



**Settlements and Countryside Local Plan (Part 2) for
Daventry District
Examination**

Response by Daventry District Council

Matter 5: Built and Natural Environment

Date: May 2019

1. Introduction

- 1.1 This statement sets out the response of Daventry District Council (DDC) to the following issues and questions raised by the Inspector relating to Matter 5 of the examination into the Settlements and Countryside Local Plan (Part 2) for Daventry District.
- 1.2 References used in this statement (e.g. PSD06) relate to documents held in the Examination Library available on the Council's website on the [Local Plan Examination webpage](#)¹.

2. Response of Daventry District Council to the specific issues and questions relating to Matter 5: Built and Natural Environment

Issue

Whether the approach to the built and natural environment is positively prepared, justified, effective and consistent with national policy.

Questions

For each policy listed below, the Council should set out the basis for the policy approach, what it seeks to achieve and whether it is justified, effective and consistent with national policy. In responding to those matters and any additional questions listed below for each, the Council should identify and address specific concerns raised in representations.

Landscape (Policies ENV1 & ENV2)

1. ***Is Policy ENV1 sufficiently clear for the purposes of decision-making in terms of the development proposals to which it would apply and what would be required to support an application?***
 - 2.1.1 Core planning principle 5 of the NPPF recognises the intrinsic character and beauty of the countryside (8c) of NPPF 2019). Core planning principle 7 requires planning to conserve and enhance the natural environment. Paragraph 61 of the NPPF refers to the need for planning policies to address the connections between people and places and to integrate new development into the natural environment. Paragraph 109 (170 of NPPF 2019 and specifically point b) regarding the countryside) states that the planning system should contribute to and enhance the natural and local environment and paragraph 113 goes on to say that LPAs should set criteria based policies against which to judge proposals affecting landscapes, making a distinction between the hierarchy of sites and designations (171 of NPPF 2019 also refers to making the distinction but not criteria based policies).

¹ Local Plan Examination webpage: <https://www.daventrydc.gov.uk/living/planning-policy/part-2-local-plan/local-plan-examination/>

- 2.1.2 As explained in paragraph 9.1.05 policy ENV1 aims to ensure that new development has regard to landscape character and quality and is based on evidence in the Landscape Character Appraisal (LAN1-01), which provides detail and descriptions of each of the landscape character areas in the District. Parts A and B deal with consideration of proposals and specific requirements, part C with assessment of impact, part D with mitigation and part E with implementation. This is explained in more detail below.
- 2.1.3 Part A states that applicants should consult LAN1-01 in order to understand landscape and settlement character in the relevant character area. Applicants will be required to demonstrate how their proposal meets criteria A.i.-vi and should detail this in a landscape assessment statement (part C), which would be proportionate to the scale, use and location of the proposal. The Landscape Assessment Toolkit can be used to identify the capacity of the particular landscape to accommodate the type of change being proposed, which would inform the landscape assessment statement. More complex or potentially harmful proposals would need to be accompanied by a full assessment. Part D requires proposals that would cause harm to demonstrate how harm would be mitigated through submission of a mitigation strategy, which would again refer to LAN1-01. Part E requires applicants to provide details of management and maintenance of landscape schemes in order to implement the policy.
- 2.1.4 Representation PS087/14 expressed a number of concerns regarding the policy. The Council has responded in PSD11, EXAM1B and EXAM1B.
- 2.1.5 Representation PS097/02 considers that ENV1 and ENV2 will result in the loss of Special Landscape Area (SLA) from the eastern side of the Nene Valley. It is under policy ENV2 that the SLA designation is proposed to change. The Council has responded in PSD11, EXAM1B and EXAM1B.
- 2.1.6 Appendix E of the Plan sets out how saved local plan policies are replaced by emerging policies, policy EN25 currently only details emerging policy ENV10. In addition to ENV10 the Council is proposing to add policy ENV1 as a minor modification (MiMd33), as set out the Schedule of Minor Modifications (PSD12).

2. *Is the inclusion of Policy ENV1(F) necessary and justified with respect to local landscape designations being identified in Neighbourhood Plans?*

- 2.2.1 The answer to question 3 below explains the purpose and methodology for the Special Landscape Area Study (LAN1-04), which has resulted in the proposed removal of parts of the existing Hemplow Hills, Cottesbrooke and Brington SLA. Consultation on the Emerging Draft Plan (FSD01) resulted in a significant number of representations from parish councils and residents of the areas affected, particularly Brixworth. The

Brixworth Neighbourhood Plan (NP06) which was 'made' in December 2016 designates areas of high sensitivity which were evidenced through an independent landscape study (Policy 2 and paras 3.19, 5.3, 6.24, 6.43 of NP06). Some of these areas of high sensitivity were outside of the existing and proposed SLA. The SLA is a local designation which recognises the most valued landscapes in the context of Daventry District, however, there is no reason why other local valued landscapes (109 of the NPPF (170a) of NPPF 2019)) cannot be identified at parish level through neighbourhood plans as part of the development plan, providing they can be evidenced through an independent landscape assessment which uses a recognised methodology which is consistent with that used for LAN1-04. Criterion F recognises this and was added to the Proposed Submission Plan (supporting text paragraph 9.1.06) for this reason.

2.2.2 Representation PS007/02 refers to criterion F. This is addressed in paragraph 2.2.1 and the Council's response in PSD11, EXAM1B and EXAM1B.

