

# **Clipston Neighbourhood Development Plan 2020-2029**

**A report to West Northamptonshire Council on the  
Clipston Neighbourhood Development Plan**

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## **Executive Summary**

1. I was appointed by West Northamptonshire Council in May 2021 to carry out the independent examination of the Clipston Neighbourhood Plan.
2. The examination was undertaken by way of written representations. I visited the neighbourhood area on 14 June 2021.
3. The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two specific issues. The first is seeking to bring forward a housing allocation to assist in the delivery of affordable housing. The second ensuring that any new development takes account of its attractive and distinctive character.
4. The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
5. Subject to a series of recommended modifications set out in this report I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
6. I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**7 September 2021**

# 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Clipston Neighbourhood Development Plan 2020-2029 ('the Plan').
- 1.2 The Plan was submitted to Daventry District Council (DDC) by Clipston Parish Council (CPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. In April 2021 DDC was incorporated into the newly-created West Northamptonshire Council (WNC). That Council has overseen my appointment as examiner and the wider process thereafter.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WNC, with the consent of CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WNC and CPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

### **3 Procedural Matters**

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- Appendices 3-13.
- the Strategic Environmental Assessment
- the four supporting documents (SD1-4)
- the representations made to the Plan.
- the Parish Council's responses to the clarification notes.
- the adopted West Northamptonshire Joint Core Strategy.
- the adopted Settlements and Countryside Local Plan (Part 2) for Daventry.
- the Clipston Village Design Statement
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 14 June 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of several of the representations.

## 4 Consultation

### Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 CPC prepared a Consultation Statement. It is proportionate to the Plan area and its policies. It is a particularly good example of a statement of this type. In particular it sets out key findings in a concise report which is underpinned with a series of more detailed appendices.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2020). It provides the details of the responses to that version of the Plan in Appendix 2. This analysis contributes significantly to the legibility of the relevant information and helps to describe how the Plan has progressed to the submission stage.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. Within this wider context the following events were particularly important:
- the questionnaire sent to all households (2017);
  - the first Open Event (February 2018);
  - the second Open Event (January 2020);
  - the circulation an executive summary of the Plan to every household (September 2020);
  - the informal consultation with landowners;
  - the ongoing use of the Parish Council's website and the Clipston Courier to raise awareness on the Plan; and
- 4.5 Consultation on the submitted plan was undertaken by Daventry District Council before it was incorporated into the newly-created West Northamptonshire Council. It ended on 22 March 2021. This exercise generated representations from the following organisations:
- Historic England
  - Sport England

- Anglian Water
- Natural England
- Clipston Primary School
- Daventry District Council
- Northamptonshire County Council

4.6 Representations were also received from five local residents.

4.7 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis



## 5 The Neighbourhood Area and the Development Plan Context

### The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Clipston. Its population in 2011 was 643 persons living in 261 households. It is located in open countryside in the northern part of the newly-created West Northamptonshire Council. In particular it is located to the south of Market Harborough and to the immediate north of the A14. It was designated as a neighbourhood area on 3 March 2017.
- 5.2 Clipston is an attractive village located in the middle of the neighbourhood area. It is a nucleated village and sits astride the Naseby to Market Harborough Road. Its local environment is dominated by All Saints Church. It includes a series of attractive vernacular buildings.
- 5.3 The remainder of the neighbourhood area is attractive open countryside.

### Development Plan Context

- 5.4 The development plan for the neighbourhood area is well-developed and up-to-date. The West Northamptonshire Joint Core Strategy (WNJCS) sets the broader strategic picture for new development in the West Northamptonshire area (which at that time incorporated Daventry, Northampton and South Northamptonshire Districts).
- 5.5 The Plan sets out the limited scope for development in rural areas. In particular paragraph 5.11 comments that '(it) is recognised that many of the villages in the rural areas play an important role in providing local services and facilities, including employment opportunities, both for the village itself and the wider rural areas. Furthermore, some villages also provide facilities and services for the nearby urban population too. Clearly these roles will continue but the emphasis will be on providing for local needs and basic services and facilities rather than serving a higher order function that should be the role of the rural service centres or even the sub-regional Centre or the principal urban area'
- 5.6 The Settlements and Countryside Local Plan (Part 2) for Daventry is one of a series of district-based plans which adds local value to the WNJCS. It includes a wide range of other more detailed policies. In particular Policy RA3 identifies Clipston as one of a series of 'Other villages' in the former Daventry District which perform a predominantly local role in providing a limited number of services and facilities for their residents. In addition to Policy RA3 the

following policies have been particularly important in underpinning neighbourhood plan policies:

ENV1 Landscape

ENV4 Green Infrastructure

ENV5 Biodiversity

ENV7 Historic Environment

CW1 Health and Well-being

NP1 Neighbourhood Plans

RA5 Renovation and Conversion of Existing Buildings within settlements

RA6 Open Countryside

- 5.7 The submitted Plan has been prepared within its up-to-date development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.
- 5.8 WNC has now begun work on a new West Northamptonshire Strategic Plan (WNSP). It will set out a spatial vision for the future of the area for the period up to 2050. However, that Plan is at a very early stage and it would be impracticable to give it any weight for the purposes of examining this neighbourhood plan. In any event the basic conditions test is against the strategic policies in the adopted development plan.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 14 June 2021. I approached it from the A14 and the A508 from the south. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network in particular.
- 5.10 I took time to familiarise myself with the nucleated nature of the village and the interesting and attractive way in which a network of smaller roads fed into the main Market Harborough – Naseby Road. I also took time to appreciate the design of the various buildings and their interesting and attractive use of vernacular materials. I saw the various important open spaces (as shown in Figure 9.2) which contribute to the village's setting and character.

- 5.11 I then looked at the proposed residential allocation off Naseby Road. I saw its relationship with the countryside to the north west and to the south east, to the houses in Marecroft and Naseby Road, and to the ongoing infill residential development to the north east.
- 5.12 I then walked along Gold Street. I saw its attractive mixture of building types and sizes.
- 5.13 I then looked at the proposed village confines in the northern part of Chapel Lane. In doing so I saw the Chapel itself and other imposing buildings in this part of the village.
- 5.14 I then looked at the proposed local green spaces in the heart of the village. I saw the way in which they were both local in scale and played an important role in defining the character of the village.
- 5.15 I then drove to the south of the village to look at the more extensive proposed local green space off Kelmarsh Road. I saw the way in which it related to the wider countryside to the south of the village. I then took the opportunity to look at the more remote important views identified in the Plan.
- 5.16 I finished the visit by driving into Market Harborough. It identified the way in which the town provides high-level services within close proximity to the neighbourhood area.

## **6 The Neighbourhood Plan and the Basic Conditions**

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan 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 in the area;
  - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

### National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2021 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Clipston Neighbourhood Development Plan:
- a plan led system - in this case the relationship between the neighbourhood plan, the West Northamptonshire Joint Core Strategy and the Settlements and Countryside Local Plan (Part 2) for Daventry
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;

- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing and environmental matters. Whilst I have recommended the deletion of the housing allocation, the Plan has nevertheless approached the plan-making in a positive fashion. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for residential development (Policies HBE2 and 3) and for employment development (Policies BE1 to BE5). In the social role, it includes policies on community facilities (Policies CF1 and CF2) and on home working (Policy CC6). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has policies on open spaces (Policies ENV1 and ENV3), on important views (Policy ENV8), on heritage assets (Policies ENV4 and ENV5) and on biodiversity (Policy ENV7). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider West Northamptonshire area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.

