



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

Response by Daventry District Council

Matter 8: Community and Wellbeing

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 8 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 8: Community and Wellbeing

Issue

Whether the approach to community and wellbeing is positively prepared, justified, effective and consistent with national policy.

Questions

In responding to these questions, the Council should identify and address specific concerns raised in representations.

Health and Wellbeing (Policy CW1)

1. ***What is the basis for the approach in Policy CW1, what does it seek to achieve and is it positively prepared, justified, effective and consistent with national policy?***
- 2.1.1 Core planning principle 12 of the NPPF requires planning to take account of and support local strategies to improve health, social and cultural wellbeing for all. As set out in paragraphs 10.1.03 to 10.1.06 of the Plan the policy reflects the social role of sustainable development set out in paragraphs 7 (second bullet point) and 8b of NPPF 2012 and NPPF 2019 respectively, which seek to support strong, vibrant and healthy communities. It also recognises the health inequalities in the District and the Council's priority to promote healthier lifestyles as stated in supporting text paragraphs 10.1.01 and 10.1.02. The policy aims to achieve this through a combination of considering all aspects of health in the design of proposals, protecting existing community, cultural and recreation facilities against loss unless fully justified and supporting provision of new facilities.

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

2.1.2 In response to representation PS018/01, the Council has proposed a minor modification to the supporting text at paragraph 10.1.03 (document PSD12, MiMd10).

2. *Is the requirement for a health assessment in Part A criterion (iv) of Policy CW1 justified and consistent with national policy?*

2.2.1 Part A criterion (iv) does not require the submission of health impact assessments (HIA), it states that a HIA would be supported because it would help demonstrate how proposals would identify health implications and promote healthy communities. The policy makes it clear that HIAs would only be relevant for major applications. It also presents the opportunity for potential applicants, in the context of the health agenda, to demonstrate the sustainability of the proposal.

2.2.2 Concerns have been raised by two representors regarding the criterion. The Council has responded to representations PS062/06 and PS087/19 in document PSD11, EXAM1B and EXAM1B.

3. *Is Policy CW1 in seeking to protect existing public and community premises consistent with Policy CW3?*

2.3.1 The NPPF (paragraphs 70 NPPF 2012, 92 NPPF 2019), requires planning policies to plan positively for and guard against the unnecessary loss of community facilities and services. It sets out in paragraphs 74 NPPF 2012 and 97 NPPF 2019, criteria to assess loss of open space, sports and recreational land and buildings.

2.3.2 The two policies deal with different types of uses and facilities that are used and valued by communities. Policy CW1 is concerned with open spaces, cultural and recreational community buildings and requires potential loss to be assessed against policy RC2 of the WJCS (WJCS01). It is worth noting that the three criteria in RC2 broadly follow the NPPF criteria referred to above and the supporting text to policy RC2 (paragraph 7.41) states that many of these facilities do not operate commercially. Policy CW3 deals with uses that are generally commercial in nature such as retail shops and public houses and the requirements in criteria A.i. of the policy are in line with the requirement in policy EC4 that requires applications for non-B class uses in Strategic Employment Areas to be supported by marketing evidence.

Open Space (Policy CW2)

4. *Are the Open Space standards identified in Policy CW2 and the thresholds for new developments required to meet them, justified by evidence and effective? Have the implications for the viability of development been taken into account, including in the NRDA? How will the quantitative and accessibility standards be applied to particular development proposals?*

- 2.4.1 The NPPF states in paragraph 74 that all publicly accessible open space should be retained unless it can be demonstrated that one of three tests can be met (97 of NPPF 2019). Paragraph 73 states that planning policies should be based on robust up-to-date assessments which identify need and opportunities for new provision (96 of NPPF 2019). The relevant evidence for the Plan is provided by the Open Space Sports and Recreation Study 2018 and specifically the Open Spaces Report for Daventry District (OSS02-7) and the Open Spaces Report for Northampton including the NRDA (OSS02-9). As stated in the introduction to OSS02-7 the assessment is in accordance with the NPPF, based on relevant best practice and is robust to justify the policies. OSS02-7 goes on to say in paragraph 2.2 that the assessment addresses the three NPPF tests.
- 2.4.2 Section 2 of OSS02-7 and section 1 of OSS02-9 set out the methodologies for the Daventry District and Northampton/NRDA assessments respectively, in order to set quantitative and accessibility standards for recognised green space typologies. Sections 11 of OSS02-7 (para 11.5) and OSS02-9 (para 10.5) set out the size thresholds of developments to which the standards will apply, i.e. over 0.2ha or 6 or more dwellings.
- 2.4.3 The standards in part A of the policy for Daventry District were tested in the Viability Assessment Report (GEN01) and were found to have a cost impact. This has been assumed in the gross to net calculations (table 3.2) and the assessment concluded that the Emerging Draft Plan would be deliverable, however, there may need to be flexibility applied to affordable housing and accessibility standards (section 6.3). The NRDA sites were not tested at that time and one representation raised concerns about the impact of the open space standards in part B of CW2 on viability of the NRDA sites (PS054/02). As a consequence the Council commissioned and then published an addendum to the Viability Report (GEN01A), which re-tests site HO1 and HO2 and tests the NRDA open space standards in the Submission Plan on the existing NRDA sites. The test is set out in paragraphs 21-27 of GEN01A. For the three NRDA sites (N3, N8 and N4) the conclusion is that all three remain viable when tested to policy layer 3, and although viability becomes marginal at both policy layers 4 and 5 (CW2 standards) they remain viable (paras 27 and 29). The fact that the policy standards have been found to be viable means that they will be effective and deliverable over the plan period.
- 2.4.4 The same representation highlighted inconsistencies between the standards in part B of the policy and the evidence (OSS02-9). As set out in PSD11, EXAM1B and EXAM1B the Council has proposed a minor modification to reflect the published standards (MiMd11). However, the Council has identified a further anomaly in the quantity and accessibility standards for children and young people and is proposing a further minor change to MiMd11 at MiMd 28.
- 2.4.5 The Plan states in paragraphs 10.1.04 and 10.1.09 that the standards are based on evidence contained in the review of the 2009 Open Space, Sport and Recreation Study,