3. *Are the identification of Special Landscape Areas in Policy ENV2 and the associated boundary changes as proposed by the Plan, justified and in accordance with national policy?*

2.3.1 As explained in supporting text paragraph 9.1.08, the concept of a Special Landscape Area (SLA) in the District was introduced in the first Northamptonshire Structure Plan (1980). This designation was a county-wide designation which recognised that whilst there are no national landscape designations the county contains distinctive landscapes that are of local importance. The designation is part of the development plan under saved policy EN1 of the Daventry District Local Plan 1997. It is worth noting that Stratford-on-Avon District Core Strategy 2011-2031 which was adopted in 2016 contains a SLA designation and policy CS.12 and the submission South Northamptonshire Part 2 Local Plan contains a SLA designation and policy NE2. Both areas of SLA are contiguous with the proposed SLA in the south west of the District.

2.3.2 Policy BN5 of the WNJCS refers to landscape sensitivity, features and settings that contribute to the character of the area, however, it does not designate or specifically refer to SLA. Therefore, in order to justify carrying the designation forward in the Part 2 Plan, the Council commissioned the Daventry Landscape Study from independent professional landscape consultants (LAN1-01 to LAN1-14 inclusive), of which the Special Landscape Area Study (LAN1-04) is directly relevant to policy ENV2. As set out in paragraphs 9.1.09 of the supporting text (paragraphs 1.5 and 1.7 of LAN1-04) the purpose of the Study was to provide evidence to justify continuation of the SLA or other high quality landscape designation and to review the boundaries to ensure that they are sensible, identifiable and robust.

2.3.3 Core planning principle 5 of the NPPF recognises the intrinsic character and beauty of the countryside (para 8c) of NPPF 2019); paragraph 109 (170a) of NPPF 2019) states

that the planning system should contribute to and enhance the natural and local environment and the first of five bullet points recognises that it should protect and enhance valued landscapes. Although the NPPF does not define a 'valued landscape', the 'Stroud Decision'² established that it is one that is considered to be of value because it has demonstrable physical attributes that elevate it from the ordinary rather than being designated (National Park or AONB) or simply popular. Planning Practice Guidance reinforces the NPPF's commitment to recognise the intrinsic character and beauty of the countryside and that local plans should include strategic policies for landscape, including designated landscapes and the wider countryside. The justification for a local valued landscape designation and associated policy(ies) is therefore consistent with the NPPF, providing evidence demonstrates that the landscape qualifies as valued. Designation based on a robust assessment of relevant landscape characteristics demonstrates that the geographic area concerned is a valued landscape that should be protected and enhanced, consistent with NPPF paragraph 109.

- 2.3.4 In order for the SLA to be regarded as a valued landscape from the point of view of the NPPF it is therefore necessary to identify whether it has demonstrable physical attributes that distinguish it as being out of the ordinary (paragraph 9.1.10 of the supporting text). Section 3 of LAN1-04 describes how valued landscapes are assessed using the definition of landscape value from Natural England's "An approach to Landscape Character Assessment" and criteria or factors from the Landscape Institute/Institute of Environmental Management and Assessment's "Guidelines for Landscape and Visual Impact Assessment (Third edition)", also known as GLVIA3. Both sets of guidelines are recognised sources of criteria for assessing landscape value, as emphasised in paragraph 3.11 of LAN1-16. Following recognised guidance means that the Study was based on robust evidence. The approach to the review of the four areas of existing SLA is set out in paragraph 4.1 of LAN1-04. Crucially, section 4 assesses the characteristics of each area against the landscape value factors from GLVIA3 to justify the SLA designation.
- 2.3.5 Recommendations for the boundaries are set out under "*Explanation of boundary*" (para 4.20) of LAN1-04 and relate to whether the land demonstrates the special qualities or attributes that best demonstrate the distinctive character of the landscape. Areas that are not so representative, influenced by urbanising features or agricultural intensification are proposed to be removed. Precise boundaries have been drawn to follow physical features (para 3.6).
- 2.3.6 A number of representations were concerned about the boundary changes to the Hemplow Hills, Cottesbrooke and Brington SLA, which resulted in the proposed

² The 'Stroud' appeal decision in 2014 is significant because it was the first time that the term 'valued landscape' in relation to NPPF para 109 was defined.

removal of parts of the SLA along parts of its eastern and southern boundary, in the vicinity of Maidwell, Draughton, Lamport, Hanging Houghton, Brixworth, Pitsford, Church Brampton and Chapel Brampton:

PS010/02, PS011/02, PS033/02, PS035/02, PS049/02, PS063/01, PS076/07, PS076/08, PS093/02, PS097/02, PS097/03, PS105/02

2.3.7 The Council has responded to the representations in PSD11, EXAM1B and EXAM1B. The Council is satisfied that the retention of the SLAs and boundary changes are justified by the evidence in LAN1-04. Paragraph 4.20 explains the boundary changes to the Hemplow Hills, Cottesbrooke and Brington SLA and Catesby and Fawsley SLA, with additional detail in paragraphs 1.2-1.5 of Appendix A to the Study. Document LAN1-16 provides further detail to address the concerns of representor PS076 to the Emerging Draft Plan, which is also relevant.