Strategic Environmental Assessment

- 6.14 A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken in December 2019. The assessment finds that the majority of the policies within the plan are in general conformity with the West Northamptonshire Joint Core Strategy which have been subject to a SA/SEA where no significant effects were identified. However, it concludes that significant environmental effects could occur as the result of the implementation of the Clipston Neighbourhood Plan, due to the proposed housing allocation (HBE2) being situated in close proximity to the Clipston Medieval Village Scheduled Monument (141833 Clipston medieval settlement) and the potential effect of the housing allocation on cultural

heritage within the neighbourhood area. As such the screening report recommended that further assessment is required with respect of cultural heritage and a Strategic Environmental Assessment needed to be undertaken for the Plan.

- 6.15 In these circumstances CPC commissioned the preparation of a Strategic Environmental Assessment. The appraisal of the Plan including mitigation of potential adverse effects provided by the proposed policies, does not identify the potential for significant negative effects. The SEA themes which are most sensitive to development in the neighbourhood area are historic environment and landscape. The key findings of the report are summarised in paragraphs 6.16 to 6.22.
- 6.16 In relation to the historic environment, a key concern is the need to avoid harm to the Clipston Medieval Settlement Scheduled Monument. However overall, the policies as applied to the proposed site allocation proposed are considered likely to be effective in mitigating and avoiding specific harm, whilst the policies of the Plan as a whole are considered likely to avoid harm to the historic environment more broadly.
- 6.17 In terms of landscape, a key concern is the need to avoid harm to the rural setting and context of the village and its character. The policies of Plan are considered likely to deliver growth which does not result in adverse effects to how the village is perceived within the landscape or to the character of its built area.
- 6.18 The potential for significant positive effects is identified in relation to the population and communities SEA objective on the basis that the Plan will deliver new housing to meet local needs, including four affordable homes to meet the specifically identified needs of local residents. The report comments that whilst the development of four homes is not a substantial quantum in absolute terms, it is considered significant in the context of the village, particularly as it will meet identified affordable housing needs in full.
- 6.19 The report comments that minor positive effects are anticipated in relation to the biodiversity, climate change, health and wellbeing, historic environment, and transportation SEA themes.
- 6.20 The report comments that neutral effects are anticipated in relation to the landscape SEA theme.
- 6.21 Finally the report comments that minor negative effects are anticipated in relation to the land, soil and water resources SEA theme on the basis that the proposed allocation of Site D2 will result in the loss of productive agricultural land with potential to be 'best and most versatile'.

- 6.22 Overall, the SEA concludes that the submitted Plan takes a proactive approach to delivering new development whilst protecting key aspects of the natural, built and historic environment that contribute to the overall sense of place and quality of life in the Clipston.

#### Habitats Regulations Assessment

- 6.23 DDC also prepared a Habitats Regulations Assessment (HRA) of the Plan in December 2019. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular the wider report assesses the likely effects of the implementation of the policies in the Plan on sites in close proximity to the parish (the Upper Nene Valley Gravel Pits SPA/Ramsar and the Rutland Water SPA/Ramsar).
- 6.24 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.24 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

#### Human Rights

- 6.25 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

#### Summary

- 6.26 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.



## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of non-land use Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in normal print.

The initial parts of the Plan (Sections 1 to 6)

- 7.8 The Plan as a whole is very well-organised. It makes an appropriate distinction between the policies and the associated supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction sets the scene for the remainder of the Plan. It comments about the way in which the Plan was prepared and how it is structured.
- 7.10 Section 2 provides information about how the Plan fits into the wider planning system. It comments about the context provided locally by the Daventry Local Plan and nationally by the NPPF.
- 7.11 Section 3 sets out the vision for the Plan. Section 4 comments about how the Plan was prepared. Its details overlap with the contents of the Consultation

Statement. It includes helpful photographs of events and reproduces some of the leaflets used. This information gives life and depth to the details.

- 7.12 Section 5 comments about the neighbourhood area. Figure 1 identifies the neighbourhood area in a very clear way. Whilst the front cover of the Plan correctly identifies the Plan period (2020-2029), I recommend that paragraph 5.1 makes these details clear in the document itself. This will ensure that the Plan meets the statutory requirements for a neighbourhood plan (as set out in paragraph 2.6 of this report).

At the end of paragraph 5.1 add: 'The Plan period is 2020 to 2029'

- 7.13 Section 6 comments about the importance of sustainable development in general terms. It also identifies how the submitted Plan delivers the three strands of sustainable development in the neighbourhood area.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy CC1: Mitigation of climate change-driven flooding

- 7.15 The policy has two related parts. The first seeks to ensure that there is a balance between new developments and their effects on climate change targets in general, and flood mitigation strategies in particular. The second offers support to proposals to the construction of new (or the modification of existing) floodwater management infrastructure including those within the built-up area, provided they do not harm the character or setting of the village.
- 7.16 The policy takes a positive approach to this important matter. The final sentence of the first part of the policy refers to the sequential test and the exception test. This approach has regard to national policy. However, it is a process matter rather than policy. In these circumstances I recommend that it is repositioned into the supporting text. Otherwise, it meets the basic conditions.

**Delete the final sentence of the first part of the policy.**

At the end of paragraph 7.10 add: 'Policy CC1 addresses this important matter. Development proposals in the purple area as shown on Figure 2 will be subject to the sequential and exception tests. Relevant planning applications should include the appropriate details to assist in this matter.'

Policy CC2: Flooding

- 7.17 This policy continues the approach in Policy CC1. It identifies a series of criteria with which housing and employment development proposals should comply.

- 7.18 The policy takes a robust approach to this important matter. Nevertheless, as submitted the policy overlaps with elements of national policy (as set out in the NPPF) and relevant policies in the development plan. In this context I recommend that the first criterion of the policy is deleted and that the second criterion only requires the preparation of a hydrological study in those areas which require such an approach. I also recommend consequential modifications to paragraph 7.12 of the Plan so that it more fully acknowledges the relationships between national, local and neighbourhood plan policies. Otherwise, it meets the basic conditions. It will do much to assist in delivering the environmental dimension of sustainable development in the parish.

**Delete criterion a)**

**In criterion b) replace ‘and is accompanied’ with ‘and is accompanied where appropriate’**

At the end of paragraph 7.12 add: ‘Policy CC2 provides a locally-distinctive policy on this important matter to complement the approach in both the NPPF and in the development plan for the West Northamptonshire area’

Policy CC3: Renewable energy generation infrastructure

- 7.19 This policy sets out a positive basis for proposals that promote and encourage the development of renewable and low carbon energy resources. It is a criteria-based policy.

