

John Slater Planning Ltd

Raunds Neighbourhood Plan 2011-2031

Submission Version

A Report to East Northamptonshire Council on the Examination of the Raunds Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

johnslaterplanning@gmail.com

Date: 25 September 2017

Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	5
The Consultation Process	5
Regulation 16 Consultation	6
The Basic Conditions	6
Compliance with the Development Plan	7
Compatibility with EU Obligations and Human Rights Legislation	8
The Neighbourhood Plan: An Overview	8
The Neighbourhood Plan Policies	9
The Referendum Area	22
Summary	22

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside North Northamptonshire's Joint Core Strategy 2011- 31, adopted July 2016 (the Local Plan Part 1: strategic policies). Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Raunds Town Council. A Neighbourhood Plan Development Plan Steering Group was appointed to undertake the plan's preparation. Raunds Town Council is a "qualifying body" under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Raunds Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by East Northamptonshire Council, the local planning authority (LPA) for the neighbourhood plan area.

The Examiner's Role

4. I was formally appointed by East Northamptonshire Council in May 2017, with the agreement of Raunds Town Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both East Northamptonshire Council, and Raunds Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Raunds Neighbourhood area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions:
 - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area?
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by East Northamptonshire Council, for the Raunds Neighbourhood Plan on 12th February 2014. This was a revised designation based on an enlarged area including parts of Ringstead Parish Council’s area up to the A45. Ringstead Parish Council had consented to part of its area’s inclusion within the Raunds Neighbourhood Area on 25th July 2013, as required by the legislation. The land, which formed part of Ringstead Parish area at the time of designation (12th February 2014), was subsequently incorporated into the Raunds Parish area under the Community Governance Review of Parish boundaries, coming into effect on 15th October 2014.
10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2011 up to 2031 which is the same as the Core Strategy (adopted Local Plan).
11. I can confirm that the plan does not cover any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the Plan designation.
13. Raunds Town Council, as a parish council, is a “qualifying body” (QB) under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to the town of Raunds and the surrounding countryside on 13th July 2017. I spent the afternoon driving and walking around the town. Following that site visit I did have some questions and matters that need clarifying. These were set out in a document entitled Questions of the Independent Examiner dated 24th July 2017. I subsequently received a response which had been coordinated by the District Council which I received on 11th August 2017. A copy of my questions and the responses have been placed on the Council's web site.

The Consultation Process

18. Initial consultations for the Neighbourhood Plan were undertaken during 2013, following an initial application to designate a linear Neighbourhood Area for the town centre in December 2012, subsequently extended to cover the whole of the Parish area in August 2013. Initially the Town Council decided to work towards what it described as "A Vision for Raunds" covering the next 10 years. That was work to be carried out by a steering group under an independent chairman.
19. As part of that work, in 2013 a household questionnaire was prepared following a number of public meetings and was distributed to all households in the town. Separate questionnaires were sent out to young people and also in the business community.
20. This fed into the work being undertaken by five working groups, towards the preparation of draft Community Plan and Action Plan which was presented to the Town Council in September 2014.
21. This work then developed into the preparation of the neighbourhood plan to be prepared by a separate steering group. They commissioned a People and Places survey which was carried out between 10th September 2015 and 2nd October 2015, and which generated over 250 responses.

22. The Pre-Submission Version of the plan was subject to what is known as the Regulation 14 Consultation, for six weeks between 19th October 2015 and 1st December 2015. This included various forms of consultations and two specific consultation events were held. The results of the consultation are set out fully in the Consultation Statement along with the details of how the policies were to be amended as a result of the individual responses.
23. There was a separate post Regulation 14 consultation exercise carried out specifically looking at land to the south of Meadow Lane which I described later in all the report.