2.3.8 One representation (PS087/15) was concerned that the area covered by SLA is too extensive. The Council has responded to the representation in PSD11, EXAM1B and EXAM1B.

2.3.9 The purpose of the policy is set out in supporting text paragraph 9.1.14, which is to protect the special qualities that mark the SLAs out as being out of the ordinary as set out in part A of the policy. The provision of criteria i and ii are consistent with the requirement in paragraph 113 of the NPPF to set criteria based policies for assessing proposals. Part B requires applicants to consider the impact of their proposal in combination with other proposals (explained in supporting text para 9.1.14) rather than viewing it in isolation.

4. *How does the approach of Policy ENV1 interact with the approach to Special Landscape Areas in Policy ENV2? Which policy is intended to apply to “valued” landscapes for the purposes of national policy?*

2.4.1 ENV1 is a general landscape policy which applies to all landscapes and aims to ensure that new development has regard to landscape character and quality through a number of criteria that require landscape assessment and consideration of appropriate design and mitigation. ENV2 only applies to areas of designated SLA which have been demonstrated to be valued landscapes through LAN1-04. Where a proposal is within SLA, policy ENV1 would also apply. The supporting text at paragraph 9.1.10 explains the criteria that were used to assess the special qualities and paragraph 9.1.14 states that the special qualities of each area of SLA are defined in LAN1-04. The specific focus on special qualities distinguishes ENV2 from ENV1.

Green Wedges (Policy ENV3)

5. *Is the level of protection afforded to land proposed to be designated as a Green Wedge necessary when taking account of other policies in the Plan, including those relating to Open Countryside (Policy RA6), Landscape (Policies ENV1 and ENV2) and Green Infrastructure (Policy ENV4)?*

- 2.5.1 Core planning principle 5 of the NPPF recognises the intrinsic character and beauty of the countryside (para 8c) of NPPF 2019. Core planning principle 7 requires planning to conserve and enhance the natural environment. Paragraph 157 states that local plans should identify land where development would be in appropriate. Planning Practice Guidance reinforces the NPPF's commitment and states that local plans should include strategic policies for landscape, including designated landscapes and the wider countryside (paragraph 001). The NRDA Background Paper (GEN03) sets out in section 5 an assessment of the version of ENV3 in the Emerging Draft Plan, against the NPPF.
- 2.5.2 The Green Wedge is a local designation defined at the fringe areas of Daventry and Northampton, which is part of the development plan under saved policy EN10 of the Daventry District Local Plan 1997. A second local designation, Rural Access Area is also defined at the Daventry and Northampton fringes. The WNJCS focuses development at Northampton and Daventry and makes strategic SUE allocations at both towns. Although the allocations are in place and are progressing through the planning system, the pressure on fringe locations from speculative development remains an issue, particularly at Northampton where there are a number of fringe villages within the District.
- 2.5.3 In order to justify carrying a fringe designation forward in the Part 2 Plan, the Council commissioned the Daventry Landscape Study (LAN1-01 to LAN1-14 inclusive), of which the Fringe Assessments (LAN1-06 – LAN1-11) are directly relevant to policy ENV3. Supporting text paragraph 9.2.01 sets out the function of the Green Wedge, which is specifically to protect the identity and setting of individual settlements in the fringe areas of Daventry and Northampton and to prevent coalescence, by keeping the areas around settlements open and to prevent coalescence (paragraph 9.2.03 and Part A). It also has a second aim (part B) of supporting increased public access to the Green Wedges to promote health and wellbeing.
- 2.5.4 Whilst the policy controls development in the Green Wedge, it is not wholly restrictive and allows development where criteria A.i and ii can be met. In this way it is different to the open countryside policy RA6, which restricts development in the open countryside in order to reinforce the spatial strategy established in the WNJCS and to be consistent with the NPPF (please refer to paragraph 10.1.1 of the Council's statement on Matter 2). A further consideration is that the policy needs to take into account the proximity of the fringe villages to the towns and the development pressures at these locations, particularly Northampton. As explained in paragraph

9.2.04 the policy would not prejudice the ability to meet policy SP1(B) and will be used to inform the review of the WNJCS.

- 2.5.5 Policy ENV1 is a general landscape policy which aims to ensure that new development has regard to landscape character and quality through a number of criteria that require landscape assessment and consideration of appropriate design and mitigation.
- 2.5.6 Policy ENV2 is specifically for landscapes that have been identified as being 'valued' and designated as SLA within the District. With the exception of a small area at Harlestone and the south west of Daventry, the SLA does not coincide with the Green Wedge.
- 2.5.7 A number of representations have been received to the Green Wedge, primarily at Northampton. Two were in support, however, the majority objected on the basis of the designation being an unnecessary and inflexible constraint in the context of meeting Northampton's housing needs and the apparent lack of provision for the North West Relief Road (see the Council's response to question 6):

PS031/08, PS036/02, PS045/07, PS049/03 (supportive), PS067/01 (supportive), PS069/04, PS081/02, PS083/03, PS084/04, PS087/16, PS089/01, PS090/03, PS091/04, PS103/03

- 2.5.8 The Council has responded to the representations in PSD11, EXAM1B and EXAM1B. The Council considers that the Green Wedge designation is an appropriate strategy for the Part 2 Plan and that consideration of further sites to meet Northampton's needs is a matter for the review of the Part 1 Plan as set out in the Council's Statement on Matter 1 (paragraphs 2.12.8 and 2.12.9).