- 7.20 In general terms the policy’s approach has regard to national policy. I recommend four modifications to bring the clarity required by the NPPF. The first removes the word ‘only’ from the policy. It adds no value to the approach taken and sets a negative rather than a positive tone. The second replaces ‘permitted’ with ‘supported’ in the opening part of the policy. The third replaces ‘adverse’ with ‘unacceptable’ in the criteria. This acknowledges that the test is the acceptably or otherwise of any harm which may be generated by the development concerned. The fourth deletes the fifth criterion which relates to safety issues in relation to the distance between wind turbines and domestic properties. Whilst this is primarily a technical/safety issue the matter of residential amenity is already addressed in the first criterion.

**In the opening element of the policy replace ‘only be permitted’ with ‘be supported’**

**In criteria a) to d) replace ‘adverse’ with ‘unacceptable’**

**Delete the fifth criterion.**

#### Policy CC4: Energy efficient buildings

- 7.21 This policy comments that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions. It sets out a series of design principles which developments should aspire where it is both practical and viable.
- 7.22 The policy has been very well developed. It is non-prescriptive and takes appropriate account of viability issues and the practicality of achieving some or all of the elements of the policy. I recommend a series of detailed modifications so that the policy has the clarity required by the NPPF and is internally consistent. Otherwise, it meets the basic conditions.

**At the end of criterion f) add ‘of the West Northamptonshire Joint Core Strategy’**

**In criterion g) delete ‘is encouraged’ and ‘and development...organisations’**

**In criterion h) replace ‘must’ with ‘should’**

#### Policy CC5: Electric vehicles

- 7.23 This policy addresses electric vehicles. It has two related parts. The first sets out the requirement for charging points for new residential developments. The second offers support to the development of communal vehicle-charging points in the parish.
- 7.24 In the first part of the policy I recommend that the reference to a specific electrical charge standard is removed. This will future-proof the policy in the event that technology changes within the Plan period. In the second part of the policy, I recommend detailed modifications to the wording used to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

**In the first part of the policy replace ‘7kW (or current best practice)’ with ‘current best practice’**

**In the second part of the policy replace:**

- **‘does not impact negatively’ with ‘does not have an unacceptable impact’**
- **‘avoids harm to the village character or impact on heritage assets’ with ‘does not cause unacceptable harm to the character of the village or its heritage assets’**

## Policy CC6: Home working

- 7.25 This policy offers support to proposals for home-working subject to their compliance with three criteria.
- 7.26 In general terms I am satisfied that the policy meets the basic conditions. I recommend detailed modifications to the policy wording so that it has the necessary clarity. In particular I recommend that the policy identifies that many such proposals may be permitted development. I also recommended consequential modifications to the supporting text.

**At the beginning of the policy add: 'Insofar as planning permission is required'**

**In criterion b) replace 'significant and adverse' with 'unacceptable'**

At the end of the paragraph 7.24 of the supporting text add:  
'Policy CC6 provides a context for this approach. It recognises that several such proposals may benefit from permitted development rights. West Northamptonshire Council will determine the need or otherwise for planning permission on a case-by-case basis taking account of the scale and the nature of the proposed business activity'

## CC7 Pedestrian paths/pavements

- 7.27 This policy comments that proposals for the upgrading and, where appropriate, extension of the pedestrian footpath network in the Parish will be supported where they do not harm the character or setting of the village.
- 7.28 The format of the policy is unusual as it sets a general approach and then identifies three benefits and/or outcomes of the improvement of the footpath network. I recommend that these elements are removed from the policy and repositioned in the supporting text. Otherwise, the policy approach reflects local circumstances in the parish and will meet the basic conditions. It will assist in the delivery of the social dimension of sustainable development.

**Delete 'in order to: and the three factors'**

Add a new paragraph of supporting text to read:

'7.29.11. Policy CC7 provides a context for footpath improvements to take place. Such works have the ability to service new developments and connect them to the existing pedestrian footpath network; encourage walking over car use for making journeys within the Parish; and provide an improved and more

extensive footpath network to support exercise and leisure activities for the Parish residents and visitors.’

#### Policy HBE1: Village Confines

- 7.29 This policy sets a spatial strategy for the Plan. It sets out a policy approach where development proposals on sites within the village confines (as identified in the Plan) will be supported where they respect the character of Clipston. Land outside the defined village confines will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 7.30 The proposed village confines are shown on Figure 4. As might be expected they largely follow the outer extent of the village. The confines reflect the way in which the village has developed alongside its various roads. As drawn the Village Confines has attracted two representations which suggest different outcomes (from WNC and a local resident).
- 7.31 I have considered the representations against the guidance for village confines in Table 3 on page 35 of the Local Plan Part 2. It comments as follows:

The following will be classified as being inside the confines:

- Buildings and curtilages which are contained and visually separate from the open countryside that are clearly part of a coherent network of buildings that form the village (A);
- Areas of land with planning permission for housing or community use that are directly adjacent to the village and are under construction (B).

The following will be regarded as being outside the village confines:

- Gardens or areas of open space which relate to the open countryside taking into account the character and appearance of the garden and the surrounding area (C);
- Individual and groups of dwellings and buildings that are detached or peripheral to the village and relate to the open countryside rather than the built form of the village (D);
- Areas of employment or leisure use, including public open space, that is detached or peripheral to the village (E);
- Land which would otherwise be outside the confines, even if it is between the edge of the village and a bypass (F); and
- Rural Exception Sites (G).

- 7.32 Having looked at the parcels of land concerned as best I could from public vantage points and on electronic maps, I am satisfied that CPC has taken a proportionate approach to this matter. In particular the proposed village

confines incorporate 'buildings and curtilages which are contained and visually separate from the open countryside that are clearly part of a coherent network of buildings that form the village'

7.33 I looked in particular at the areas of land in Chapel Lane which a local resident suggests should be included within the village confines. Plainly there is a degree of judgement involved on the extent to which a property 'is detached or peripheral to the village and relate to the open countryside rather than the built form of the village'. Based on my observations, on balance I am satisfied that Mill House forms the northern edge of 'buildings and curtilages which are contained and visually separate from the open countryside that are clearly part of a coherent network of buildings that form the village'. In this context I am satisfied that CPC's definition of the village confines is soundly-based and is in general conformity with the strategic policies of the development plan.

7.34 I recommend a modification to the supporting text to draw attention to the details of Policy HBE3 which comment about windfall sites within the defined village confines.

At end of paragraph 8.14 add: 'These issues are captured in Policy HBE3 (Windfall Sites). That policy sets out detailed guidance on the development of small sites within the identified Village Confines'

Policy HBE2: Residential site allocation

7.35 This policy responds to CPC's assessment of local housing needs. It allocates land off Naseby Road (and to the rear of Marecroft) for approximately ten dwellings. It identifies a series of criteria which will apply to the development of the site. In particular the criteria set out the requirement for the delivery of affordable housing as part of the wider scheme and the need to safeguard the adjacent Scheduled Monument.

7.36 The policy lies at the heart of the Plan. Paragraphs 8.15 to 8.21 comment about the Parish Council's assessment of housing need in the parish. Paragraph 8.20 sets out CPC's assessment of how the identified housing need should be met. In summary it identifies the need for a site allocation of approximately ten houses incorporating 40% affordable housing.