Regulation 16 Consultation

24. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over an 8-week period between 2nd December 2016 and 30th January 2017. This consultation was organised by East Northamptonshire Council following submission of the Plan on 11th November 2016, prior to it being passed to me for examination. That stage is known as the Regulation 16 Consultation.
25. In total 12 individual responses were received; from Historic England, Natural England, Highways England, Environment Agency, Anglian Water, National Grid, Manor School Sports College, Little Addington Parish Council, Gladman Developments Ltd, FRW Farrington and Sons, Barford and Sons on behalf of Rayner Estates and Oxalls Planning on behalf of Roxhill Developments Ltd.
26. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

27. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.
28. The questions which constitute the basic conditions, consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that the Neighbourhood Plan:

- a. Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan;
- b. Will the making of the Plan contribute to the achievement of sustainable development;
- c. Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area;
- d. The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC;
- e. Whether prescribed conditions are met and prescribed matters have been complied with
- f. Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site (as defined in the Conservation of Habitats and Species regulations 2010(d)), either alone or in combination with other plans and projects?

Compliance with the Development Plan

29. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the North Northamptonshire Joint Core Strategy adopted in July 2016. In addition, there are six “saved” policies from the East Northamptonshire District Local Plan adopted in November 1996.
30. The Core Strategy (Policy 11) identifies Raunds as a Market Town which is expected to serve its local community and the wider rural hinterland. It specifically refers to the need to regenerate, diversify and expand the employment base of the town. Policy 29 deals with the distribution of new homes over the Plan area and allocates a housing figure of 1,060 to be provided in Raunds for the period from 2011 to 2031. Darsdale Farm (south of the town), Northdale End (north east), Warth Park (west) and West End (north) are all major committed development sites which will contribute towards meeting the strategic housing and jobs requirements of the Local Plan (Core Strategy policies 22, 23, 28 and 29).
31. I am treating all the policies in the Core Strategy as strategic policies for the consideration of the basic conditions test. I do not consider the saved policies of the Local Plan to be strategic in nature.

Compliance with European and Human Rights Legislation

32. East Northamptonshire Council carried out a Screening Opinion on the Submission Version of the Plan and produced a report dated October 2016. This concluded that it is unlikely that there will be any significant effects arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004” would not be required.
33. The Council had consulted the 3 statutory consultee bodies on the request for a screening opinion and all concluded that an SEA was not required.
34. East Northamptonshire Council, as competent authority, also in October 2016, issued a screening report under the Habitat Regulations. The assessment concluded that the Plan will not likely have any significant effects on any internationally protected wildlife sites, the nearest of which is the Upper Nene Valley Gravel Pits Special Protection Area, which is also a Ramsar site.
35. I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

36. The adopted Local Plan (the Core Strategy) allocates a housing requirement of 1060 units to Raunds for the period 2011-31. This neighbourhood plan has not been required therefore to allocate additional sites, as the residential completions to date along with outstanding planning permissions will exceed the number of homes that the Local Plan requires to be allocated. That is a perfectly acceptable position as neighbourhood plans only need to have policies covering matters that it chooses to address.
37. The omission of a policy covering housing allocations prompted Manor School and the landowner Rayner Estates to propose the inclusion of a site adjacent to the school for residential development along with expanded facilities for the school and leisure and community services.
38. I am conscious that schools in the town will be facing pressure to increase their capacity arising from the increase in households who will be living in the town over the next decade. However, I have already been informed that Section 106 payments from already committed housing developments, have been agreed which could contribute in excess of £1 million towards the expansion of education facilities within the town. It should be possible for the school to apply for access to some of this developer funding, to help address

their capacity requirements. I do not feel it necessary for me to recommend the inclusion of an additional housing site as the town is already meeting its housing allocation in the adopted Local Plan.