however the relevant documents are not referenced. The Council is proposing minor changes to the text to recognise that it is this latest document, the 2018 version, which provides the evidence for the policies, at MiMd 25 and 26.

2.4.6 The Planning Standards section in Section 11 of OSS02-7 explains how the standards will be applied, specifically paragraphs 11.6 to 11.8. The supporting text does not contain an explanation of how the standards are applied and the Council proposes to include supporting text to assist users as a minor modification, MiMd27.

5. *Is the requirement in Part C of Policy CW2 consistent with national policy and does it comply with the Community Infrastructure Levy Regulations?*

2.5.1 It would not be realistic for all proposals to incorporate on-site open space, particularly smaller sites because the area required by the standards would be too small to be effective and create maintenance difficulties. In such circumstances it would be more effective for a developer to make a financial contribution to either enhance an existing open space or create new open space within the accessibility distance threshold, to create a more usable area. Creating attractive and usable open spaces that contribute toward health and wellbeing is in accordance with the NPPF paragraph 73 (96 of NPPF 2019).

2.5.2 The Council considers that this part of the policy would meet the CIL Regulations tests because open space is necessary to make development acceptable, it would be directly related to the development and would be fairly and reasonably related in scale and kind to the development because the quantity of open space required and therefore the level of financial contribution would be calculated using the standards in the policy.

Protecting Local Retail Services and Public Houses (Policy CW3)

6. *Is the approach of Policy CW3 justified and consistent with national policy and the JCS? Is Part B of Policy CW3 sufficiently clear in terms of the useable floorspace of its original function that is required to be retained?*

2.6.1 The retention of local shops and public houses is justified as the retention of such facilities is important to promote a strong, vibrant economy. This is also demonstrated in the Settlement Hierarchy background paper (GEN04 - Appendix A – Stage 1 Qualitative assessment - page 25) which shows there are a relatively limited number of settlements that have a local shop (general food store) or post office, 15 and 19 respectively relative to the number of settlements (90). Furthermore in a number of small settlements the public house is often one of the few services. This further justifies the approach in policy CW3 to seek to retain these, particularly if there are no other equivalent services in the immediate locality or village.

- 2.6.2 The approach in policy CW3 is justified and consistent with the WNJCS, particularly policy R1 which seeks to promote sustainable development that equally addresses economic, social and environmental issues and policy R2 which aims to sustain and enhance the rural economy. Furthermore the NPPF is clear under chapter 3 that to promote a strong rural economy local and neighbourhood plans should promote the retention and development of local services including local shops and public houses.
- 2.6.3 Part B of the policy is considered to be sufficiently clear in that it will ensure that the floorspace that is left is still sufficient for it to be able to provide its original function but acknowledges the needs for businesses to be able to diversify.
- 2.6.4 Only one representation was made to this policy (PS087) suggesting it should support the provision of new services and facilities. As confirmed in PSD11 this is already covered in policies the settlement hierarchy policies and policy R2 of the WNJCS.

Local Green Space (Policy PA1)

7. *Was the methodology used to identify the proposed Local Green Space designation and their boundaries, consistent with national policy?*

- 2.7.1 Document BNE02 (Local Green Space Assessments) sets out the background to the Parish Annex and Local Green Space designations and how sites were nominated and assessed. Section 4 of BNE02 sets out the NPPF criteria (paragraph 77 of NPPF 2012) used to assess each space and Appendix A sets out the assessment of each site nominated against these criteria. Only sites that meet all three criteria were accepted for designation.
- 2.7.2 Two representations objected to the apparently large number of proposed LGSs (PS062/07 & PS087/21). The process was open to the Town Council and all parish councils, of which there are in excess of 70, however, as explained above, only sites meeting all three criteria were accepted. The Council's response to these representations is set out in PSD11, EXAM1B and EXAM1B.
- 2.7.3 In terms of boundaries, the Council has checked and accepted the vast majority of boundaries submitted, however, it has made adjustments in a small number of cases. These include for mapping accuracy; exclusion of a car park and community buildings to allow flexibility for future community aspirations (site 183, Naseby); and to respond to representations at Emerging Draft stage where the boundary was either incorrect or would cause a problem for users (sites 123, Church Stowe and 145, Weedon).
- 2.7.4 Representations from Badby Parish Council (PS046/02) and the Neighbourhood Plan Steering Group (PS104/02) expressed concern that a LGS in the emerging Badby