7.37 The site is on the western edge of the village and is adjacent to existing social housing in Marecroft. The proposed access into the site is off Naseby Road itself.

7.38 The selection of the proposed site is the outcome of a detailed site selection process. A series of sites were assessed by CPC's retained consultants. Thereafter the sites were tested in the submitted Strategic Environmental Assessment. The various reports are very detailed and thorough. They

address a series of environmental matters in general, and the potential impact of development sites on the scheduled monument in particular. The various reports are internally-consistent.

- 7.39 The site selected was identified as D2 in the site selection process. The site assessment exercise (Appendix 5b) comments about the site as follows:

Size: Approximately 0.57 ha and with an approximate yield of up to 13 units (3 bed houses). The owner suggests 6 market and 4 affordable units.

Current Use: The site is currently an existing grazing field, a section of ridge and furrow of a low quality is found in the field pattern, The existing use will need to be relocated.

Location: The site is outside and adjacent to the currently recognised village confines boundary, abutting a small exception site of ten affordable dwellings constructed in the 1990s.

Topography: A sloping site, with level changes that will require minor mitigation.

Scheduled Monument: The south western boundary adjoins the Scheduled Monument 1418334 (SM). The SM is on level ground south-west of the site with clear intervisibility. This protected area adjoining the site is ridge and furrow. There is no obvious likelihood of the development on the site causing interference to the SM but any planning consent should be subject to the implementation of a programme of archaeological work in line with the outcome of appropriate investigations. Additionally, a landscape buffer would need to be created along the south western boundary of the site. The development would cause less than substantial harm to the SM.

- 7.40 The submitted SEA considers a series of reasonable alternatives to deliver new development considered necessary by CPC to meet housing needs. It draws the following conclusions in paragraphs 7.1 to 7.4:

'Following a review of the evidence and consideration of community aspirations for the area, the CNP proposes to allocate one site: Site D2, Part of land to the rear of Marecroft for the development of ten homes in total, of which six will be market homes and four will be affordable tenures.

The proposed allocation of Site D2 is informed by all of the available evidence, including extensive engagement with the community, the conclusions of the Parish Council's SSA site assessment exercise and with consideration of the findings of the SEA.

When read as a whole, the Parish Council considers that the available evidence indicates that Site D2 is the most suitable available location for



sustainable growth in Clipston. The site has potential to meet the identified housing needs of the parish in full whilst minimising, and avoiding where possible, harm to the settlement's distinctive character, its significant historic assets, its setting within the wider landscape and the natural environment more broadly.

Whilst recognising that site selection is underpinned by multiple strands of evidence, the Parish Council attributed significant weight to the findings of the SSA site assessment undertaken by YourLocale. The SSA process found the Site D2 performed notably more strongly than any other site option with capacity for at least ten dwellings in relation to the SSA methodology.'

7.41 Based on the evidence in the Plan itself, the evidence in the SEA and the information in CPC's responses to the two clarification notes I am satisfied that the site selection process has followed accepted practice for neighbourhood plans. A series of environmental matters have been identified and assessed on a consistent basis.

7.42 A key element of the site selection process and the SEA process has been the potential effect of housing allocations on the Clipston medieval settlement (1418334), a scheduled monument (SM). The Historic England description of the monument comments as follows:

'The scheduled monument includes the earthworks and buried archaeological remains of the medieval village of Clipston comprising tofts, crofts, enclosures and areas of medieval ridge and furrow. These remains surround the currently inhabited core of Clipston village. It is not possible to say if the extensive remains represent the maximum expansion of the village at any one time or are the results of changes in location and layout spread over a long period. There are two main areas of the settlement which appear to have been occupied by dwellings. The first and most concentrated is at the western end of the village, centred around Pegs Lane, and the second is in the paddocks lying between Chapel Street and Harborough Road. These two areas are linked by earthworks and the remains of the medieval field system including ridge and furrow and embanked enclosures, both characteristic of the medieval rural economy. At the east end of the village enclosures defined by low banks and scarps are clearly evident to the east of Kelmarsh Road and Church Lane, but few show sign of tofts suggesting they were never occupied by dwellings but were possibly for the purpose of stock enclosure'

7.43 The various potential sites were assessed for their potential impacts on the SM. The matter was also addressed in the submitted SEA. The site proposed for the housing allocation is immediately adjacent to the SM. The outcomes of the two related processes are summarised in paragraphs 7.39 and 7.40 of this report.

- 7.44 The NPPF attaches significant weight to the protection of heritage assets. Paragraph 199 of the NPPF comments that: ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’
- 7.45 Paragraph 200 sets out the implications on this matter for decision-making and comments that: ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of..... assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional’
- 7.46 Paragraphs 201 and 202 comment about the balance between development proposals and the degree of harm that would be caused to a heritage asset. Paragraph 201 comments that ‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of an identified set of criteria apply’ Paragraph 202 comments that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.
- 7.47 In this context the site selection process (Appendix 5b) has concluded that ‘there is no obvious likelihood of the development on the site causing interference to the SM but any planning consent should be subject to the implementation of a programme of archaeological work in line with the outcome of appropriate investigations. Additionally, a landscape buffer would need to be created along the south western boundary of the site. The development would cause less than substantial harm to the SM’.
- 7.48 I have considered very carefully the way in which the Plan has addressed this important matter. On the one hand the Plan is clear in its assertion that the development of the allocated site would cause less than substantial harm to the SM. On the other hand, this assertion is not underpinned with any direct evidence or site investigation work. This is reflected in the commentary on the

proposed site in the SEA which identifies a degree of uncertainty about the outcomes when it comments:

‘Development at Site D2 could have some limited potential to affect how the scheduled monument and its setting are perceived within the landscape. However, it is considered that there could be potential for development of sensitive design and layout to minimise effects on the significance of the monument and its setting by incorporating open space and landscaping along the southern boundary. In this context, uncertain effects are anticipated, as it is considered that the precise nature of effects in relation to the scheduled monument would likely be determined by detailed matters of design, layout and landscaping’ (AECOM- SEA p21)

- 7.49 This matter is translated into the policy itself. The second criterion of the policy comments that the development should:

‘be informed by heritage appraisal and impact assessment (including archaeological evaluation) to understand the significance of the scheduled monument and its setting as well as non-designated assets within the residential site allocation, the potential impact of any development on them and to identify any mitigation required’

- 7.50 In its response to the second clarification note CPC commented on this criterion as follows:

‘there have been no underground investigations as these would only take place at planning application stage and there are further detailed reports required when the allocation comes forward as a planning application, so criterion b) is included to ensure that if anything arises at planning application stage following detailed studies being undertaken, further unforeseen mitigations are included in the conditions prior to a planning approval being granted. This is considered to be good practice’

- 7.51 Plainly it would be unreasonable for a neighbourhood plan to provide the level of detail which would eventually underpin a planning application. Nevertheless, the approach taken in the Plan does not provide the clarity required for a development plan. In effect the judgement on the acceptability or otherwise of the proposed residential development of the site is postponed until a detailed planning application stage rather than being addressed with certainty at the plan-making stage.