39. One of the most controversial aspects of the plan has been the attempt to give “Protected Open Land” status to privately owned agricultural land to the south of Meadow Lane. Whilst the Town Council’s survey has demonstrated local support for the land to be protected as “Local Green Space”, my task at examination is only to assess the plan against the basic conditions.
40. I am very conscious that strategic policies in the adopted Local Plan seek to generate additional economic growth in the area. For the neighbourhood plan to introduce a constraint on the extension to a strategic employment site at Warth Park could undermine the Local Plan’s strategic policy of encouraging jobs creation in the town. That would also militate against the delivery of one of the strands of sustainable development. Equally, as my analysis in the relation to the specific Policy R6 concludes, this agricultural land does not meet the necessary criteria for protection as open space.
41. The plan has ambitious aspirations in terms of securing developer funding for various leisure and community activities. In the absence of a Community Infrastructure Levy scheme, there are strict rules governing how financial contributions can be sought under planning obligations. I have had to “rein in” the wording of some policies to bring them in line with legislation and national planning policy.
42. Some policies have gone beyond the statutory definition of being a policy for the *use and development of land*. These can still be incorporated within the neighbourhood plan as an indication of the views of the community, but must be kept separate and be clearly identified as a “community aspiration” rather than as a development plan policy.
43. Following the submission of plan at Regulation 15 stage, the Council identified an issue with the boundary of one of the employment sites. The Town Council issued an Erratum Note with a revised plan which corrected the original error but introduced a number of new drafting mistakes. I have only now regard to the revised plan in terms of the extent of Employment Site 2 on Figure 7.
44. My proposed changes relate only to the wording of the planning policies and it will be necessary for some changes to be made to the supporting text so that the final version of the plan reads as a coherent document. These issues of editorial, factual or minor corrections are matters for the Town Council to address in consultation with East Northamptonshire Council.

The Neighbourhood Plan Policies

Policy R1 – Ensuring an appropriate range and sizes and types of the houses

45. One of the requirements of a neighbourhood plan policy as set out in the Planning Practice Guidance is that it should be “clear and unambiguous”. I have reservations that the policy as drafted is not clear as to what “the evidence” is expected to show. The policy refers to affordable and market housing being supported by “evidence in relation to existing housing stock and the local housing market”. It is assumed that the purpose is to show how the proposal will contribute to meeting the housing needs in the town, but that is not explicit in the policy. I believe that it is possible for policy to be redrafted to provide the clarity and I will be recommending revised wording for that part of the policy.
46. I have no comments to make on the need for residential development to make financial contributions to provide mitigation measures to offset pressure from extra homes would impose on the Upper Nene SPA / Ramsar site.

Recommendations

Amend wording of the first paragraph to read “Proposals for new residential development will be expected to be accompanied by evidence to show how the proposals will, by virtue of type and size of dwelling proposed, contribute to meeting the future needs of the Raunds, having regard to the existing housing stock and the local housing market conditions. Housing developments will be expected to provide for affordable housing in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy”.

Policy R2 – Promoting Good Design

47. The policy includes the requirement that development proposals “should be drawn up with the active involvement of the Town Council and the local community.” Whilst the NPPF states that local planning authorities should work proactively with applicants, it goes on to state, in paragraph 189, that planning authorities “cannot require a developer to engage with them at the pre-application stage”. By implication this would include statutory consultees in the planning process such as the Town Council. This policy can encourage pre-application engagement with the local community, where the planning authority considers it will be beneficial to encourage that contact. However, it would not be necessary for all development proposals to be subject to the active involvement of the community, just the more significant and sensitive

applications. I therefore proposed to substitute a statement that applicants are *encouraged* to engage with local stakeholders including the Town Council. This will ensure that the policy more closely aligns with Secretary of State policy.

48. The policy, in paragraph e), includes an assessment criterion relating to sustainable construction methods. The Secretary of State for Communities and Local Government in a Written Statement to the House of Commons dated 25 March 2015, stated that neighbourhood plans should not set requirements “relating to the construction, internal layout or performance of new dwellings”. In order to comply with Secretary of State policy as it relates to the basic conditions, this criterion should only be used for assessing non-residential development. I have recommended some minor additional changes to ensure consistency of approach.

Recommendations

Replace the second sentence with:

“Where appropriate, applicants are encouraged to engage in pre-application discussions with the local community and other stakeholders including the Town Council. Any application will be expected to demonstrate how...”

