

Part A: Contact details

We need your contact details to take your comments into account. Note that only your name/organisation will be made public on the Council's website, all other personal details will be redacted.

Title	Mr
First name	Haydn
Last name	Jones
Organisation (where relevant)	Richborough Estates
Job title (where relevant)	██████████
Email (if provided we will always contact you this way)	████████████████████
Address	██
City/town	██████████
County	
Postcode	██████
Telephone number	██████████

Part B: Comments on the neighbourhood plan

Please note that all comments will be made publicly available on the Council's website and will be passed to the independent examiner appointed to examine the neighbourhood plan.

1. Most examinations will be undertaken through written representations; however, the independent examiner will decide the appropriate approach based on the representations received and nature of the issues. If a hearing is necessary, please indicate whether you would like to participate:

Yes, I wish to participate in a hearing

No, I do not wish to participate in a hearing

2. Would you like to be notified of West Northamptonshire's decision to make the Kilsby Review Neighbourhood plan?

Yes No

3a. To which part of the neighbourhood plan does this representation relate? For example, page, paragraph, policy or map:

OBJECTIVE 3 – Historic Buildings, Natural Environment and Conservation

3b. Please indicate which of the following apply to your representation:

Support

Object

3c. Please provide reasons for your answer to 3b. Please be mindful that any objections should refer to why the neighbourhood plan does not meet the basic conditions. If you are objecting, please also set out what changes you consider are necessary to ensure the plan meets the basic conditions.

Objective 3 includes the need for any ridge and furrow fields within the Neighbourhood Area to be protected and maintained for the benefit of future residents and the national heritage. We object to this because, as we explain in more detail in other comments, it is contrary to national policy and therefore does not meet that basic condition.

As set out in our objections to draft policies K5 and K6, the significance of any non-designated (or designated) heritage assets needs to be considered on a case-by-case basis. There is no national policy blanket that automatically requires ridge and furrow to be protected and maintained.

The ridge and furrow around the village is not statutorily protected as a scheduled monument, world heritage site, registered park garden or historic battlefield. It is difficult to understand then the reference in Objective 3 to national heritage and this would tend to suggest the emerging Neighbourhood Plan (eNP) believes the ridge and furrow is of national importance; which clearly it is not as evidenced by the lack of a high-level designation.

Objective 3 needs to be amended in line with our comments to K5 and K6.

Additional comments

4a. To which part of the neighbourhood plan does this representation relate? For example, page, paragraph, policy or map:

POLICY K3 – DESIGN OF NEW DEVELOPMENT

4b. Please indicate which of the following apply to your representation:

Support

Object

4c. Please provide reasons for your answer to 4b. Please be mindful that any objections should refer to why the neighbourhood plan does not meet the basic conditions. If you are objecting, please also set out what changes you consider are necessary to ensure the plan meets the basic conditions.

It is evident that draft Policy K3 relies heavily on the July 2021 Design Code. We have significant concerns with the way the Design Code has been prepared and the way it is used as de facto policy without being subject to the basic conditions tests.

Paragraph 129 of the NPPF states:

Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

Paragraph 14 of the June 2021 version of the National Model Design Guide (NMDC) states:

When preparing design codes and guides, communities need to be involved in the process in order to gain measurable community support that is appropriate for the scale and location of new development.

Paragraph 21 of the June 2021 NMDC states:

Design codes need to be based on a vision.....this vision needs to be developed with the local community and is likely to be an important part of the community engagement process.