- 7.52 I have also considered in detail the balanced judgement required by the NPPF where harm of whatever extent is likely to occur to heritage assets. Plainly the

community's wish to achieve a degree of new housing to address specific housing needs is an important material planning consideration. Clipston like many other rural villages is facing overlapping issues of housing affordability, the need for smaller houses and the need for vulnerable residents to achieve access to specialist accommodation. The Plan attaches considerable importance to this matter and highlights the merit of bringing forward a degree of market housing to deliver the affordable housing units sought.

- 7.53 However in the wider context of the preparation of the Plan, CPC has not undertaken any specific assessment of the relative importance of delivering new affordable housing and the potential harm to the SM or its setting. In my judgement the lack of any such information does not assist in reaching any evidence-based conclusion about the extent to which the proposed allocation of the site meets the basic conditions in general terms, and has regard to national policy in particular.
- 7.54 The importance of such an assessment is reinforced by three related factors. The first is that the development plan does not anticipate any significant development of new housing in Clipston or the 'other villages' as identified in its settlement hierarchy. In this context there is no reason why a neighbourhood plan cannot identify a higher level of housing growth than anticipated in the development plan. Nevertheless, there is no strategic need for the submitted Plan to deliver new housing accommodation. As such it is difficult to assess the public benefits which would arise from such development as required by paragraphs 201 or 202 of the NPPF (based on the scale of any harm to a heritage asset). In this context, the housing requirement for rural areas as set out in the WNJCS has already been met.
- 7.55 The second is the limited amount of information which has been used to inform the assessment of housing need. It relates primarily to surveys undertaken by DDC and CPC. The neighbourhood plan toolkit on housing needs assessment (as promoted to qualifying bodies in Planning Practice Guidance) has not been used during the preparation of the Plan.
- 7.56 The third is the way in which the assessment of need for affordable housing has been translated into its delivery through a larger market housing development. Plainly this reflects potential viability issues and land values within and around the village. Nevertheless, no other alternatives (such as the promotion of affordable housing through a community land trust arrangement) have been pursued.
- 7.57 In all the circumstances I recommend that the policy is deleted from the Plan. There is no detailed information to allow an informed assessment of the

development of the proposed allocated site on the SM. Similarly, there has been no assessment of the balanced judgement between the public benefits which would arise from the development of new housing in the village and the harm to the SM.

7.58 I also recommend consequential modifications to the preceding supporting text which provides a context for the policy.

7.59 I recognise that this recommendation will be a disappointment to CPC. Plainly the preparation of a neighbourhood plan is a perfect way in which to capture such proposals in a planning policy context. Nevertheless, opportunities for the promotion of this or other sites remains available either through the planning application process in general, or by way of an exceptions site in particular. Similarly other land acquisition measures may be available to CPC and/or registered social providers.

### **Delete the policy**

Delete the supporting text at 8.22 to 8.24

Delete paragraphs 8.19 to 8.21

Insert a replacement paragraph 8.19 to read: 'The Parish Council will consider ways of meeting the affordable/social housing need in the Plan period. In particular land acquisition measures may be available to the Parish Council and/or registered social providers to deliver the types of houses identified by local residents'

### **Policy HBE3 Windfall sites**

7.60 This policy comments that small development proposals on infill and redevelopment sites will be supported subject to a series of location and design criteria.

7.61 The policy takes an appropriate and positive approach to this important matter. It takes account of the strategic context for future development in the Parish as identified in the development plan. In particular the criteria are distinctive to the neighbourhood area.

7.62 The eighth criterion provides very detailed guidance on both numbers of houses and their mix. It comments that proposals should not include more than two additional dwellings and/or buildings, and if two additional dwellings are proposed at least one of the dwellings should have three or fewer bedrooms. In the broader circumstances of the Plan this is very prescriptive. I

recommend that it is replaced by a criterion which relates the number of houses on any windfall plot to its size and to the density and layout of dwellings in the immediate locality. Otherwise, the policy meets the basic conditions.

- 7.63 DDC suggests that the policy could usefully be combined with Policy HBE1. Its suggestion would have considerable merit and would assist with the legibility of the Plan. However, this approach is not necessary to ensure that the Plan meets the basic conditions. I have however recommended that the supporting text associated with Policy HBE1 draws attention to the contents of Policy HBE3.

**Replace h) with: ‘responds positively and sensitively to the size of the plot itself and to the density and layout of other buildings in the immediate locality’**

Policy HBE4: Design standards

- 7.64 This policy takes a positive approach to the increasingly-important design agenda. It requires that development proposals demonstrate a high quality of design, layout and use of materials in order to make a positive contribution to the special character of Clipston village and the wider parish. It comments that development proposals should have regard to a series of design principles where appropriate and proportionate to the development.
- 7.65 Paragraphs 8.31 and 8.32 of the Plan provide a context to the preparation of design standards in the policy. They comment that ‘it is not the intention of the Design Standards to impose a particular style of building design nor to exclude good examples of modern design and construction. It is, however, intended that any development proposals do not conflict with their surroundings nor diminish the existing historical value and local amenity. It serves as an update to the Village Design Statement. The Design Standards do not supersede or replace the suggestions and guidance in relevant national and local documents but are designed to augment them. The intention is that Development is of a higher standard than the general national and local requirements. It is the aspiration of the Clipston residents that Development maintains and complements the existing character and environment and benefits the community where possible’.
- 7.66 Whilst the Plan was submitted before the publication of the most-recent version of the NPPF in July 2021 I am satisfied that the policy has regard to its approach.
- 7.67 I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF.

7.68 The policy seeks to supplement the contents of the Clipston Village Design Statement. It is an excellent document and was adopted as supplementary planning guidance by DDC in May 2013. I recommend that the reference to the relative importance of the policy and the Village Design Statement is repositioned into the supporting text. As submitted the reference in the policy offers no detailed guidance about where any inconsistencies may arise. In any event the neighbourhood policy is designed to reflect the contents of national policy which has been published since the Village Design Statement was adopted.

**Delete the second sentence of the opening paragraph of the policy.**

**In the opening part of the policy replace 'will' with 'should'**

**At the beginning of l) and m) add 'proposals'**

**In h) and j) replace 'possible' with 'practicable'**

In paragraph 8.31 replace the final sentence with: 'The policy sets out to supplement the details included in the Clipston Village Design Statement (VDS). It was adopted as supplementary planning guidance by Daventry District Council in May 2013. Policy HBE4 of the Plan has been carefully prepared to take account of recent changes in the national approach to design as set out in the NPPF and in the National Design guide. In this context where there is any conflict between the design standards set out in Policy HBE4 and the approach in the VDS priority will be given to the design standards in the policy'

Policy ENV1: Protection of local green space

7.69 This policy proposes the designation of three local green spaces (LGSs). Appendix 9 of the Plan sets out the evidence base for the proposed designations. It assesses the proposed LGSs against the criteria for LGS designation in the NPPF. I looked at the proposed LGSs carefully when I visited the parish.