Insert at the start of a) “how the proposal provides for the”

Insert at the start of c) “has”

Insert at the start of criterion e) “how any non-residential” in place of “the”

In f) replace “minimal “with “minimises”

Insert at the start of h) “creates”

Policy R3 – Flexibility and adaptability in new housing designs

49. Whilst I appreciate the underlying objective of the policy, I do not consider that it could be used to prevent permission being granted for the schemes that cannot show the *flexibility and adaptability* sought in terms of design and construction. This is again an issue that were specifically referred to in the aforementioned Secretary of State written statement. One option could have been to recommend the deletion of the policy. However, I consider there is merit to change it to a more aspirational policy, which *encourages* applicants to consider adopting flexibility and adaptability into their designs. Such an approach would therefore prevent planning applications from being refused, under this policy.
50. It is not appropriate for neighbourhood plans to make reference to room sizes as minimum room sizes can only be set by Local Plans choosing to adopt the national technical standards. I will propose the deletion of the last sentence of the policy.

Recommendations

Replace “should” with “are encouraged to”

Delete the last sentence of the policy.

Policy R4 – Car parking in new housing development

51. Whilst a planning policy can prevent garage being lost by them being turned into a habitable room, planning control cannot require the garage to be used for the parking of a vehicle or prevent it from being used for storing domestic items such as bikes, washing machines, rowing machines and other domestic paraphernalia. I can clarify that point with a minor revision to the wording of the policy.

Recommendation

Insert after “garage” “being converted into a habitable room”

Policy R5 – Open space provision

52. The policy as submitted relates to “*All new development in Raunds*”. However, the quoted SPD requires the provision of public open space only on housing schemes of 15 units and over or sites with area over 0.42 ha. It would be impractical, onerous and unreasonable to replace that obligation on schemes of less than 15 units or smaller commercial developments.

Recommendation

Insert after “new development” the following “over 14 units or non-residential development sites over 0.42 ha”

Policy R6 – Protected Open Spaces

53. The Pre-Submission version of the plan proposed two tiers of protection to green spaces in and around the town. This proposed 21 areas that were identified as “Protected Open Space” and 5 areas which would enjoy a higher level of protection as “Local Green Space” (LGS). Following the Regulation 14 consultation the Town Council conducted an additional consultation exercise across the whole town specifically relating to the land to the south of Meadow Lane. That asked a question whether the area should be kept as “*Local Green Space*”. It did not refer to the land being proposed to be designated as “Protected Open Space” as per the recently consulted Pre-Submission version of the neighbourhood plan and the term that was used in the Submission version. Whilst this may on the face of it be a matter of semantics, there are important policy consequences resulting from the specific terminology used which have implications in terms of planning policy. This

term is also used in the Town Council's Green Space Assessment, produced in the second half of 2016 to describe all the sites assessed. That lack of consistency of terminology has been unhelpful and potentially misleading.

54. "Protected Open Space" is not a commonly used designation used in neighbourhood plans whilst "Local Green Space" is a common designation based on the definitions set in the NPPF. The Framework refers in paragraph 73 to the importance of "access to high-quality open spaces" and points to the requirement to identify the qualitative and quantitative deficits and surpluses of open-space as well as sports and recreational facilities. In paragraph 74, it states that existing open space should not be built on unless it needs three criteria. This is expanded on in the Planning Practise Guidance (PPG) which recognises that "open space "which includes all open spaces of public value can take many forms from sports pitches to open areas within a development, linear corridors and country parks".
55. The key question for this examination is whether the land to the south of Meadow Lane can be considered as "open space", rather than being treated as agricultural land which is surrounded by two rights of way. In coming to my judgement, I made a specific point on my site visit of assessing the land from both Meadow Lane and taking in the views of the land whilst driving around the town. I can understand some of the consultation responses that point to the value attributed to the land, in providing a countryside backdrop to the town. However, I did not judge it to be "open space" in the accepted sense but rather agricultural land on the edge of an urban area.
56. My interpretation is that the designation of "open space" in terms of the protection afforded by the NPPF below LGS status, requires some level of public enjoyment through usage / access (albeit that it can be private land) to be refer to as "open space" otherwise any areas of open countryside could be designated as "open space" be protected. It is not an ecological or landscape designation.
57. I am satisfied that all the other areas designated in the plan and for which evidence has been set out in the Green Space Assessment can be treated as "Protected Open Space".
58. Once I have come to the conclusion that the land south of Meadow Lane cannot be classed as "open space", within the context of paragraph 73 of the NPPF, I then need to consider whether it can be justified as "Local Green Space" covered by paragraph 77. This designation is available to neighbourhood plans where the site meets **all** three of the following criteria:
 - where the green space is in reasonably close proximity to the community;
 - where the green area is demonstrably special to the local community and has a particular local significance for example because of its