The NMDC sets out the seven steps for the coding process –

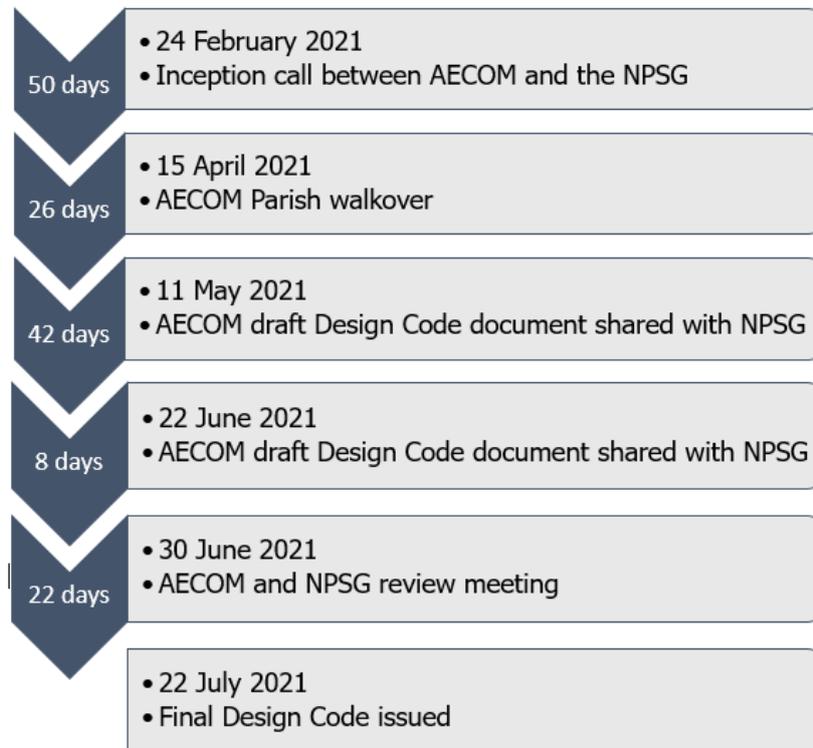
1. Analysis (1A Scoping – 1B Baseline)
2. Vision (2A Design Vision – 2B Coding Plan – 2C Masterplanning)
3. Code (3A Guidance for Area Types – 3B Code Wide Guidance)

There are a number of elements that need unpacking from the NPPF and the 2021 NMDC which relate to the Kilsby Design Code.

Firstly, a design code must either be part of a plan or a supplementary planning document. The Planning Practice Guidance (PPG) notes that if not an SPD, a design code should be appended to a neighbourhood plan. The Kilsby Design Code is neither appended to the eNP, nor is it an SPD. It is in effect being used as part of the eNP without being subject to examination.

If the Kilsby Design Code is to be used as a fundamental part of the eNP then it must be appended to it and therefore tested alongside the rest of the content against the basic conditions.

Secondly, stakeholder engagement is an important part of the process of preparing a design code. The steps taken for the preparation of the Kilsby Design Code are set out in it under the heading of Methodology; and they were:



There is no reference in the steps to how any public engagement was undertaken. The 2021 NMDC is very clear of the importance of engaging with the local community and, for example, it suggests the design visioning process could involve workshops and surveys to ensure widespread local input. The NPPF endorses this when it says all guides and codes

should be based on effective community engagement and reflect local aspirations. Furthermore, the NPPF refers to the fact that landowners and developers may contribute to the process.

The methodology indicates that the AECOM/Neighbourhood Planning Steering Group June 2021 review meeting included allowing local opinion to be captured and represented in the final document. However, whose local opinions were these and where is the information on the formal engagement steps specifically undertaken on the Design Code?

The lack of clarity is perhaps not surprising because the whole process of this important piece of evidence took less than 5 months from start to finish; and just 14 weeks from when AECOM first visited the Parish; so on the face of it there was little opportunity to undertake a full public consultation exercise within that very short timeframe.

From the information provided it does not appear the Kilsby Design Code reflects the NPPF, the PPG or the NMDC in respect of engagement. It is evident all three of these place considerable importance on consulting the local community, and in certain circumstances landowners and developers. Although the Design Code notes local opinion was captured in the final version, it not clear whose opinion and how they were canvassed. As a result there is uncertainty that the Design Code does have the 'buy-in' of the local community or just represents the views of the NPSG and a few others.