7.70 Based on my own observations and the information in the Plan I am satisfied that the All Saint's Churchyard (inventory reference V) and the Village Green (two parcels) (inventory reference A) LGSs meet the basic conditions. They are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy.

7.71 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable

development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

7.72 The proposed LGS at Haddon Fields is now a community-managed community semi-natural greenspace and woodland (with support from the Woodland Trust). I am satisfied that it is within reasonably close proximity to Clipston and is demonstrably special to the local community and holds a particular significance. At 12.2 ha the proposed area is significantly larger than the other proposed LGSs. On this matter I sought CPC's comments on the extent to which it considered the parcel of land to be local in character. It commented as follows:

'The Parish Council consider Haddon Fields to be local in character and important to the community such as to warrant its inclusion as a Local Green Space. The Parish Council have put forward Haddon Fields as a Local Green Space to reflect its local importance and to secure the additional safeguards desired by the community.

7.73 I have considered this matter very carefully. Plainly Haddon Fields is at the very margin of a parcel of land which is local in character as required by the NPPF. However, it is very different from other parcels of agricultural land which surround the village. In addition, national policy provides no specific guidance on what may constitute 'local in character' for LGS designation. On balance I have concluded that it is local in character and not an extensive parcel of land. In particular I have given significant weight to the element of sensitive community management of the land concerned in coming to this decision. In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF

7.74 The first part of the policy sets out the implications for LGS designation. It seeks to follow the approach as set out in paragraph 103 of the NPPF. Nevertheless, I recommend a modification so that the policy takes the matter-of-fact approach and the wording as set out in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).

7.75 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis



by WNC. In particular WNC will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. I recommend that the supporting text clarifies this matter.

**Replace the opening part of the policy with:  
'Development proposals within the designated local green spaces listed below will only be supported in very special circumstances'**

*At the end of paragraph 9.15 add: 'Policy ENV1 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by West Northamptonshire Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy'.*

Policy ENV2: Protection of sites of environmental significance

- 7.76 This policy identifies a series of sites of environmental significance. The policy approach requires that development proposals, or changes of use requiring planning permission, should demonstrate that the development's local value outweighs the environmental significance of the site or feature.
- 7.77 This policy identifies a series of sites which are considered to be of environmental significance. It addresses sites of importance both for their historical and their natural significance. They are shown on Figure 8.1 and Figure 8.2 respectively.
- 7.78 The policy has regard to the approach taken in the NPPF (Sections 15 and 16). In particular it is non-prescriptive to the extent that it requires that development proposals should demonstrate that the development's local value outweighs the environmental significance of the site or feature.
- 7.79 In general terms I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given the very significant range of sites of significance identified in the two figures. However, I recommend that the initial element of the policy is deleted as it is essentially supporting text. I also recommend that the second part of the policy is consolidated to relate its coverage to the sites included in the two figures. I recommend that the basis of the deleted policy element is incorporated within the existing supporting text.

**Delete the first paragraph of the policy.**

**In the second part of the policy replace ‘will be required to’ with ‘that would affect the sites of historic environmental significance shown on Figure 8.1 or the sites of natural environmental significance shown on Figure 8.2 should’**

*At the end of paragraph 9.16 add:*

*‘Policy ENV2 seeks to safeguard these important features of the neighbourhood area. It balances the significance of the sites with the importance of the development proposed to the local community. The sites have been identified as being of local significance for their environmental features (natural and/or historic). They are ecologically important in their own right, their historical features are extant and have visible expression, or there is proven buried archaeology on the site, and they are locally valued’*

Policy ENV3: Important open spaces

- 7.80 This policy identifies a series of open spaces with a sport and/or recreation function, amenity value, or significance for the contribution they make to Clipston’s setting and character. It then comments that development proposals that result in their loss, or have a significant adverse effect on their character or use, will not be supported unless the open space is replaced by equivalent or better provision in an equally suitable location, or unless it can be demonstrated that the open space’s amenities are no longer required by the community.
- 7.81 The second part of the policy comments that development proposals affecting a series of additional open spaces, which make an essential contribution to the setting and character of Clipston will be resisted unless the local benefit of the development can be shown to outweigh the existing open space value of the proposal site.
- 7.82 The policy recognises the importance of the various open spaces to the character of the neighbourhood area. In relation to the first part of the policy I recommend that the schedule and the associated map exclude any open spaces which have been designated as LGS in Policy ENV1. Those sites already would benefit from the specific protection which arises from such designation. I also recommend the deletion of the specific reference to CPC’s role in being satisfied that the various factors are met as this will ultimately be the responsibility of WNC.
- 7.83 In both elements of the policy I recommend detailed modifications to the wording used so that they have the clarity required by the NPPF.

**Replace the opening sentence of the first part of the policy with:**

**‘The Plan identifies the following sites (and as shown on Figure 9.1) as open spaces with a sport and/or recreation function, amenity value, or significance for the contribution they make to Clipston’s setting and character. [Thereafter list the sites]**

**In the schedule of sites delete A (Village Green), V (All Saints Churchyard) and 103/104 Haddon Fields.**

**Delete ‘to the Parish Council’ in the second sentence of the first part of the policy**

**In the second part of the policy delete ‘which make.... of Clipston’ and replace ‘be resisted’ with ‘not be supported’**

**In Figure 9.1 delete A (Village Green), V (All Saints Churchyard) and 103/104 Haddon Fields.**

Policy ENV4: Non-designated heritage assets

- 7.84 This policy identifies a series of non-designated heritage assets. It comments that development proposals that affect the buildings and structure, or their setting, will be expected to conserve the significant features which make them important. It also comments about the decision-making process and that in weighing planning applications that affect directly or indirectly a building or structure in the list below, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the building or structure.
- 7.85 The policy is commendably evidence-based. Appendix 10 provides details about the proposed non-designated assets. They are also shown on Figure 10 of the Plan. In addition, the approach in the policy has regard to the approach on non-designated assets in the NPPF (paragraph 203).
- 7.86 I recommend that the policy draws attention to Figure 10 to provide clarity on the location of the identified buildings. I also recommend that the order of the policy is reversed so that it lists the buildings first and then applies the policy approach to those buildings. Otherwise, the policy meets the basic conditions.

**Replace the policy with:**

**‘The Plan identifies the following non-designated heritage assets (and as shown on Figure 10). [Thereafter list the assets]**

**Development proposals that affect the identified buildings or their settings, should conserve the significant features which make them important. In weighing planning applications that affect directly or indirectly a non-designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the building or structure'**

Policy ENV5: Ridge and furrow

- 7.87 This policy identifies a series of ridge and furrow fields as non-designated heritage assets. They are shown on Figure 11.2. It comments that any loss or damage arising from a development proposal affecting the identified areas which are not part of the Scheduled Monument will need to ensure that the benefits of such development are balanced against the significance of the ridge and furrow features as heritage assets.
- 7.88 I am satisfied that the policy is evidence-based. The supporting text makes reference to work undertaken by English Heritage in the 1990s. Figure 11.1 also shows the findings of the 'Turning the Plough' survey undertaken by Northamptonshire County Council in 1999.
- 7.89 Subject to modifications I am satisfied that the policy meets the basic conditions. In particular it has regard to the balancing act in the NPPF and makes a distinction between the identified grades of ridge and furrow as shown on Figure 11.2.