beauty, historic significance, recreational value, tranquillity or richness of its wildlife; **and**

- where the green area concerned is local in character and is not an extensive tract of land.

59. The guidance in paragraph 76 of the Framework is that LGS designation should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. It goes on to state that LGS should be capable of ensuring beyond the plan period.

60. My analysis in terms of Site 25, is that in many respects, it lends itself more to being considered as “local green space” rather than “protected open space”. The land is in close proximity to the town of Raunds. The Town Council’s survey does demonstrate that it is special to the local community. I am however less convinced that it holds a *particular local significance* except that is farmland close to the town, which is particularly at risk from development. However, whilst it is local in character in terms of its relationship to the town, it does fail to meet all the criteria because, in my judgement, it is an **extensive** tract of land. The designation covers some 52 hectares.

61. Secretary of State advice set out in the Planning Practise Guidance (Paragraph 015) reinforces this conclusion, by saying that blanket designations as LGS of open countryside adjacent to settlements “will not be appropriate”. Many of the attributes attached to this land would equally apply to the countryside generally, and there is no suggestion that agricultural land is properly described as “open space”.

62. I am aware that planning permission has been granted for the commercial development the land in question, which will provide employment which will be important to the future of the town. Whilst currently that decision is at judicial review (JR), this process is still at an early stage and the legal documentation is yet to be placed before a judge for a decision as to whether there is any merit in the claimant’s claim. I do not therefore consider that its designation as LGS would meet the basic condition test of delivering sustainable development to the town. The contribution of this land as a potential open space was considered by the Planning Committee when it considered the planning application earlier this year.

63. I have carefully considered the Regulation 16 consultation responses from parties either with land interests e.g. FRW Farrington and Sons or Roxhill as potential developers (Gladman Development Ltd also made representations on this site although the nature of their interest is not apparent from their representations) and the local planning authority as well as the evidence contained in the Green Spaces Assessment carried out by the Town Council, which clearly shows significant local support for its protection via this policy

but my conclusion is that site 25 - Land South of Meadow Lane should not be designated as "Protected Open Space", nor should it be covered by a "Local Green Space" designation on the grounds that it does not meet the basic condition tests in terms of the delivery of sustainable development or have regard to national policy for the protection of open space.

64. I have now to make recommendations on a minor character regarding the numbering and identification of a number of sites in the plan for the sake of clarity. For example, it is not necessary for the wording of the policy to refer to the page on which Figure 5 is (which is actually incorrect in any event).

Recommendations

Delete "on Page 25"

Site 19 (Furnells Close) The small sliver of land linking Furnells Close and Enterprise Road, as shown on Figure 5 will need to be labelled

Site 22 (Cherry Walk) –the site reference on the map will need to be amended from 23 to 22;

Site 23 (Smithfield Place) –the site needs to be marked on Figure 5 as Site 23

That Site 25 (incorrectly shown as Site 22) be deleted from the policy, Figure 5 and the Policies Map.

Policy R7 - Local Green Space in Raunds

65. I have no comments to make on the five sites proposed by the plan for designation as "Local Green Space". These are the grounds of Saxon Hall, two allotments and a churchyard and its adjacent Memorial Gardens. I appreciate that the NPPF in paragraph 79 states that the policy for managing development within a LGS should be consistent with the policy for Green Belt areas. However, that is not to say that Green Belt policies need to be incorporated into the policy and in fact some of the wording introduced in to the Submission version of the Plan is not directly relevant to the designated green spaces such as reference to outdoor sport, or extensions to buildings, or the replacement of buildings. Indeed, the concept of "openness" is not relevant to a centre of the town.