6. *Was the methodology used to identify the proposed Green Wedges and their boundaries, appropriate and did it take account of the potential effect of the Northampton North West Relief Road?*

- 2.6.1 Document LAN1-06 sets out in section 2 the methodology used to assess and define the proposed Green Wedges. There is no recognised methodology for this type of study, therefore paragraph 2.2 of LAN1-06 states that the assessment used the same guidance as that used to assess the SLA (paragraph 2.3.4 above), plus the Countryside Agency and Scottish Natural Heritage's "Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity". Section 2 explains the choice of study areas for the Northampton and Daventry Fringes and the method used to review and assess the areas which were subdivided into land units for the purpose of the assessment. The assessments are set out in LAN1-09 and LAN1-10 for Northampton and LAN1-11 for Daventry. They considered a range of factors which are set out in paragraphs 2.19-2.27

and made recommendations for designation and boundaries.

- 2.6.2 The justification for the proposed Green Wedge boundaries are explained in the final section of each assessment “Recommendations on future designations of land (to protect from development)”. Boundaries have been drawn to follow physical features and sites with an outstanding planning commitment or areas that are distant from settlements and therefore part of the open countryside, or do not perform the function of separation, have not been included. As set out in section 5 of LAN1-06, the assessment recommended that a single Green Wedge designation would supersede the existing separate Green Wedge and Rural Access Area designations.
- 2.6.3 Paragraph 2.26 of LAN1-06 refers to transport infrastructure and the individual assessments of land parcels NF2 and NF3 in LAN1-09 includes reference to the proposed Northampton North West Relief Road (NNWRR) in the “Other relevant considerations” sections. The proposed Green Wedge is outside the route of the NNWRR apart from a section north of Grange Farm, where it extends along the eastern edge of the Brampton Heath Golf Course.

Green Infrastructure and Biodiversity (Policies ENV4 and ENV5)

7. *Does Policy ENV4 take sufficient account of linkages with and the infrastructure requirements of proposed allocations for development in the Plan and the JCS?*

- 2.7.1 Core planning principle 7 requires planning to conserve and enhance the natural environment. Paragraph 114 states that local plans should plan positively for the creation, protection, enhancement and management of biodiversity and green infrastructure networks (171 of NPPF 2019). The policy sets out criteria that address green infrastructure at a variety of levels including at a wider and more local scale, including site level.
- 2.7.2 The policy sets out a strategic approach to green infrastructure, which is developed further in the specific site allocation policies, which are set out below:
- HO1 criteria B.vi, viii, C
 - HO2 criteria B.ii, ii, C
 - HO3 – criteria iii & iv
 - EC3 criterion C.vii
 - EC5 criterion A.iv
 - EC7 criterion B.iii
 - EC9 criterion B.v & vi, Ci
 - Daventry NE SUE policy D3 of WNJCS criterion f)
 - NRDA sites in WJNCS - N4 criterion f); N3 criterion i); N8 criterion g)

2.7.3 One representation (PS052/05) was concerned that the protection afforded by the policy in criterion iii to roadside verges would not allow for infrastructure to serve the Daventry NE SUE. The Council has responded in PSD11, EXAM1B and EXAM1B and is suggesting a potential main minor modification to criterion iii (PMM07).

8. *Is Policy ENV4 sufficiently clear for the purposes of decision making in terms of which proposals will be expected to demonstrate how they will achieve the aim to protect, enhance and restore Green Infrastructure? Is the policy intended to apply to all developments and if so, is such an approach justified?*

2.8.1 The first part of criterion i only applies to proposals in proximity to the sub-regional and local corridors and the second part specifically refers to strategic development sites. Criterion ii applies to larger scale green infrastructure projects which could extend across local authority boundaries; iii relates to proposals within Daventry town; iv relates to all proposals; v relates to important open spaces which are of local importance.

2.8.2 The Council does not intend for all criteria to apply to all developments and proposes to delete the word 'and' after each criterion apart from the penultimate one. The existing order of the criteria could be confusing; to make the application of the policy clearer the Council proposes to amend the order so that larger scale green infrastructure is addressed first (ii), moving to the sub-regional and local corridors (first part of criterion i), followed by strategic development sites (second part of criterion i), then iv, iii, and v. The criteria would be re-numbered i to vi. The Council requests that the Inspector considers the suggested changes as a main modification (PMM07), as follows:

ENV4 – Green Infrastructure

The Council will protect, enhance and restore the District's green infrastructure assets in order to create a comprehensive network that contributes to the full range of ecosystem services including quality of life, biodiversity, sustainable transport and climate change mitigation by:

