

Glaphorn Parish Council

Glaphorn Neighbourhood Development Plan

A report to East Northamptonshire Council of the Independent
Examination of the Glaphorn Neighbourhood Development
Plan

Independent Examiner Christopher Edward Collison

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Overall Finding

This is the report of the Independent Examination of the Glapthorn Neighbourhood Development Plan. The plan area is the entire civil Parish of Glapthorn within the East Northamptonshire Council area. The plan period is 2016-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates 8 sites for development which with completions and permissions will result in 32 new dwellings, excluding any windfall developments.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Glapthorn Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Glapthorn Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Glapthorn Neighbourhood Area which was formally designated by East Northamptonshire Council on 27 June 2016. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group), made up of Parish Councillors and local residents, on behalf of the Parish Council.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, was on the 13 December 2017 approved by the Parish Council for submission to East Northamptonshire Council. East Northamptonshire Council arranged a six-week period of publication, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended, ending on 26 February 2018. East Northamptonshire Council then submitted the Neighbourhood Plan to me for independent examination. On 1 March 2018 I wrote to the Parish Council and East Northamptonshire Council clarifying how I would conduct the Independent Examination. My letter was posted on both Council’s websites.

¹ Paragraph 183 National Planning Policy Framework (2012)

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to East Northamptonshire Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. East Northamptonshire Council will decide what action to take in response to the recommendations in this report.
6. East Northamptonshire Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by East Northamptonshire Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by East Northamptonshire Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and East Northamptonshire Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

³ Paragraph 198 National Planning Policy Framework 2012

Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

16. The Neighbourhood Plan relates to the area that was designated by East Northamptonshire Council as a neighbourhood area 27 June 2016. A map of the Neighbourhood Plan boundary is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Glapthorn parish boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2016-2031.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework. See Planning Practice Guidance, reference ID: 41-055-20140306 and paragraph 29 of the judgment in R (Crownhall Estates Ltd) v Chichester DC [2016] EWHC 73 (Amin).

there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
 - Glapthorn Neighbourhood Plan 2016-2031 Regulation 16 Consultation Version December 2017 (including Appendices 1-5 published separately)
 - Policy Map for the Glapthorn Neighbourhood Plan - Parish
 - Policy Map for the Glapthorn Neighbourhood Plan - Village
 - Glapthorn Submission Neighbourhood Plan Basic Conditions Statement
 - Glapthorn Neighbourhood Plan 2016-2031 Consultation Statement December 2017
 - Glapthorn Neighbourhood Plan 2016-2031 Consultation Statement Appendices December 2017
 - Glapthorn Draft Neighbourhood Plan Regulation 14 Consultation Annex: Representations of Pro Vision on behalf of Living Land October 2017
 - Glapthorn Neighbourhood Plan supporting information available on the Glapthorn Parish Council website including Glapthorn Planning Policy Assessment and Evidence Base Review Background Paper October

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

2016; Strategic Environmental Assessment Screening Report and responses from Statutory Consultees; and Habitats Regulations Assessment Screening Report 15 August 2017 and responses from Statutory Consultees

- Representations received during the Regulation 16 publicity period
- Local Plan Part 1 – North Northamptonshire Joint Core Strategy (JCS) 2011-2031, adopted 14 July 2016
- Local Plan Part 2 – Rural North, Oundle and Thrapston Plan (RNOTP), adopted July 2011 (saved/ retained policies)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource DCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. The plan preparation process began in August 2016 with ‘community conversations’ involving face to face interviews including 82 responses representing almost three-quarters of the number of households. The conversations revealed views on living in Glapthorn and opinions regarding housing; education; traffic and transport; facilities and infrastructure; businesses; and issues in the wider parish beyond the village.
26. The second phase of consultation comprised of issuing a consultation document and questionnaire to every household in December 2016/January 2017 which resulted in 77 responses. A ‘call for sites’ was undertaken through the questionnaire and supplemented by direct mailing to landowners known to have an interest in development; land and estate agents with interests in Glapthorn; and farmers (as the major landowners in the parish). The East Northamptonshire Council call for sites as part of the work on the emerging Local Plan Part 2 revealed additional sites. A total of 20 sites, 16 in the village of Glapthorn and 4 on the Glapthorn parish/Oundle boundary, were assessed by scoring each site against technical and policy criteria. The January 2017 consultation had revealed views that some locations are sensitive. This topic was explored further by the Steering Group.
27. Community dialogue continued with the holding of two ‘Exhibition Days’ in May/June 2017 attended by 124 people. Completed response forms revealed clear majority support for 8 of the 16 village sites with the potential to accommodate 22 new dwellings, in addition to the 10 dwellings granted planning permission between August 2016 and March 2017 comprising 9 within the village settlement boundary and a further 1 on the outskirts of the village. Opinions revealed by the ‘Exhibition Days’ and discussions with the landowners of one of the sites previously designated as an important open space in the 1996 District Local Plan, and subsequently incorporated into the 2011 Rural North, Oundle and Thrapston Plan, led to a proposed approach involving some very limited development and designation of the remainder of the area as Local Green Space. The 4 sites close to the Oundle boundary received limited support. A newsletter was issued detailing the results from the ‘Exhibition Days’.
28. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 21 August and 13 October 2017 and