Thirdly, it is not only public engagement that is relevant because design guides and codes should take into account all the guidance contained in the National Model Design Code.

The Kilsby Design Code does not align with recommendations of the NMDC, nor does it follow suggested coding process key stages of Analysis, Vision, Code. It fails to describe the vision for new development within the village, something that is key to successful coding and placemaking.

Whilst the NMDC indicates masterplanning is more akin to the development of large sites, at the very least there should be a plan which identifies areas for development because an important part of design coding is for the reader to understand what development is being coding for. Quite simply, how do you specifically code for something when you have not identified what that something is.

Whilst the Kilsby Design Code does undertake a 'place assessment' we question how useful some of the information gathered is when applying it to future development. By way of an example, there is a section on density with examples ranging from 10 – 24 dph. This section goes on to suggest that the documents selected densities around the edge of the village of 20, 23 and 24 dph are too high and future developments should have lower densities for a softer transition to the rural area. However, the NPPF says at Paragraph 125 that *area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places* (my emphasis). Policy H1 of the adopted West Northamptonshire Joint Core Strategy Local Plan (Part 1) makes a similar point.

Whilst we agree that the context of a local area is an important influence on design, it is wrong to presume that only low density means good design and it is surprising to find the Design Code promoting a blanket ban on any density as low as 20-24 dph. Well thought out places using exemplar design should be the main plank of delivering sustainable

development and not a dogmatic determination to drive down densities before pen has even been put to paper.

The Design Code's wrong approach to density and its conflict with the NPPF/H1 is then translated directly into K3(3) but with an even more onerous requirement that *schemes should be of a lower density than the rest of the settlement* – bearing in mind the density examples in the Design Code go as low as 10 dph, that policy absolutely fails to make efficient use of land and it is highly unlikely planning permission would be granted for such a development.

A further example of problematic baseline information is the identification of at least one key view. We have submitted an outline planning application for a maximum of 44 dwellings on Land at Barby Road – further details are provided in our comments to draft Policy K4 below. In respect of the Design Code, we are concerned about the assertion on Page 16 that a view across our Barby Road site is a 'key view'. This is because that assertion conflicts with the statutory consultation response received to the application from the Daventry Area Landscape Planning Officer. In his response there is no mention of this being a key view; the Officer, does however, refer to views into the site towards the village and says:

The views of the site are further limited from the western approach along Barby Road by the rising ground in the field immediately west of the site as well as the existence of an established hedge with associated trees forming the boundary to the road which breaks up the views. In addition, though the proposed houses would be visible to a greater or lesser extent dependant on the intervening landform and vegetation, they would be seen against the existing edge of the village of Kilsby.

Subject to the reserved matters application taking on board various comments, the Officer does not object to the application. This does not suggest a site that has a key view across it when assessed in a real-world situation. Ultimately this calls into question the usefulness of this particular piece of evidence.

The reason why the points are so important is because the Design Code has a considerable influence over the eNP. We consider that draft Policy K3, because its source is the untested Design Code, does not have proper regard to national policy, thus does not satisfy that basic condition. The Design Code needs to be appended to the eNP and tested against the basic conditions. We believe that parts of the Design Code will fail that test, and with it draft Policy K3. As a result both the Design code and K3 will need amending.

Additional comments

5a. To which part of the neighbourhood plan does this representation relate? For example, page, paragraph, policy or map:

POLICY K4 – MEETING LOCAL HOUSING NEEDS

5b. Please indicate which of the following apply to your representation:

Support

Object

5c. Please provide reasons for your answer to 5b. Please be mindful that any objections should refer to why the neighbourhood plan does not meet the basic conditions. If you are objecting, please also set out what changes you consider are necessary to ensure the plan meets the basic conditions.

We object to this policy because it fails to adequately provide the certainty for delivering identified local housing needs.

