse impact on the local area by reason of noise, light pollution, or traffic levels beyond the capacity of local rural roads.*

*2. New business and industrial development within the ~~parish~~ confines will be supported provided the scale and character of the proposal reflects the residential nature of the surroundings and provides vehicle parking and access using the NCC Parking standards and Standing Advice as a guide.*

**3. Proposals for new business and industrial development within the open countryside will not normally be supported, exceptions may include proposals for small-scale developments related to the re-use of buildings.**

*4. Proposals that promote homeworking and self-employment through small-scale changes of use of buildings and improvements in the telecommunications infrastructure will be supported.*

4.11 **Policy B8: Community Facilities and Community Infrastructure Levy**

Complies with the Basic Conditions.

4.12 **Policy B9: Traffic Management and Transport** The second bullet point of the policy as currently written is not clear, and does not have the clarity required by the NPPF. Therefore in order that the policy meets the Basic Conditions I recommend it is amended as shown in Modification 7. This wording was suggested by the LPA and agreed by the qualifying body, the parish council.

**Modification 7: Policy B9 to be altered as follows:**

*Developments will be supported providing that*

- *They have satisfactory means of access and adequate parking provision using the NCC Parking Standards and Standing Advice as a guide*
- *Roads within the village ~~to access the development~~ will support the additional traffic or **would be capable of supporting the development with appropriate upgrades providing this does not result in loss of local character, can be appropriately adapted at the cost of which will be borne by the developer.***

4.13 **Policy B10 Water Management** This policy has the support of the County Council Drainage Unit and Anglian Water. The County Council have suggested the policy should be amended for accuracy however, and in order that the policy has the clarity required by the NPPF and thus complies with the Basic Conditions, I recommend it is amended in line with Modification 8.

**Modification 8: Policy B10 to be amended as follows:**

*Development will be supported providing that*

- 1. It is not located in an area designated at risk in the Environment Agency's Long-term Flood Risk Assessment*
- 2. Where required, it has the necessary Land Drainage Consents*
- 3. ~~It incorporates the latest Sustainable Drainage Systems proposed by the Northamptonshire County Council to maximise water retention within the site and minimise run-off~~ **It incorporates Sustainable Drainage Systems as detailed within Northamptonshire County Council Lead Local Flood Authority Local Standards and Guidance document.***

## 5. The Referendum Boundary

5.1 The Badby Parish Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Badby Parish Neighbourhood Plan 2018 – 2029 shall be the boundary of the designated Neighbourhood Area for the Plan.