Neighbourhood Plan was not shown on the Policies Map. Following the making of the Badby Parish Neighbourhood Plan in January 2019 the Council has proposed through MiMd14 that the LGS would be shown on the Policies Map and listed in Appendix I. The Council has responded to a number of representations regarding the addresses of various LGSs as shown in Appendix I and is proposing factual corrections and updates to references as minor modifications MiMd15, 16 and 17. These are set out in PSD12. It has been noted that the reference numbers are also missing in Appendix I for Creaton, these will be added through MiMd34.

2.7.5 Two representations (P077/01 and PS087/21) have expressed concerns about the process for designating the LGSs. BNE02 sets out in sections 2 and 3 the two opportunities for parish councils to nominate sites, firstly before and to inform the Emerging Draft stage, and secondly, during consultation on the Emerging Draft Plan, which resulted in additional sites being included in the Proposed Submission Plan. PSD08 summarises the consultation process in paragraphs 3.11, 4.25, 4.38. Where parish councils did not notify landowners prior to nomination, contact details were obtained to enable the District Council to contact landowners and invite representations at both Emerging Draft and Proposed Submission stages. The Council considers that this process has been fair and has provided landowners with sufficient opportunity to make comments.

8. *Are there any factors that indicate that any of the proposed Local Green Spaces identified should not have been designated? If so, what evidence is available to support this position?*

2.8.1 As set out in the answer to question 7 above, all sites were assessed against the relevant NPPF criteria. In terms of the Emerging Draft, document BNE02 sets out in Appendix A the Council's response and whether the site was carried forward to Proposed Submission; document FSD04-1 sets out the details of the comments made to the Parish Annex/LGS, the Council's responses and actions. At Proposed Submission Stage, documents PSD11, EXAM1B and EXAM1B sets out the Council's responses.

2.8.2 Three representations were received from landowners who objected to the proposed designation of their sites as LGS at Proposed Submission Stage (PS058/10, PS077/01 and PS085/05). PS058/10 refers to a site which was proposed through the West Haddon Neighbourhood Plan (NP01 – LGS G1 Old Rec). The representation contends that the local plan should not incorporate LGS identified through a neighbourhood plan because it has not been appropriately assessed. Table 1 in NP01 (page 34) contains a LGS assessment against the NPPF paragraph 77 criteria (all neighbourhood plans need to demonstrate how proposed LGS meet the criteria and this assessment is generally incorporated as supporting text or an appendix to the plan). NP01 was subject to consultation at Regulation 14 and 16 stages and has undergone an independent

examination. The Examiner's Report for the neighbourhood plan (NP01-A) considers the LGS designations under policy WH2 (pages 17-21) and G1 specifically in paragraph 5.23. NP01 was 'made' by the Council in January 2016 and forms part of the Development Plan for the District; it is therefore entirely appropriate to include this specific site and other LGS in 'made' neighbourhood plans in the Part 2 Plan.

2.8.3 PS077/01 refers to the Playing Fields at Creaton (site 167). The landowner states that the site fails against criterion 2 (demonstrably special) - although it is special for its recreational value, the land is leased to the Playing Fields Association on a discretionary basis and the landowner could terminate the lease at any point, at which stage it would revert to agriculture and access would be restricted to public rights of way. The Council assessed the site in BNE02 (page 16) and considered that it meets all three criteria. The site is actively used by the Creaton community and has been managed by the Playing Fields Association since the 1980's. Even if the lease was removed, the community would still value the site because it has been in use for over 300 years.

2.8.4 PS085/05 refers to allotments at Moulton (site 93). The representation states that the site should be allocated to meet Northampton's needs, it has previously been submitted through the call for sites and is already protected by policies in the Moulton Neighbourhood Plan and policies in this Plan. The Council assessed the site in BNE02 (page 50) and considered that it meets all three criteria. Allotments have been accepted as LGS in 'made' neighbourhood plans and the Council has accepted allotments nominated by parish councils for the sake of consistency.

2.8.5 The report of the independent examiner for the Staverton Neighbourhood Development Plan (NP15) was issued in February 2019. This has recommended the deletion of the Pocket Park LGS from the neighbourhood plan. The Pocket Park is listed in Appendix I of the Submission Plan and shown on the Policies Inset Map for Staverton as site 191, but given the decision of the Neighbourhood Plan examiner, it would make sense to delete it from the Local Plan, therefore, the Council proposes to delete site 191 from the Staverton Inset Map and the list in Appendix I on page 188 as minor modifications (MiMd32 and 35).