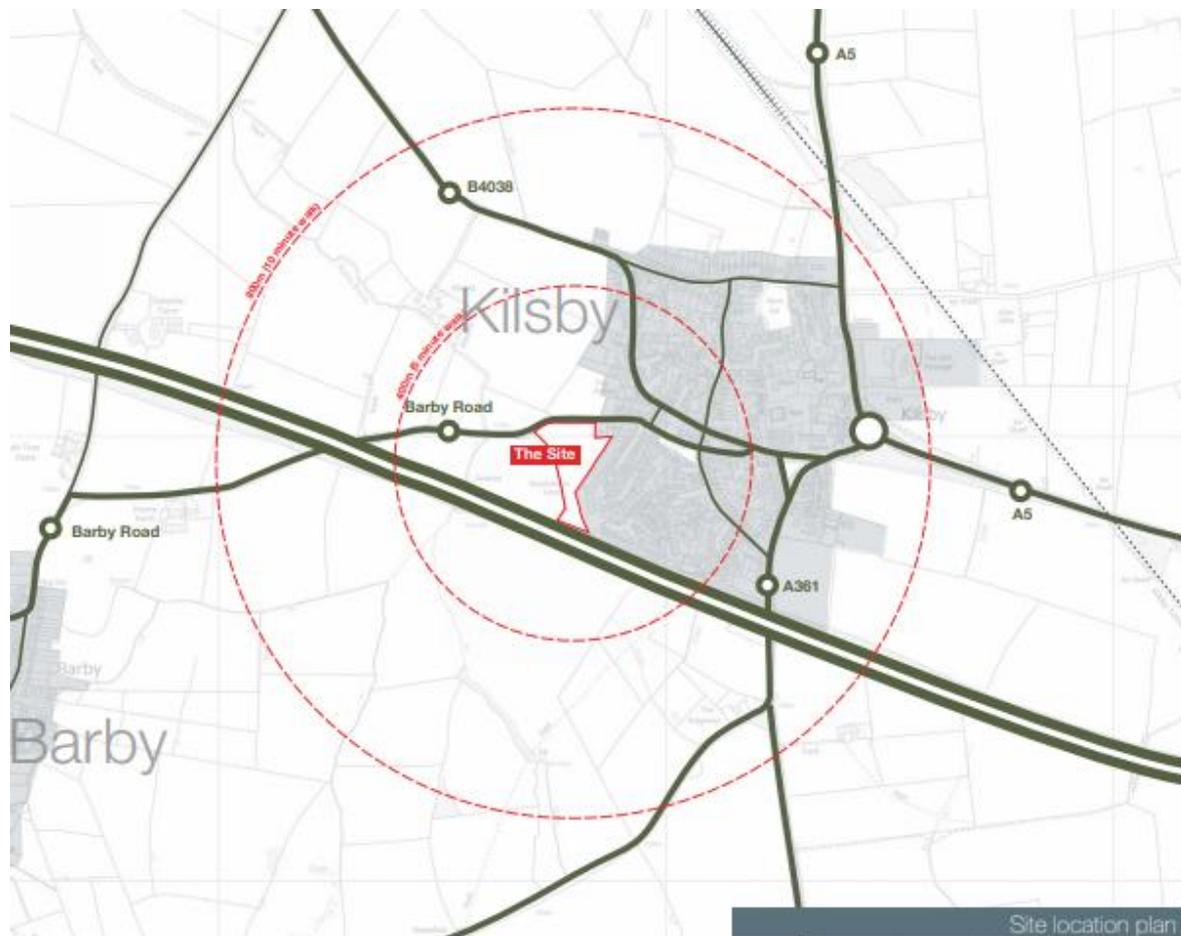
Although the 2020 Kilsby Parish Housing Need Report is mentioned in K4(1), the policy then fails to go on and allocate site(s) to meet the need identified in the Report.