66. I consider that the proper approach should be in line with paragraph 76 which is to rule out all new development except in very special circumstances. Equally I do not think that it is helpful, in the context of the five sites, to spell out the 4 criteria in d) – g) where development would be allowed. I am not sure whether these are the only special circumstances that would be allowed or whether they are acceptable development and anything else needs to be considered against the special circumstances test. The presumption will be against all development and then leave it to the decision maker to decide

whether the special circumstances exist specific to the individual sites based on the merits of the case.

Recommendations

Delete” on Page 25”

In the second sentence delete “for uses other than uses compatible with their openness”.

Delete the remainder of the policy after “St Peter’s Churchyard”.

Policy R8 – Protecting existing community and recreation facilities and buildings

67. I have received no representations that any of the facilities which are set out in the policy should not be classed as community or recreational facilities that deserve to be protected.
68. My only concern is the final element of the policy. This requires a financial contribution to be made by any development that will “lead to increased demand for an existing community facility...to ensure that demand could be met, before the development takes place.”
69. It is not clear as this is a policy to seek developer contributions to all community facilities in the town or just those where there is a direct relationship between the extra population and services, such as medical facilities or schools.
70. The policy is flawed as it does not look at the question as to whether the existing facilities are at capacity and need extra funds to expand to take account of the demands imposed by the new development. Indeed, it may well be that extra people living in the town will help the sustainability of some of the facilities in the list through their patronage.
71. A financial contribution can only be sought by a planning obligation if it meets the test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely:
 - That it is necessary to make the development of acceptable in planning terms.
 - It is directly related to the development and
 - Is fairly and reasonably related in scale and kind to the development.
72. In addition, only 5 pooled contributions can be collected to any one infrastructure project.
73. For this policy to be workable it is necessary to demonstrate that the development cannot take place without that additional capacity being provided and in proportion to the marginal increase in need for the extra capacity generated by the development. I have not received any evidence that any of

the town's community facilities are at capacity and that development should not go ahead due to the absence of capacity of that community facility.

74. I will recommend changes to the policy to bring into line with the CIL Regulations, which are mirrored in the Paragraph 204 of the NPPF. Because the neighbourhood plan is not anticipating significant levels of housing above that which has already been granted planning permission, this may be somewhat of an academic exercise, however it is appropriate for the plan to have a policy should it be required in the future.

Recommendations

Replace the final paragraph of the policy with:

“Where it can be demonstrated that a new development will put additional demands or pressures on any the above facilities and the existing facility does not have the capacity to accommodate the additional demands placed upon it as a result of that development, an appropriate financial contribution, via a planning obligation, will be sought towards the enhancement of that community or recreational facility to enable it to be able to accommodate the increasing demands being placed upon it as a result of that development ”

Policy R9 – Development in Raunds Town Centre

75. I have only very minor comments relating to the drafting of the criteria namely that it should refer to shop *fronts* rather than *frontages* and in last paragraph the policy should refer to the *primary* not *prime* shopping area, to be consistent with Figure 6

Recommendations

In criterion b) replace “frontages” with “fronts”

In the final paragraph replace “prime” with “primary”

Policy R10 – Traffic and Transport in Raunds

76. I note that Highways England support this policy.
77. There is an issue with the language of its drafting whereby the first paragraph *encourages* improvements, but this is followed by a requirement where all development proposals will be *expected* to meet the terms policy. I do not consider it reasonable for applicants to have to explicitly show how their developments will actually contribute to safer roads and streets - that is an onerous requirement for all applications. This element can be a more appropriately an aspirational policy which *encourages* applicants to address the issue in their application. That would be an acceptable wording.