- ~~iii~~ i. Working with partners, including neighbouring authorities and the Local Nature Partnership, to plan for green infrastructure at a landscape scale. In particular, proposals will be supported that would contribute to the aims and objectives of the Nene Valley Nature Improvement Area project on habitat restoration, creation and connectivity; ~~and~~
- ~~i.~~ ii. Supporting proposals that protect, enhance and restore the existing green infrastructure network of sub-regional and local corridors identified in the WNJCS. Proposals will be expected to demonstrate how they would achieve this and in the case of new green infrastructure, how they would link into the existing networks; ~~Strategic development sites should be masterplanned as a whole to show the location of new on-site strategic green infrastructure and how it relates to the wider network. Proposals should not lead to fragmentation of a green infrastructure link; and~~
- ~~ii.~~ Working with partners, including neighbouring authorities and the Local Nature Partnership, to plan for green infrastructure at a landscape scale. In particular, proposals will be supported that would contribute to the aims and objectives of the Nene Valley Nature Improvement Area project on habitat restoration, creation and connectivity; ~~and~~
- ~~iii.~~ Supporting proposals that protect, connect and extend the local green links and network of green infrastructure within and around Daventry town; ~~and~~
- iii. Strategic development sites should be masterplanned as a whole to show the location of new on-site strategic green infrastructure and how it relates to the wider network. Proposals should not lead to fragmentation of a green infrastructure link; ~~and~~
- iv. Supporting proposals that avoid fragmentation of green links and that would reconnect existing gaps in provision; ~~and~~
- ~~iii.~~ v. Supporting proposals that protect, connect and extend the local green links and network of green infrastructure within and around Daventry town; ~~and~~ that limit any loss to that necessary to accommodate infrastructure improvements required to deliver allocated sites, subject to such loss being mitigated to achieve a net enhancement in green infrastructure provision; and

✓ **vi. Supporting the recognition of important green infrastructure including designation within neighbourhood development plans.**

- 2.8.3 In terms of **Policy ENV5**, the NPPF sets out a range of policy for biodiversity. Core planning principle 7 requires planning to conserve and enhance the natural environment. Paragraph 109 (170a and d) of NPPF 2019) states that the planning system should contribute to and enhance the natural and local environment; the third of five bullet points recognises that it should minimise impacts on biodiversity and provide net gains to biodiversity. Paragraph 113 makes it clear that LPAs should set criteria based policies and in doing so, make a distinction between the hierarchy of sites. Paragraph 114 states that local plans should plan positively for the creation, protection, enhancement and management of biodiversity and green infrastructure networks (171 of NPPF 2019). Paragraph 117 states that planning policies should minimise impacts on biodiversity and geodiversity.
- 2.8.4 Policy ENV5 provides criteria against which to consider proposals with part A making a distinction between the hierarchy of sites. In this regard, a representation (PS087/17) raised a concern that the policy was not consistent with the NPPF. The Council recognised that the policy gives local sites a similar level of protection as national sites. A Statement of Common Ground (SCG02) has been agreed between the Council and Gladman which would clarify the level of protection given to sites within the hierarchy. The Council requests that the Inspector considers the wording changes suggested in SCG02 as a main modification (PMM08).

Daventry Country Park and Grand Union Canal Link (Policy ENV6)

9. *Have any potential effects of Policy ENV6 on the viability and deliverability of the Daventry North Sustainable Urban Extension been considered?*

- 2.9.1 The Country Park is a major asset and focal point for Daventry, it is a multi-functional green space that is readily accessible from the town and makes an important contribution to the health and well-being of residents and visitors from outside the District. It is also protected by a number of national and local heritage and biodiversity designations. The policy provides additional local detail to criterion f) of policy D3 of the WNJCS (WNJCS01) by supporting development of the existing Country Park facilities and the extension as part of the Daventry North East SUE. It aims to ensure that the green infrastructure network within the SUE is linked to the Country Park and Grand Union Canal green and blue infrastructure and provide and that it incorporates informal footpath and cycleways which can be used for recreation and commuting. This is in line with paragraphs 69, 73, 114, and 126 of the NPPF (91, 96, 171 and 184 of NPPF 2019).

2.9.2 The Viability Assessment GEN01 acknowledged that the Daventry NE SUE would have a viability impact and lists provision of greenspace and the Country Park extension (table 3.1 page 13). Policy ENV6 in relation to the Daventry NE SUE is listed in table 3.2 on page 16 as having a potential cost impact. However, the site is already allocated in the WNJCS under policy D3 and was not covered by testing in GEN01. Policy D3 criterion e) refers to walking and cycling links to the town centre and criterion f) refers to structural greenspace and wildlife corridors.

2.9.3 A representation (PS052/052) is concerned that the provisions of the policy go beyond WNJCS policy D3. As set out in paragraph 2.9.1, the policy provides additional detail to the WNJCS. A potential main modification (PMM09) is proposed to remove reference to 'more intensive' recreation in criterion iv. The Council has responded to the representation in PSD11, EXAM1B and EXAM1B.

10. *Is Policy ENV6 criterion C required when taking account of the approach to the historic environment in Policy ENV7 and in the JCS?*

2.10.1 The Daventry North East SUE will be a substantial strategic SUE, eventually accommodating approximately 4000 new dwellings. The site is located directly adjacent to the Daventry Country Park and the Grand Union Canal Conservation Areas; core planning principle 10 of the NPPF requires planning to conserve heritage assets in a manner appropriate to their significance. It is likely that the SUE will bring additional pressures to recreational facilities, biodiversity and heritage. Policy D3 of the WNJCS does not refer to either conservation area although it does refer to the provision of structural green space in criterion f) and the supporting text in paragraphs 13.25 and 13.26 links these green 'buffers' to the conservation areas. The reference to the two conservation areas was included as criterion C because they are significant designated heritage assets in the town and irrespective of the provision of green buffers, it is important to reinforce the requirement that development of the SUE close to the conservation areas takes the opportunity to protect and enhance their settings.