included delivery of a copy of a summary of the draft plan to every household in the Parish. Other publicity was achieved through use of a website, posters on notice boards, flyers, and a press release. The 37 responses made are comprehensively presented as Section 4 within the Consultation Statement where responses, Parish Council comments, and amendments to the Neighbourhood Plan, are set out. The suggestions have been reflected in a number of changes to the Plan that was approved by the Parish Council for submission to East Northamptonshire Council.

29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication ending at 4pm on 26 February 2018. Representations from 10 different parties (6 from statutory consultees; 4 from other bodies) were submitted during the publicity period.

30. Northamptonshire County Council has set out its approach to requiring contributions to the cost of additional infrastructure requirements arising from new development schemes in respect of education, fire and rescue, libraries, and broadband. This representation, and the representation on behalf of National Grid, do not necessitate any modification of the Neighbourhood Plan in order to meet the Basic Conditions. The Environment Agency has commented: *“We have yet to find any commitment in the plan that refers to how the quality of Glapthorn Brook, designated as Main River will be protected and improved and how flood risk will be managed into the future, especially in the context of planned development. We recommend that relevant policy wording in accordance to policy 5 of the North Northamptonshire Joint Core Strategy is included in the plan to protect and preserve the quality of the water environment.”* An additional policy component as recommended by the Environment Agency is not necessary to meet the Basic Conditions. Anglian Water have commented on three policies. Historic England and Natural England confirm no further comments.

31. A representation on behalf of a landowner supports a site allocation in Policy 1 and confirms availability of another site not allocated. Another representation objects to the Local Green Space designation which I refer to when considering Policy 9 of the Neighbourhood Plan later in my report. This representation also raises concerns regarding the process, including involvement through correspondence of an interested party, leading to the Local Green Space designation. It is

outside the jurisdiction of an independent examiner to consider these latter matters. The complaints procedures of the Parish Council and the East Northamptonshire Council offer a route to raise such matters. A further representation proposes an alternative settlement boundary in the central southern section of Glapthorn and opposes the design principle relating to linearity. Another representation objects to the restriction of development of land to the east of Cotterstock Road, Oundle.

32. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where appropriate I refer to those representations that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies.
33. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) Explains how they were consulted;
 - c) Summarises the main issues and concerns raised by the persons consulted; and
 - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁸
34. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

The Neighbourhood Plan taken as a whole

35. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

36. The Basic Conditions Statement states “*the Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention.*” I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.

37. Whilst no detailed analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010) the Basic Conditions Statement does state: “*In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.*” From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

38. The objective of EU Directive 2001/42²⁰ is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²
39. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council to submit to East Northamptonshire Council either 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. The Basic Conditions Statement states: “A SEA screening report was prepared by Glapthorn Parish Council to determine whether or not the content of the draft Glapthorn Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.” The SEA Screening Report includes a summary conclusion: “The Glapthorn Neighbourhood Plan proposes small scale development on 8 sites in the village to deliver 22 houses over the Plan period to 2031. It seeks to maintain the linear nature of the village and limit development on any one site to a maximum of 5 houses. This is required to ensure that development respects the rural character of the village. Development management criteria seek to discourage back-filling and cul-de-sac developments, to ensure the continuity of the village's linear layout. The emphasis is on maintaining the village as a sustainable community through limited development to meet local aspirations. It seeks designation of Local Green Space for important land separating the two halves of the village (Upper and Lower Glapthorn) and securing valuable visual amenities. Protection is afforded to important community facilities such as the allotments and the Plan seeks to support and encourage development of other community facilities such as the Village Hall and the school.” The report concluded that the Glapthorn Neighbourhood Plan did not require a full SEA. The

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Screening Opinion was underpinned by the opinions of the three statutory bodies (the Environment Agency, Natural England, and Historic England) and the Basic Conditions Statement states “*all agreed with the report’s conclusions*”. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