The Need Report found there is a need for 7 affordable and 14 market dwellings in the village. It is now 2 years old and potentially, with house price inflation, the need is even greater now. The NPPF reiterates the Government's objective of significantly boosting the supply of homes. It also notes at Paragraph 69 *that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.*

NPPF Paragraph 78 says that in *rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.* Paragraph 79 goes on to say that to *promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.* We consider the eNP does not reflect the above national policy as the reality is it takes a negative approach to new development rather than deliver the homes people need.

We have submitted an outline planning application (WND/2021/0777) for a maximum of 44 dwellings on Land at Barby Road (the Location Plan and Illustrative Masterplan are attached to these Policy K4 comments). This will deliver 26 market and 18 affordable homes comprising principally of 2 storey houses, but with some 1.5 storey bungalows/cottages and some 2.5 storey where design and massing can respond to key locations such as entrance points, nodal points, community public space and view terminators. The proposed housing mix will range from 1–5 bed, with the predominant properties (circa 75%) being 2 and 3 bed.

In response to the Climate Emergency declared by the former Daventry District, the proposals will be an all-electric development. There will be a biodiversity net gain of 36.87% for habitat units and 43.28% for hedgerow units.



We consider our site at Barby Road should be allocated in the eNP for up to 44 dwellings. This could either be through an addition to draft Policy K4 or the introduction of a new policy. The allocation is needed to ensure the eNP meets its obligations for bringing forward local housing needs with certainty, especially as there is already a live application.

Without the allocation of the site there is no guarantee that the local housing need identified will be delivered. Crucially it will provide affordable homes, whereas under the eNP it is unlikely any will be provided because the threshold for delivery in the West Northamptonshire Joint Core Strategy Local Plan Part 1 is 5 dwellings – it will be surprising if any sites of that size or above will come forward within the confines of the village under the eNP policy.

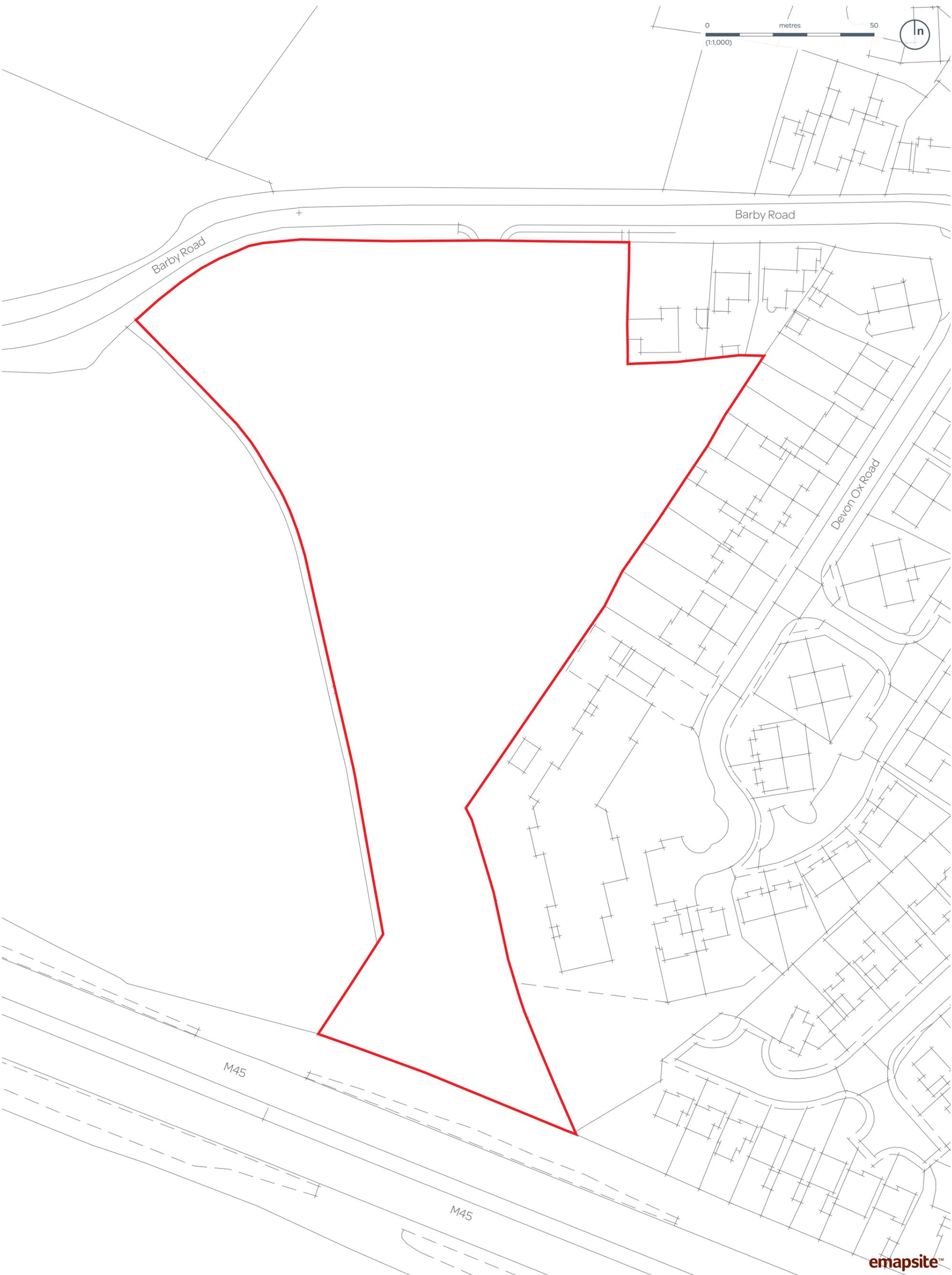
Our proposals would not only deliver the local housing need in the immediate short-term but would provide an additional 11 affordable dwellings and 12 market homes. The additional affordable homes are particularly important because between 2019 and 2021 (the last two monitoring years available) there was a shortfall of 51 affordable dwellings against the delivery target for the former Daventry District; and this shortfall appears not to include losses from Right to Buy.