Historic Environment (Policy ENV7) and Borough Hill and Burnt Walls Scheduled Monuments (Policy ENV8)

11. *Is the approach of Policy ENV7 relating to the historic environment consistent with national policy, with particular regard to paragraphs 128 - 140 of the Framework?*

2.11.1 Core planning principle 10 of the NPPF requires planning to conserve heritage assets in a manner appropriate to their significance. The NPPF in paragraph 126 (paragraph 185 NPPF 2019) states that plans should set out a positive strategy for the historic environment including assets that are most at risk through neglect, decay and other threats. Paragraphs 128-140 sets out the policy approach for decision making and the

Council considers that Policy ENV7 is positively worded, it does not repeat but is consistent with the NPPF and adds a local dimension to national policy by having a basis on local evidence (for example, conservation area appraisals, heritage at risk and the local list), as explained below. The WNJCS (WNJCS01) states in supporting text paragraph 10.36 that the Part 2 Plan policies will strengthen mechanisms to protect heritage assets.

- 2.11.2 Criterion A.i. is consistent with paragraphs 128 and 132 by requiring applicants to understand the significance of the assets and provide a heritage appraisal proportionate to significance to support their application.
- 2.11.3 Criterion A.ii. requires proposals to be of high quality, respond positively to their surroundings and reinforce local distinctiveness, and is therefore consistent with paragraphs 126 and 131 (185 and 192 of NPPF 2019).
- 2.11.4 Criterion A.iii. deals specifically with key views into and out of conservation areas. The Council's programme of conservation area reviews and consideration of new designations is resulting in the production of up to date appraisals and management plans (as explained in paragraph 9.5.04 of the supporting text). The appraisals provide the Council's evidence for the key views referred to in criterion A.iii. as required by paragraphs 129 and 137 (185 and 200 of NPPF 2019) in relation to conservation areas and their settings. Many parish councils in the District are producing neighbourhood plans and village design statements (VDS) for villages, a number of which have conservation areas. Both types of documents provide the opportunity for local communities to identify important views and are subject to formal consultation for both and additional examination in the case of neighbourhood plans.
- 2.11.5 Criterion A.iv. is aimed at non-designated assets, both within and outside conservation areas. It replaces saved policy EN3 which only refers to shop fronts in conservation areas and provides a local dimension to the WNJCS (supporting text paragraph 10.36 regarding non-designated assets). Conservation area appraisals that result from the Council's current programme will identify traditional shop fronts that make a positive contribution to the conservation area and is providing a more local dimension to national policy; likewise a neighbourhood plan or VDS could identify such assets. The criterion is consistent with paragraphs 126 and 135 (185 and 197 of NPPF 2019).
- 2.11.6 Criterion A.v. is consistent with paragraphs 131 and 137 (192 and 200 of NPPF 2019) in relation to proposals making a positive contribution to a designated heritage asset or better revealing its significance.
- 2.11.7 Criterion A.vi. refers to heritage at risk, which is consistent with paragraphs 126 and 131 (185 and 200 of NPPF 2019). The conservation area appraisals identify potential

heritage at risk of grades below that identified by Historic England. The Council is already engaged with the owners of two significant assets at risk as set out in paragraph 9.5.08 of the supporting text.

- 2.11.8 Criterion A.vii. deals specifically with conservation areas and supports measures to conserve and potentially enhance them, especially where positive assets or assets/areas in need of enhancement, have been identified through conservation area appraisals and management plans. Although not referred to in the criterion, neighbourhood plans may also identify such assets or opportunities for enhancement. The criterion is considered to be consistent with paragraphs 131 and 137 (192 and 200 of NPPF 2019).
- 2.11.9 Criterion A.viii. is concerned with non-designated assets and attaches appropriate weight to them, it is considered to be consistent with paragraphs 129, 131 and 135 (185, 192 and 197 of NPPF 2019) and provides a local dimension to the WNJCS (supporting text paragraph 10.36 regarding non-designated assets).
- 2.11.10 Criterion B sets out the approach to harm to designated assets and is consistent with paragraphs 133, 134 and 138 in the NPPF.
- 2.11.11 Criterion C deals with enabling development, the approach to which is set out in paragraph 140 of the NPPF (202 of NPPF 2019). Historic England (PS042/02) has objected to the inclusion of this criterion, despite it being specifically dealt with in the NPPF and Historic England producing guidance on the matter. The Council has responded to Historic England's representation in PSD11 and has agreed to deletion of criterion C through a Statement of Common Ground (SCG01). The Council requests that the Inspector considers the change proposed in SCG01 in relation to criterion C as a main modification (PMM10).
- 2.11.12 One representation (PS087/18) expressed concern that the policy does not attribute appropriate weight to designated and non-designated assets. The Council's response is set out in PSD11, EXAM1B and EXAM1B. The Council considers that the policy does distinguish between designated and non-designated heritage assets, however, the order of the criteria may be confusing. The Council requests that the Inspector considers a change to the order of the policy criteria as a main modification (PMM10).