**In the first part of the policy replace 'mapped above (figure 11.2) are.... here as' with 'shown on figure 11.2 are identified as'**

**Replace the second part of the policy with:**

**'In assessing development proposals which would involve any loss or damage to an identified area of ridge and furrow earthwork on Figure 11.2 the benefits of the development will be balanced against the significance of the feature concerned as a heritage asset'**

Policy ENV6: Notable trees

- 7.90 This policy identifies notable trees in the parish. It comments that the identified trees should be protected from felling, uprooting or wilful damage, including by development proposals works, unless they are independently judged by a qualified arboriculturist to present a safety risk.

7.91 The policy takes an appropriate approach to this matter. It recognises the importance which notable trees make to the character and appearance of the parish.

7.92 I recommend the following series of modifications to the policy to bring the clarity required by the NPPF and to acknowledge that some trees may reach the end of their natural life and that their longer-term retention may not be appropriate (either in their own right or as part of a development proposal):

- the removal of unnecessary supporting text from the policy;
- an indication that trees may be affected directly or indirectly by development proposals; and
- recognising that in addition to specific safety issues some trees may naturally reach the end of their natural life within the Plan period.

**Replace the policy with:**

**‘The Plan identifies a number of trees (and as shown in Figures 12.1, 12.2) which have high arboricultural, historical, ecological and/or landscape value. The identified trees should be protected from felling, uprooting or wilful damage either in their own right or as a direct or indirect effect of proposed development, unless they are independently assessed by a qualified arboriculturist to present a safety risk or are not worthy of longer-term retention’**

Policy ENV7: Biodiversity, woodland, hedges and habitat connectivity

7.93 This policy seeks to safeguard biodiversity in the parish. It identifies woodland and hedges of historical and biodiversity significance and amenity value (Figure 13) and the River Ise wildlife corridor (Figure 14).

7.94 With detailed modifications I am satisfied that the policy meets the basic conditions. In their different ways, they will bring the clarity required by the NPPF to a development plan policy.

**In the first part of the policy replace ‘will be expected to’ with ‘should’ and ‘where possible’ with ‘where practicable’**

**In the second part of the policy replace ‘be resisted’ with ‘will not be supported’ and ‘where possible’ with ‘where practicable’**

**In the third part of the policy replace ‘adversely’ with ‘unacceptably’**

## Policy ENV8: Protection of important views

- 7.95 This policy identifies seven important views in the neighbourhood area. Thereafter it proposes a policy approach to ensure that development proposals respect the identified views. The views are shown on Figure 15. Further details are provided on the various views in Appendix 11.
- 7.96 In general terms I am satisfied that the views are appropriate and distinctive to the parish. They are based on public viewpoints. They help to provide a context to the village and its attractive rural setting. As the supporting text comments, the selection of the various views has been underpinned by:
- the work undertaken on updating the Environmental Inventory;
  - the existing details in the VDS; and
  - the findings of the NCC Landscape Character Assessment 2008
- 7.97 The policy identifies the important views and applies a policy format to safeguard the various views. However as submitted the approach is unclear. I recommend that the policy is recast so that it has the necessary clarity for a development plan policy. I also recommend consequential modifications to the supporting text.

### **Replace the policy with:**

**‘The Plan identifies the following important views (as shown on Figure 15). [Thereafter list the views].**

**Development proposals which would affect the identified views should be designed to ensure that their layout, scale and mass respect the significance and character of the views concerned. Where necessary development proposals should include measures to mitigate the effects of the development on the important view concerned’**

*At the end of the paragraph 9.40 add: ‘Policy ENV7 provides a context to ensure that new developments respect the identified views. Where necessary, development proposals should include appropriate mitigation measures. Plainly they will vary on a case-by-case basis. However, they could include reduced or varied heights of buildings, the provision of gaps through development by sensitive layout planning, landscaping or tree-planting to soften the impact of built structures in a rural landscape.’*

Policy CF1: Retention of community facilities and assets

- 7.98 The policy identifies a series of community facilities and sets out an approach that proposals which would result in their loss or a lessened effect will not be supported other than in a limited set of circumstances.
- 7.99 The policy reflects the importance of the various community facilities in the village to its sustainability and well-being. It takes appropriate account of viability issues, the potential for an alternative provision to come forward as part of development proposals and where the facility is no longer needed by the local community.
- 7.100 I recommend a series of detailed modifications to ensure that the policy has the clarity required by the NPPF. The first relates the policy more explicitly to the development management process. The second repositions the commentary about the loss of community assets into the supporting text given that issues such as the village website is not directly related to land use matters. The third ensures that the potential exceptions to policy are considered as free-standing circumstances. It would be impractical for any proposal to comply with each of the three sets of circumstances.

**In the opening part of the policy replace ‘Development leading to’ with ‘Development proposals which would result in’ and delete ‘or asset (including.... website)’**

**Delete the ‘and’ at the end of criterion b)**

**Insert ‘or’ at the end of criteria a) and b)**

*At the end of paragraph 10.39 add: ‘Plainly the Clipston Courier and the village website are not land use in their nature and cannot be controlled by way of a land use policy’*

Policy CF2: New or improved community facilities and assets

- 7.101 This policy continues the approach taken in Policy CF1. In this case it comments that proposals that improve the quality and/or range of community facilities, particularly those which encourage healthy lifestyles and/or support youth engagements, will be supported subject to a series of criteria.
- 7.102 In general terms the policy meets the basic conditions. It will contribute significantly to the delivery of the social dimension of sustainable development in the neighbourhood area.
- 7.103 I recommend detailed modifications to some of the criteria to bring the clarity required by the NPPF. In the second criteria the modification ensures that its approach is more general in nature. It reflects the helpful comments of WNC. The modification to the third criterion ensures that the approach taken is positive rather than negative. Nevertheless, its overall effect is unchanged.

**In a) replace ‘stated’ with ‘set out’ and add ‘of this Plan’ after ‘Policy HBE4’**

**Replace b) with: ‘will not result in unacceptable traffic movements or cause unacceptable harm to the amenities of residential properties in the immediate locality’**

**Replace c) with: ‘provide appropriate levels of car parking’**

TRS1 Traffic management

- 7.104 This policy sets out a series of traffic-related criteria which housing and commercial proposals should meet.
- 7.105 In general terms the policy meets the basic conditions. However, I recommend that the policy is applied in a proportionate way taking account of the scale and nature of the development concerned. I also recommend that the unnecessary supporting text in the open element is removed from the policy. In any event the wider issue is captured in the initial criterion.
- 7.106 I also recommend the deletion of the sixth criterion which relates to highways matters. Nevertheless, I recommend that its positive approach is repositioned into the supporting text.
- 7.107 I also recommend that the policy title is changed to Highway capacity and traffic movements. Traffic management has a very specific definition which traditionally applies to works undertaken by the Highways Authority in the highway.