The proposals will provide an additional 12 market dwellings over the 2 year old local housing need quantum but this must be seen against a current market housing requirement for the former District of 5,500 over the Core Strategy period. It is also worth noting that the emerging October 2021 West Northamptonshire Strategic Plan Spatial Options consultation identifies the potential for circa 8,200 homes in the former Daventry rural areas between 2020-2050. It also indicates that sustainable rural settlements are likely to accept additional growth. Furthermore, as noted above, the Government wishes to see housing supply significantly boosted and the small number of additional dwellings does boost supply at a proportion suitable for the village.

The proposals would also support the themes of NPPF Paragraph 79 – enhance/maintain the vitality of the community, identifying opportunities for the village to thrive, supporting local services – because the village has a range of existing services that this modest increase in housing will support. This includes the recently expanded Kilsby Primary School, which requires more children to reach its capacity.

We do not consider the draft policy reflects Policy RA2 of the Settlements and Countryside Local Plan (Part 2) because that does allow development in Blaby outside the village confines if that development *would clearly meet an identified local need, for housing this would be need identified through an up-to-date Housing Needs Survey or Housing Needs Assessment where it is demonstrated that this could not otherwise be met within the defined village confines*. The proposals clearly do meet an identified local need as evidenced by the Kilsby Parish Housing Need Report. The fact that the development would deliver slightly more than that local housing need is not relevant because (i) Policy RA2 does not prevent such an approach, and (ii) the modest number of additional homes does not offend the spatial strategy to any material extent and is not out of proportion for the size of the village.

Draft Policy K4 does not adequately reflect national or local policy and consequently falls short of the basic conditions requirements. This can be rectified by the allocation of our site at Barby Road.