12. *Is Policy ENV8 necessary to provide additional guidance relating to Borough Hill and Burnt Walls Scheduled Monuments? Is the policy approach compatible with Policy EC9 - Daventry South East Gateway and is it justified, effective and consistent with national policy?*

- 2.12.1 Core planning principle 10 of the NPPF requires planning to conserve heritage assets in a manner appropriate to their significance. Paragraph 126 (paragraph 185 NPPF 2019) states that plans should set out a positive strategy for the historic environment including assets that are most at risk through neglect, decay and other threats. Paragraph 129 (190 NPPF 2019) states that LPAs should assess the significance of assets affected by proposals and the impact on them. Paragraphs 131-132 (192-193 of NPPF 2019) set out the policy approach to sustaining and enhancing heritage assets and their settings, with greater weight being given to more important assets. Paragraph 134 (196 of NPPF 2019) sets out the approach where a proposal would lead to less than substantial harm to the significance of an asset.
- 2.12.2 The Daventry South East Gateway allocation (EC9) is a priority for regeneration and presents the opportunity to create a positive welcoming gateway to the town (supporting text to EC9, paragraph 7.3.02). The Council has engaged with Historic England throughout the process of plan preparation, as documented in PSD08, PSD11, FSD04-1 and GEN02. Due to the significance of the scheduled monuments, the Council considered that it was necessary to include a separate policy to positively guide development to sustain or enhance the scheduled monuments and their settings, including development that might be proposed outside the EC9 allocation. At the same time it provides the opportunity to enhance the setting of Burnt Walls and better reveal its significance in accordance with paragraph 137 of the NPPF 2012 (paragraph 200 NPPF 2019). The four criteria aim to address the policy requirements in the NPPF to sustain or enhance the significance and setting of the assets and to take the opportunity to better reveal their significance.
- 2.12.3 Historic England raised a concern about the impact of a small part of the EC9 allocation on the setting of Burnt Walls. Following the Emerging Draft consultation and in response to concerns raised by Historic England, the Council commissioned heritage impact assessments (HIAs) for the potential allocations, which included the Heritage Impact Assessment for EC9 (HER02), thereby addressing the requirement in paragraph 129 of the NPPF to understand the significance of the assets and the potential impact of development.
- 2.12.4 Historic England's representations to EC9 (PS042/01) and ENV8 (PS042/03) at Proposed Submission stage prompted the Council's recommendation for a minor modification to ENV8 (MiMd9) to cross reference criterion ii of the ENV8 to criterion vii of EC9. The Council responded to Historic England's representations in PSD11. After

further discussions, the Council and Historic England have agreed that it would be more effective for a parcel of land immediately to the west of Burnt Walls and within the EC9 allocation which Historic England had previously identified, to be shown as a heritage buffer on the Policies Map and for additional wording changes to be made to EC9, ENV8 and supporting text to both policies. This would effectively replace the whole of criterion ii of ENV8 and remove the need for MiMd9. The aim of keeping the heritage buffer open in perpetuity is to sustain the significance and setting of Burnt Walls. It is important to note that retaining this parcel does not affect the deliverability of the site (as set out in response to Matter 4, Issue 2, Question 8 for EC9). A Statement of Common Ground (SCG01) has been agreed between the Council and Historic England to this effect. The Council requests that the Inspector considers the wording changes suggested in SCG01 as a main modification (PMM11).

2.12.5 A further representation (PS082/04) expressed concerns about criterion ii. The Council's response is set out in PSD11, EXAM1B and EXAM1B.

2.12.6 ENV8 is necessary to highlight the importance of the nationally significant designated assets at Burnt Walls and Borough Hill, which are recognised as being in an area of potential future development pressure. Criteria B.v, B.vii and B.viii directly address the potential impacts on the historic environment through the development of EC9, specifically with reference to the nearby scheduled monuments and non-designated heritage assets identified by the Heritage Impact Assessments, and are consistent with NPPF paras 126, 128, 129, 131, 132 (NPPF 2019 paras 189, 190, 192, 195, 196, 197).

Renewable Energy and Low Carbon Development (Policy ENV9)

13. *Is there adequate flexibility in Part B of Policy ENV9 to reflect the viability and feasibility of developments connecting to local energy networks and district heating systems?*

2.13.1. Core planning principle 6 of the NPPF supports the transition to a low carbon future in a changing climate taking into account flood risk and through encouraging the reuse of existing resources, and the encouragement of the use of renewable energy. Para 97 (paragraph 151 NPPF 2019) requires local planning authorities to "identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers."

2.13.2 Policy S11 WNJCS requires major development and sustainable urban extensions to contribute to reductions in carbon emissions and adapt to the effects of climate change. Para 5.108 states that major development sites and SUE opportunities for the deployment of combined heat and power and district level heating and cooling networks should be taken where viable and appropriate.

- 2.13.3 Policy ENV 9 is positively worded, and considered to be consistent with NPPF and WNJCS Policy S11, Para 5.1.04 and 5.1.08. A representation was received from Historic England which welcomed criteria ii of the policy (PS042/04).
- 2.13.4 Policy ENV9 criteria 9 is considered to provide adequate flexibility for developments connecting to local energy networks and district heating systems as the policy makes reference to 'where appropriate' and 'where practical'. As detailed in the supporting text of the policy, para 9.6.09, the policy encourages the use of low carbon energies on major development proposals rather than requires it. A representation was received which objected to the requirement for new development to be connected to renewable or low energy networks (PS062/05).
- 2.13.5 However to provide further consistency with WNJCS, the Council suggests a main modification to criterion B that includes reference to viability. If recommended by the Inspector it is proposed that 'and viable' should be included into criteria B (PMM12). This would be reflective of the wording as set out in the Core Strategy Policy S11 and supporting text.