78. The matters in the final part of policy are matters that fall outside what will be the jurisdiction of the local planning authority and are the responsibility of the Local Highway Authority, namely Northamptonshire County Council. It is possible to neighbourhood plans to include reference to matters that are not directly related to the determination of planning applications but such matters need to be differentiated from the “development plan” part of the document. This can be called “community aspirations” and can either be shown perhaps in a differently coloured box or contained within a separate chapter or appendix to the document. This part of the policy, is not one that can be used to determine a planning application but are likely to be delivered by Traffic Regulation Orders, or through permitted development, for example.

Recommendations

In the second paragraph replace “expected” with “encouraged”

Delete the last paragraph and bullet points and move to Community Aspirations

Policy R11 – Shopfronts

79. I have no comments to make on this policy.

Policy R12 – Town Centre Public Realm

80. Again, it could be argued that many of the specific ways of enhancing the public realm could be delivered by means other than through the planning process. For example, highway investment into “shared spaces” and street furniture would be a matter for the County Council investment, for example. However, I have concluded that the policy can still be interpreted as a development related policy, as it refers to “Developments that improve and enhance the quality of public realm”. These are possible redevelopment proposals that could come forward over the lifetime plan which could deliver some or all, of these elements through the incorporation of the public realm into the development site. I have concluded that the policy meets basic conditions on the basis that the eight examples of improvements are only *suggested* improvements not policy requirements.

Policy R13 – Protecting local employment sites

81. The plan shown as Figure 7, requires amendment in respect of Site 3 Enterprise Road. I saw on my site visit that the purple shading includes the houses at the front of the site. The Town Council confirmed in response to my request for clarification that it is not intended that these newly built houses should be covered by the policy. I also provided with an amended

plan showing the extent of Site 2 being reduced as an Erratum Notice dated 14th November. I can recommend the correction of these two mapping errors.

82. I have concerns required regarding the requirement that “B8 uses should include accommodation to allow at least 20% of jobs on-site to be office based”.

This is an unworkable policy as the headcount of employees will change over time and it would be impossible to enforce. An alternative approach would be to require a percentage of the floorspace to be given over to ancillary office accommodation but these are a requirement which will vary from business to business and also over time and buildings can be adapted through internal works, which do not require planning permission. Whilst I can appreciate the objective of the neighbourhood plan in seeking to secure more intensive employment on these sites, the proportion of floor space given over to ancillary offices and storage, is a matter that is best left to the individual businesses and is not something that can be artificially imposed by a neighbourhood plan policy. The encouragement to promote more office employment in the town already exist through the preceding paragraph of the policy.

83. In terms of the stated impact test, I believe it will be helpful to applicants to know what the required assessment is required to look at, namely, the effect of the out of centre proposal on future investment in the town centre and the impact of the proposal on town centre vitality and viability, as set out in paragraph 26 of the NPPF.

Recommendations

Amend Site 3 on Figure 7 to omit the houses built at the front of the site.

Reduce the extent of Site 2 to that shown on the Erratum Notice.

Delete the third paragraph.

In the penultimate paragraph insert after “assessment” the following text “examining the effect of the proposal on future investment in Raunds Town Centre and the effect on the town centre’s viability and vitality,...”.

Policy R14 – Supporting new employment development

84. The only matter for clarification in terms of this policy is to insert the requirement for “open space” to be “*protected open space*” so is to prevent uncertainty or dispute when planning applications are being considered as to whether undeveloped land is considered as “open space”. In view of my conclusions in respect of Policy R15 I propose to include “extensions to existing premises” under this policy heading.

Recommendations

Insert after “B8” the following “including extensions to existing buildings, where appropriate”

In c) insert” protected” before “open space”

Policy R15 – Small Businesses

85. I consider this policy is unnecessary as small-business proposals are capable of being considered in the context of Policy R14. Planning controls do not differentiate between uses occupied by small or large businesses. I will be recommending that this policy be deleted as it is not a robust basis for decision making.

Recommendation

That the policy be deleted

Policy R16 – Promoting Raunds as a Destination Town

86. I have no comments on this policy.

Policy R17 – Green Infrastructure

87. The policy refers to both green infrastructure and the historic environment and I think it would be more accurate to retitle the policy “Built and Natural Environment”.