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 Site Boundary

CLIENT Richborough Estates
PROJECT Land at Barbary Road, Kilsby
DRAWING: Site Location Plan

PROJECT NO.	STATUS
RICU3015	Final
DRAWING NO.	SCALE
RICU3015_01	1:1,000 @ A3
REVISION	DATE
01	October 2021
	CHECKED BY
	NW

Turley

emapsite™



Key

- 1. Proposed Vehicular Access
- 2. Existing Pedestrian Access
- 3. Primary Street
- 4. Secondary Street
- 5. Shared Lane/Driveway
- 6. Public Right of Way (PRow)
- 7. Existing Trees
- 8. Existing Hedgerow
- 9. Proposed trees
- 10. Public Open Space (POS)
- 11. Local Area of Play (LAP)
- 12. Attenuation Pond
- 13. Pumping Station
- 14. Visitors Parking

Site Boundary

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CLIENT Richborough Estates
PROJECT Land at Barby Road, Kilsby
DRAWING: Illustrative Masterplan

PROJECT NO. RICU3015
DRAWING NO. RICU3015_02
REVISION 01
STATUS Final
SCALE 1:1,000 @ A3
DATE October 2021

CHECKED BY NW

Additional comments

6a. To which part of the neighbourhood plan does this representation relate? For example, page, paragraph, policy or map:

POLICY K5 – BUILT HERITAGE

6b. Please indicate which of the following apply to your representation:

Support

Object

6c. Please provide reasons for your answer to 6b. Please be mindful that any objections should refer to why the neighbourhood plan does not meet the basic conditions. If you are objecting, please also set out what changes you consider are necessary to ensure the plan meets the basic conditions.

These comments relate to K5(1).

Part 1 states that development proposals must conserve designated and non-designated heritage assets and their settings in a manner appropriate to their significance. This fails to properly reflect national policy as it relates to just a single line from the 20 paragraphs in the NPPF dealing with conserving and enhancing the historic environment. In short it has been very selective in how it uses national policy.

Paragraph 189 of the NPPF does say that heritage assets should be conserved in a manner appropriate to their significance as per draft K5 but it goes on to say that this is so they can be enjoyed for their contribution to the quality of life of existing and future generations. This does not mean just leaving archology undisturbed but recording, removing and publicly displaying elsewhere also fulfils this. Interestingly Paragraph 189 does not specifically introduce setting into this context.

The rest of the historic environment section in the NPPF takes a more considered view than the draft policy in terms of significance and harm, and how these feed into the planning balance. As an example, as a counterweight to the requirement to conserve in the draft policy, Paragraph 205 notes that *local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact.*

It is somewhat misleading for K5(1) to ignore the more balanced approach national policy takes to heritage assets and it must be amended to better reflect it is to pass the national policy basic conditions test.

Additional comments

7a. To which part of the neighbourhood plan does this representation relate? For example, page, paragraph, policy or map:

POLICY K6 – CHARACTER, FORM AND SETTING

7b. Please indicate which of the following apply to your representation:

Support

Object

7c. Please provide reasons for your answer to 7b. Please be mindful that any objections should refer to why the neighbourhood plan does not meet the basic conditions. If you are objecting, please also set out what changes you consider are necessary to ensure the plan meets the basic conditions.

These comments relate to K6(2) and K6(3).

K6(2)

As explained in our comments to draft Policy K4, we are of the view that the eNP needs to allocate land for residential development. Consequentially K6(2) needs to exclude any land allocated beyond the current village confines. We acknowledge that this is not a matter for the basic conditions but it is important that the draft policy is revised if the Examiner agrees with our approach to allocations.

However, the final part of K6(2) is a matter for the basic conditions because it is contrary to national policy. At present the draft policy seeks to sustain the character and setting of the village and local landscape with particular reference to areas of archaeological significance. There is no logic in linking character and setting outside the confines of the village with archaeological significance because even archaeological remains of regional importance can be recorded and removed with development then taking place. It might well be that a specific development would fail a character and setting test but that is irrelevant to archology, which is assessed in a completely different way.