B. Where appropriate and viable, new development should utilise the availability of any local energy network, such as combined heat and power (CHP) system or generate their own energy from low carbon technology. Where district heating schemes are proposed, and it is reasonably practical, all properties will be expected to be connected to them.

14. *Is Policy ENV9 and its supporting text sufficiently clear with respect to the status of energy efficiency requirements of the JCS and the implications of the Written Ministerial Statement - Planning update, published 25 March 2015?*

- 2.14.1 As stated in the supporting text to Policy ENV9, para 9.6.04 states that Policy S11 WNJCS implements the energy efficiency part of the Code for Sustainable Homes on new dwellings. Policy S11 requires all new development to achieve a minimum of level 4 standards in the Code for Sustainable Homes.
- 2.14.2 However since the adoption of WNJCS, the Government in March 2015 set out that whilst the code cannot be applied in full, local planning authorities can continue to set and apply policies which require compliance with the energy performance requirements that exceed building regulation requirements. The intention is that in accordance with Policy S11 WNJCS dwellings shall include energy efficiency measures equivalent to those required to achieve level 4 of the former Code for Sustainable Homes.

2.14.3 As it is covered by policy S11 it is not considered appropriate to include a reference to Policy S11 within Policy ENV9.

Design (Policy ENV10)

15. Is it reasonable and justified that all types of development should be expected to meet all of the criteria in Part B of Policy ENV10?

2.15.1 Policy ENV10 is justified and consistent with National Policy. It is important to ensure the development reinforces local distinctiveness. Core planning principle 4 of the NPPF requires planning to always seek high quality design and section 5 (12 of NPPF 2019) reinforces the government’s commitment to achieving good quality design as a key aspect of sustainable development. Para 58 of the NPPF (para 127 of NPPF 2019) sets out objectives for local plan criteria based policies.

2.15.2 The Council accepts that criteria in part B of the policy should only be met in circumstances appropriate to the specific proposal. To ensure that the policy is reasonable and justified, the Council is suggesting that the policy wording is changed via a main modification to incorporate the criteria into part A of the policy. The Council is suggesting an additional change to provide clarity to the wording of criterion v. The main modification is suggested as follows and set out in the schedule of potential main modifications (PMM13):

<p>ENV10 Design</p> <p>A. Development that is of a high quality and, in particular, proposals of an exemplary and innovative design that reflect and integrate with the surrounding area and create a strong sense of place, will be supported. B To achieve H high quality design development should meet all the following is achieved by:</p> <ul style="list-style-type: none">i. Promote <u>Promoting</u> or reinforce reinforcing local distinctiveness and enhance ing its surroundings;ii. Take <u>Taking</u> account of local building traditions and materials;iii. Ensure <u>Ensuring</u> that the scale, density, massing, height, layout and access of the proposal combine to ensure development blends well within the site and with its surroundings;iv. Incorporate <u>Incorporating</u> crime prevention measures in the site layout and building design;v. Incorporate <u>Integrating</u> existing landscape features of the site and combine with proposed landscaping and open space;vi. Provide <u>Providing</u> details of suitable comprehensive landscaping scheme;vii. <u>Responding</u> to wider landscape context; andviii. <u>Protecting</u> the amenity of new and existing dwellings and not compromise the function of existing surrounding uses.
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Local Flood Risk Management (Policy ENV10)

16. *Is the approach of Policy ENV10 to managing flood risk – justified, effective and consistent with national policy and the JCS, with particular regard to paragraphs 100 - 104 of the Framework?*

2.16.1 The question above refers to ENV10, however it should refer to ENV11. Policy BN7 of the WNJCS sets out the strategic approach to flood risk, including the application of the sequential test to direct development to areas at the lowest probability of flooding. ENV11 supplements and should be read in conjunction with BN7 and provides a local approach to flood risk management. It requires compliance with up- to-date strategies and guidance which are published by Anglian Water and Northamptonshire County Council. The policy has been supported by Northamptonshire County Council at Emerging Draft (ED27) and Proposed Submission Stages (PS012) and the Environment Agency at Emerging Draft (ED55) and Proposed Submission (PS027) Stages.

2.16.2 With reference to para 101-104 of the NPPF, the Environment Agency's (EA) representation at Issues and Options stated that any new housing allocations would need to be informed by an up-to-date water cycle study and strategic flood risk assessment (FSD08, page 140). As a result the Council commissioned Northamptonshire County Council as Lead Local Flood Authority to undertake an update of the Level 1 SFRA Update (WFR02 and accompanying map documents WRF03 and WRF04). Consideration of potential site allocations against the requirements of the NPPF in respect of flood risk (paras 100-104) took place at stage 3 (technical assessment) of the site selection process. The SFRA is set out in full in WFR02, WFR03 and WFR04 and summarised in the Site Selection Background Paper (GEN05, pages 13, 18, 19 and Appendix A site assessments). This approach has ensured that in allocating sites, the Plan has selected sites that are at a lower risk of flooding, thereby complying with the advice in paragraph 100 of the NPPF. In doing so it has taken advice from the Environment Agency and the Local Lead Flood Authority.