88. I have no comments to make as to what this policy is seeking to achieve in terms of the impact of development on the historic environment, the SPA, SSSI and the Ramsar site; I do not think it is necessary for all applicants to positively demonstrate they will not have an adverse impact on these designations. The objective of the policy can be achieved by “requiring development not to detrimentally impact on the historic environment or protected sites.” Similarly, many proposed developments will not be able to contribute to the objectives set out in the policy. I therefore propose to improve include a caveat that the policy should include “where appropriate”.

Recommendations

Retitle policy “Built and Natural Environment”

In the second sentence replace “demonstrate that there is” with “should have”

Insert at the start of Paragraph 2 “Where appropriate”

Policy R18 – Greening the Town

89. My only comment is that the requirement to have no detrimental impact on the historic environment is already covered by Policy R17 and this is not directly related relevant to policy seeking “The Greening of the Town”.

Recommendation

Delete the final paragraph

Policy R19 – Locally Listed Buildings

90. This policy places a requirement that proposals should preserve and enhance the buildings and settings of these buildings. Locally listed buildings have the status in Government policy of being “non-designated heritage assets”. The tests set out in the NPPF for the assessment of proposals affecting them is to look at the impact of the proposals on the significance of asset, which requires “a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset”. As written the policy is not in accordance with Secretary of State policy and would not therefore pass the basic conditions test.

Recommendation

Replace “preserve and enhance” with “take account of the scale of harm or loss against the significance of”

Policy R20 – Upper Nene Valley Gravel Pits Special Protection area(SPA) / Site of Special Scientific Interest

91. I have no comments to make on this policy.

Policy R21 – Movement and Connectivity

92. My concern with this policy is that it requires “All new proposals should include the following enhancements to maximise accessibility to residents and support local biodiversity”. This policy is only relevant to *major* developments and it could only be achievable in some instances.

Recommendations

Insert “for major residential and commercial development, where it is appropriate,” after “proposals” in the second paragraph

Policy R22 – Developer Contributions and Community Infrastructure Levy

93. I understand that the local planning authority does not have a CIL Charging Scheme in-place. The East Northamptonshire website refers to a draft charging schedule being consulted on back in 2014 and states that the fact that this matter will be kept under review. If and when a CIL scheme is introduced then the Town Council can decide whether it spends its share of the contribution on the priorities as set out in the policy. However, this should

not be done as a Development Plan policy but as a Community Aspiration as an indication as to how the Town Council would choose to spend its contributions resulting from future developments taking place in the town.

94. Until that time any contribution must be made under the provisions of a planning obligation. Under the terms of the Community Infrastructure Levy Regulations 2010, as previously referred to, a financial contribution can only be made where it is necessary to make the scheme acceptable in planning terms, and is directly related to the development and is fairly and reasonably related in scale time to the development. I do not think it is appropriate for a blanket policy to seek contributions to specific types of schemes, unless there is a direct relationship between the development which would not be acceptable, without that contribution. For example, it would be necessary to show how the scheme generated a requirement for specific highway improvements or traffic calming measures or a specific requirement to contribute or community transport or public transport to outlying areas which would depend on the scale and location of that development. I therefore propose to delete the policy as it does not meet basic conditions.

Recommendation

That the policy be deleted.

The Referendum Area

95. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Raunds Neighbourhood Plan as designated by East Northamptonshire Council on 12th February 2014, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

96. Raunds Town Council are to be congratulated on producing a clear and concise locally distinct neighbourhood plan. It is a coherent policy document that seeks to address the challenges that are facing the town over the next decade. It will form a sound basis for determining planning applications into the future.
97. I know that there will be some disappointment within the town as to my recommendation regarding Policy R6 and Site 25 but without that modification, I do not believe I could have recommended that the Neighbourhood Plan could go forward to referendum. It is simply not

John Slater Planning Ltd

appropriate to try to protect an extensive area of farmland from development by designating it as “open space”.

98. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
99. **I am therefore delighted to recommend to the East Northamptonshire Council that the Raunds Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

25th September 2017