The way the draft policy is written effectively means that if there is any archaeological significance then character and settling has to be sustained i.e. nothing can happen. K6(2) is simply seeking another way to prevent development when in reality archaeology per se is only ever a bar to development in limited cases. Any archaeological considerations can be adequately addressed under other policy such as the NPPF and consequently the words "including any areas of archaeological significance" should be deleted from the draft policy.

K6(3)

Part 3 of the draft policy requires areas of ridge and furrow, which have been identified as significant through policy documents or the planning process, should be sustained and enhanced. We have three concerns with this wording.

Firstly, it appears that the draft wording may be confusing 'significant' as a general term with 'significance' as a measure of the value of a heritage asset. If that is the case and the policy is using significant as an everyday term as most people would understand it then, in this context, it is contrary to the requirement of the NPPF that plans *should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals* (para 16d). The reason why we believe this is because how could a decision maker know how significant an asset is when this is not a heritage test; the actual test being significance in terms of its heritage value. To adhere to national policy and pass the basic conditions, the policy must refer to 'significance' not 'significant'.

Secondly, as noted above, we have a live outline planning application on land at Barby Road. The site is referenced in the 2018 Kilsby Conservation Area Appraisal SPD as containing ridge and furrow; notwithstanding the site cannot be seen from the Conservation Area and thus the SPD seems to have a very loose interpretation of what it should actually be covering even though it states at the beginning its purpose is to inform the planning process with a view to preserving and enhancing the character and appearance of the Conservation Area – not, it has to be said, an area of land 200m away with no intervisibility. We also disagree with the amount of ridge and furrow shown in the SPD on the site but the content of that document is not open for debate in the eNP examination.

The link the eNP makes to the CA Appraisal as a 'policy document' is important because some people may seek to argue that the mere fact the site is mentioned in the CA Appraisal means it has been identified as significant whereas, as discussed, the policy should be referring to significance. Again this adds confusion to the casual reader by using significant as the determining factor.

The consultation response to our planning application from the Council's Archaeological Advisor says:

The proposed development may have a detrimental effect upon the ridge and furrow earthworks and any surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected.

A condition is therefore proposed for a written scheme of investigation and a programme of archaeological works.

It is therefore evident that ridge and furrow earthworks within the extent of the site is a non-designated heritage asset of low value. A non-expert could potentially come to a different conclusion based on the fact that the site is included in the CA Appraisal and the measure according to the draft policy is wrongly referred to as how significant it is. We are therefore of the view that reference to policy documents in the draft policy wording

complicates the application of the policy because of the potential confusion between significant and significance.

Our third concern is that the draft policy does not allow for anything but sustain and enhance on those sites deemed significant. On the basis that the policy should be referring to significance, national policy does not dictate an automatic development bar for any asset, even those of the highest significance. Rather it all depends on what is proposed and the harm that would involve, and importantly its significance. The NPPF refers to the desirability of sustaining and enhancing in a wider context of other outcomes; as a result the need to sustain and enhance as a sole purpose is inappropriate.

It seems unlikely that any ridge and furrow around Kilsby is anything more than a non-designated asset. The NPPF states at Paragraph 203 the *effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Using our Barby site as an example, the Council's advisor has done exactly what the NPPF requires in coming to her conclusions. Her advice was no doubt also informed by Historic England's 'Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning 2', which for the assessment of significance (as part of the planning application process) advises understanding the nature, extent, and level of significance of a heritage asset.

As written, the policy seeks to prejudge the outcome of sites which may have ridge and furrow regardless of their significance and scale of any harm; and does not account for the need for a balanced judgement as highlighted in the NPPF and the Planning Practice Guidance.

Policy K6(3) is confusing and ultimately not required. There is no blanket legal protection of ridge and furrow around Kilsby and only one area is on the local list. Adequate protections are already in place through other planning policy layers that better address both designated and non-designated heritage assets, and appropriate solutions to any development proposals.