**Replace the opening element of the policy with:**

**‘As appropriate to their scale, nature and location development proposals for housing and employment development should’**

**Delete criterion f)**

Insert as a new paragraph of supporting text: ‘Traffic safety measures such as speed camera facsimiles and digital speed monitoring units will be encouraged as part of any development proposal subject to the agreement of West Northamptonshire Council. Any such measures within the conservation area should pay particular attention to its character and appearance’

Replace the policy title with ‘Highway Capacity and Traffic Movements’

BE1 Support for existing businesses & employment opportunities

- 7.108 This policy sets out a strong presumption for the protection of existing business operations from change of use proposals to non-commercial uses. It



comments that proposals which would result in the loss of business premises will only be supported where the premises have not been in use for a period of twelve months and there is no potential for its reoccupation or redevelopment for other employment uses based on a detailed valuation has been undertaken associated with a marketing campaign.

7.109 I recommend a modification to the second sentence of the policy so that its effect has the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute significantly to the delivery of the economic dimension of sustainable development.

**Replace the second sentence of the policy with:**

**‘Development proposals for a change of use or the redevelopment of a business or commercial use to an activity which does not provide employment opportunities will only be supported where it can be demonstrated that:’**

BE2 Support for new businesses and employment

7.110 This policy has a focus on new business opportunities. It sets out a series of requirements which any proposed such uses should meet.

7.111 I recommend that the opening element of the policy is modified so that it has the format necessary for a development plan policy. I also recommend consequential modifications to the wording of the various criteria. Otherwise, it meets the basic conditions.

**Replace the opening element of the policy with:**

**‘Proposals for new employment development will be supported where they comply with the following criteria:’**

**In a) replace ‘fall’ with ‘they fall’**

**In b) replace ‘where possible be sited’ with ‘where practicable they are sited’**

**In c) replace ‘be’ with ‘they are’**

**In d) replace ‘not involve’ with ‘they would not involve’**

**In e) to g) insert ‘they would’ at the beginning of each of the criteria.**

BE3 Farm diversification

7.112 This policy offers general support for farm diversification to promote sustainable growth, the expansion of businesses and for the conversion of existing agricultural buildings.

7.113 As submitted the policy is unclear on the acceptable alternative uses for existing agricultural buildings. I recommend a modification to remedy this matter. I also recommend detailed modifications to the criteria to bring the clarity required by the NPPF.

**Replace the opening element of the policy with:**

**‘Proposals for the conversion of existing agricultural buildings to employment-related uses or community uses will be supported subject to:’**

**In c) replace ‘adverse’ with ‘unacceptable’**

**Replace e) with: ‘cause unacceptable harm to the amenities of residential properties in the immediate locality’**

BE4 Tourism

7.114 This policy comments about opportunities for new tourism-related development. It sets out a series of requirements which any proposed such uses should meet. The criteria are both appropriate and distinctive to the neighbourhood area.

7.115 I recommend detailed modifications to the policy so that it has the clarity required by the NPPF. In particular I recommend the deletion of the seventh criterion which relates to signage. Any such works are subject to the Advertisement Regulations. However, given the potential significance of any such proposals I recommend that the matter is repositioned into the supporting text.

**Replace the opening part of the policy with:**

**‘Development proposals to enhance and/or manage tourism facilities will be supported subject to the following criteria:’**

**In b) replace ‘do not have a detrimental’ with ‘they do not have an unacceptable’**

**In c) replace ‘do not adversely affect’ with ‘they do not have an unacceptable effect on’**

**In d) replace ‘will not have an adverse impact on’ with ‘will not have an unacceptable impact on’**

## **Delete g)**

At the end of paragraph 10.67 add: 'Policy BE4 sets out a context for the development of tourism industries. Any associated proposals for signage will be considered separately under the Advertisement Regulations. Nevertheless, proposals for signage should be sympathetic to the character of the parish, should take account of its particular location, especially on the edges of the village'

## **BE5 Broadband and Mobile Infrastructure**

- 7.116 This policy takes a comprehensive approach to this increasingly important matter of social and business connectivity. It comments that proposals to provide improved access to faster broadband for all businesses and households will be supported where the improvements serve all businesses and households within the parish. It also comments that if a new mast is to be installed, a shared provider policy should be adopted where possible to minimise the number of masts within the parish. Finally, it comments that any infrastructure improvements requiring above ground network installations, must be sympathetically located, designed to integrate into their surroundings, and not be in or near to open landscapes
- 7.117 The policy takes a positive approach to this important matter. Nevertheless, some of the development anticipated by the policy may not generate the need for a planning application as a consequence of the permitted development regime. On this basis I recommend a modification to the policy to address this matter. Otherwise, it meets the basic conditions.

**At the beginning of the first part (part a) of the policy add: 'Insofar as planning permission is required'**

## **Community Actions**

- 7.118 The Plan includes sixteen community actions which have naturally arisen during the preparation of the Plan. The approach reflects national policy insofar as the Actions are contained in a separate section of the Plan to distinguish them from the land use policies.
- 7.119 I am satisfied that the Actions are distinctive to the parish. In some cases, they complement the approach taken in the policies. The following Actions are particularly noteworthy:
- CA3 Village Hall improvements
  - CA5 All Saints Church and churchyard improvements
  - CA10 Community hub

- CA12 Road safety and traffic management
- CA16 Tourism Action Plan

#### Other Matters – General

7.120 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for WNC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

7.121 This approach has a particular significance in relation to consequential modifications which arise from the recommended deletion of Policy HBE2. For example, they include the appendices list, appendices 5a and 5b and the reference to Policy HBE2 in paragraph 8.26 of the Plan.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

#### Other Matters – Specific

7.122 DDC commented in its representation about the adoption of the Clipston Conservation Area Appraisal and Management Plan in March 2021. I recommend modifications to the Plan to ensure that it reflects this important update.

At the end of paragraph 2.8 add: ‘In March 2021 Daventry District Council (now West Northamptonshire Council) adopted the Clipston Conservation Area Appraisal and Management Plan. It will play a major part in managing development in the historic part of the village’

At the end of paragraph 8.26 add: ‘In March 2021 Daventry District Council adopted the Clipston Conservation Area Appraisal and Management Plan. Windfall proposals within the Conservation Area should take account of its findings and respond positively to its character and appearance’

Delete the final two sentences of paragraph 9.22.



## **8 Summary and Conclusions**

### Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2029. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area, to promote sensitive new development and to protect its community facilities and rural setting.
- 8.2 Following my independent examination of the Plan I have concluded that the Clipston Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 I have recommended the deletion of Policy HBE2 which proposes the allocation of land off Naseby Road for residential purposes. Nevertheless, the Plan retains its overall integrity and will sit comfortably as part of the development plan in the event that it is made after referendum.

### Conclusion

- 8.4 On the basis of the findings in this report I recommend to West Northamptonshire Council that subject to the incorporation of the modifications set out in this report that the Clipston Neighbourhood Development Plan should proceed to referendum.

### Other Matters

- 8.5 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Daventry District Council on 3 March 2017.

8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were both detailed and informative.

**Andrew Ashcroft**  
**Independent Examiner**  
**7 September 2021**