40. The Basic Conditions Statement states: “*A Habitat Regulations Assessment screening report was also undertaken for the Neighbourhood Plan to determine whether a Habitats Regulations Assessment (HRA) is required in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended)*” and “*There are no European Sites within the neighbourhood area or in close proximity*”. An Assessment undertaken by the Parish Council in respect of Habitats Regulations concluded that the Joint Core Strategy “*already provides the mechanism by which potential adverse impacts upon the UNVGP SPA/Ramsar site may be addressed*” and that “*the Neighbourhood Plan is consistent with the JCS; with reference to the Habitat Regulations.*” The Basic Conditions Statement confirms that Natural England agreed with the conclusion of the report. I am satisfied that the requirements in respect of Habitats Regulations Assessment have been met.

41. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

42. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

43. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. East

Northamptonshire Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²³

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

44. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

45. Lord Goldsmith has provided guidance²⁵ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question: “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

46. The Basic Conditions Statement includes at Section 3 a statement in respect of paragraph 184 of the Framework and Table 1 which I am satisfied demonstrates how the Neighbourhood Plan has regard to twelve core planning principles of the Framework.

²³ National Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

47. The Neighbourhood Plan includes a positive vision for Glapthorn Parish. The vision includes:

- an economic component - *“continued to prosper and to have welcomed modest development”*;
- a social component - *“sustains its community coherence and protects its strong sense of identity”*; and
- an environmental component - *“maintains its open countryside attributes”* and *“the current extent of separation from Oundle is respected”*.

These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.

48. The vision is supported by 14 objectives of the Neighbourhood Plan. These objectives relate to housing; landscape and character; employment; and leisure and community. These objectives are consistent with the Framework. Appendix 2 of the Neighbourhood Plan sets out ‘Statements of Principle’ produced by the Steering Group which it is stated guided the drafting of the Vision and Objectives and provided the basis of the planning policies and site assessments in the Neighbourhood Plan. The ‘Statements of Principle’ include statements that could be read as though they were planning policies when they are not. Appendix 2 like the other appendices to the plan are background information that explain the development of the Neighbourhood Plan. I am satisfied paragraph 4.3 of the Neighbourhood Plan and the first paragraph of Appendix 2 are sufficiently clear in this respect. The avoidance of any confusion is further assisted by the fact the appendices are not listed in the Table of Contents in the Neighbourhood Plan and are stated, on the Appendices contents page, to be published separately from the Neighbourhood Plan.

49. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having*

regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

50. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁶ The Guidance states: *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”*²⁷.

51. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

52. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Table 2 in the Basic Conditions Statement confirms the nature of the alignment of selected Neighbourhood Plan policies with the aims of the Framework for each dimension of sustainability.

53. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I note that the Neighbourhood Plan seeks to:

²⁶ Paragraph 14 National Planning Policy Framework 2012

²⁷ National Planning Practice Guidance (Ref ID:41-072-20140306)

- Allocate 8 sites for residential development providing approximately 22 new homes;
- Define a settlement boundary within which new housing development will be contained, subject to exceptions;
- Ensure new housing development maintains a mix of tenure, type and size of dwellings and requires demonstration how a scheme responds to the need for smaller properties and those suitable for retired villagers;
- Support diversification of the rural economy including conditional support for re-use of redundant farm buildings for tourism/holiday accommodation and other small scale rural businesses;
- Support employment proposals that strengthen agricultural operations, local services, and the visitor economy linked to the enjoyment of the countryside;
- Protect landscape character including publically accessible locally significant views and mature and established trees within and around the village;
- Preserve and enhance green infrastructure including local habitats and wildlife corridors, and the Nene Valley Nature Improvement Area;
- Retain the linear nature of the settlement, avoid unnecessary lighting, and avoid harm to important archaeological sites and heritage assets;
- Avoid coalescence of Glapthorn and Oundle to conserve the character of Glapthorn as a separate and distinctive village;
- Designate a Local Green Space;
- Establish design principles for new development;
- Ensure developments do not have adverse road safety impacts; and
- Guard against loss of recreation and community facilities including allotments, and conditionally support new provision of community and recreation facilities.

54. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

55. The Framework states that the ambition of a neighbourhood plan should “support the strategic development needs set out in Local Plans”.²⁸ “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.²⁹

56. The Guidance states: “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³⁰

57. I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). East Northamptonshire Council has confirmed that the Development Plan applying in the Glapthorn Neighbourhood Area and relevant to the Neighbourhood Plan is as follows:

North Northamptonshire Joint Core Strategy (JCS) 2011-2031
(Local Plan Part 1) adopted July 2016

1	Presumption in favour of Sustainable Development
2	Historic Environment
3	Landscape Character
4	Biodiversity & Geodiversity
5	Water Environment, Resources & Flood Risk Management
6	Development on Brownfield Land & Land affected by contamination
7	Community Services & Facilities
8	North Northamptonshire Place Shaping Principles
9	Sustainable Buildings & Allowable Solutions
10	Provision of Infrastructure

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

³⁰ National Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

11	The Network of Urban & Rural Areas
12	Town Centres and Town Centre Uses
13	Rural Exceptions
15	Well Connected Towns, Villages & Neighbourhoods
16	Connecting the Network of Settlements
17	North Northamptonshire's Strategic Connections
18	HGV Parking
19	The Delivery of Green Infrastructure
20	Nene and Ise Valleys
21	Rockingham Forest
22	Delivering Economic Prosperity
23	Distribution of New Jobs
24	Logistics
25	Rural Economic Development and Diversification
26	Renewable Energy
28	Housing Requirements & Strategic Opportunities
29	Distribution of new homes
30	Housing Mix and Tenure
31	Gypsies and Travellers

Rural North, Oundle and Thrapston Plan (RNOTP)
(Local Plan Part 2) adopted July 2011

2	Windfall Development in Settlements
4	Green Infrastructure
5	Transport Network
6	Residential Parking Standards
10	Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves
12	Considerate Construction
15	Open Space, Sport and Recreational Facilities
23	Rural Buildings - General Approach
24	Replacement Dwellings in the Open Countryside
para 8.18	Longer term strategy

58. East Northamptonshire Council considers all of the above listed policies of the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and policies 15, 23, 24 and paragraph 8.18 (relating to the Living Land site east of Cotterstock Road/north of St Peter's Road, Oundle) of the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011, are strategic policies for the purposes of neighbourhood plan preparation. East Northamptonshire Council has also stated: "*Other RNOTP policies that remain in force may be reviewed or updated by equivalent policies in the Neighbourhood Plan.*"

59. On 11 April 2016 East Northamptonshire Council decided to "*start afresh*", with the preparation of a new District-wide Local Plan Part 2.

This will replace remaining policies from the 2011 Rural North, Oundle and Thrapston Plan (RNOTP) and the 1996 East Northamptonshire District Local Plan (DLP). This emerging development plan document does not currently form part of the Development Plan for the area.

60. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”³¹ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

61. The Guidance states: “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”³²

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

62. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³¹ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³² National Planning Practice Guidance (ID ref: 41-074 201 40306)

The Neighbourhood Plan policies

63. The Neighbourhood Plan includes 12 policies as follows:

Policy 1: Site allocations

Policy 2: Settlement boundary

Policy 3: Housing development within the settlement boundary of Glapthorn

Policy 4: Supporting rural diversification

Policy 5: Protecting landscape character

Policy 6: Green infrastructure

Policy 7: Built environment

Policy 8: Avoiding coalescence

Policy 9: Local green space

Policy 10: Design principles

Policy 11: Mitigating traffic and road safety issues

Policy 12: Protecting existing and supporting new community and recreational services and facilities

64. The Framework states: *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³³

65. The Guidance states: *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*³⁴

66. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should*

³³ Paragraphs 184 and 185 National Planning Policy Framework 2012

³⁴ National Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan".³⁵

67. *"A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).*"³⁶

68. A number of the Neighbourhood Plan policies include references to specific strategic policies. In order to provide a practical framework for decision-making on development proposals, as required by paragraph 17 of the Framework, it is preferable that policies should be self-contained and not include references to policies in other parts of the Development Plan. Self-contained neighbourhood plan policies may also avoid obsolescence resulting from changes to strategic policy. I have, however, not recommended modifications to remove references to specific strategic policies as they have been utilised as a shorthand method of capturing content of strategic policies without lengthy repetition in the Neighbourhood Plan policies. In this way they do assist clarity. These references do also have the advantage of confirming general conformity with strategic policy and are indicative of a desirable co-ordinated working approach between the Parish Council and East Northamptonshire Council.

69. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

³⁵ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

³⁶ National Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

Policy 1: Site allocations

70. This policy seeks to allocate eight sites shown on the Policies Map, for new housing in Glaphorn Village.
71. Anglian Water state: *“There is currently capacity within the water supply and foul sewerage networks to accommodate the proposed allocation sites subject to a more detailed assessment as part of the planning application process”*.
72. A representation states: *“The inclusion of Site B15 within Policy 1 – Site Allocations, is supported and welcomed. We are wholly in favour of the allocation of this land for housing.”* This representation also promotes site B4 as a reserve or alternative site. I refer to this matter in my consideration of Policy 2 later in my report.
73. Another representation states the central southern section of the village settlement boundary should be drawn to include rear gardens so as not to restrict appropriate development proposals. I refer to this matter in my consideration of Policy 2 and Policy 10 later in my report.
74. A further representation proposes the Neighbourhood Plan should not restrict development of land to the east of Cotterstock Road, Oundle for residential purposes. I refer to this matter in my consideration of Policy 2 later in my report.
75. The ‘brief description and commentary’ contained in the policy specifies the number of dwellings to be developed on each site. Whilst an assumption of numbers of dwellings that may be accommodated on each site is helpful in producing an estimate of the total number of dwellings that could be achieved through development of the identified sites (22 dwellings), it is not acceptable to treat these figures as though they set a maximum number of dwellings that could be accommodated on each site. To treat the indicated numbers of dwellings as a maximum for each site would not meet the Basic Conditions as it would mean otherwise sustainable development schemes could not be supported contrary to the presumption in favour of sustainable development established in the Framework. In order to meet the Basic Conditions. I have recommended a modification so that the policy includes a statement that the number of dwellings indicated for sites may be exceeded where sustainable development schemes are proposed and there are no significant adverse visual, or amenity, or road safety, impacts.

76. The general text supporting the policy states at paragraph 6.4.2 that *“implementation of the Plan by way of development control decisions, as and when planning applications are forthcoming, does need to be done in a phased manner which reflects the ability of the Village to absorb new housing on only a gradual basis.”* This general text is seeking to introduce a policy approach that is not contained in any of the policies of the Neighbourhood Plan which it may not. The suggestion of phasing would represent an impediment to the Neighbourhood Plan meeting the Basic Conditions. A legitimate basis for a land use plan to limit the pace of development might be to ensure that sufficient necessary infrastructure is in place, for example sewerage capacity. No sites have been identified on the basis of which it would be possible to demonstrate the need for a particular level of infrastructure capacity.
77. Policy 29 of the Joint Core Strategy states, Neighbourhood Plans should identify the phasing of individual housing sites in the rural areas to ensure that development opportunities are not exhausted early in the plan period. The Neighbourhood Plan does not refer to this possibility of early exhaustion of opportunities at all. The Neighbourhood Plan instead refers to *“the ability of the village to absorb new housing”*. In the absence of evidence this does not provide a basis to override the need to consider development applications in the context of the presumption in favour of sustainable development, nor does it provide a basis to limit the overall level of development occurring in the plan period.
78. At the heart of the Framework is a presumption in favour of sustainable development. All plans should be based upon and reflect this presumption. Neighbourhood plans should plan positively to support local development. The phasing of development, would create a ceiling or cap on development, for sites and for the Plan area as a whole, in any defined time period that represents an inappropriate constrained approach to sustainable development that may potentially be proposed during the plan period. The wording of paragraph 6.4.2 is in conflict with the presumption in favour of sustainable development established in the Framework.
79. There is no automatic or definite direct relationship between proposals being supported, planning permissions being granted, and completion of dwellings. The housing market will normally be the strongest determinant of build-out rates. There is no clear mechanism to ensure phasing of building and therefore it could not be used to shape and

direct development and, on this basis, also, it fails to meet the Basic Conditions. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

80. The Guidance states where a Neighbourhood Plan allocates sites an appraisal of options and an assessment of individual sites against clearly identified criteria must be undertaken. Links are provided to 'Housing and economic land availability assessment' and 'viability' within the Guidance. The Guidance states: *"it is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs."* I have already referred to the part of the Guidance that states *"While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan"*.

81. Appendix 5 of the Neighbourhood Plan sets out detail in respect of the six elements of the process followed in identifying and assessing housing sites for inclusion as allocations in the Neighbourhood Plan. The Annex to Appendix 5 sets out additional information relating to the assessment of sites adjacent to the Oundle/Glaphorn boundary.

82. I have stated earlier in my report that it is not within my remit to test the soundness of the Neighbourhood Plan. In this context it is not within my role to test the soundness of the approach adopted, nor to test whether the strategy adopted is the most appropriate. Independent examination of a neighbourhood plan cannot consider whether the proposed strategy is justified by a proportionate evidence base³⁷. The choices made in the Neighbourhood Plan have been adequately explained. I am satisfied the Site Assessment Report has provided information on a reasonable range of sites which are available to meet need and that the Neighbourhood Plan has determined which of those sites are the most suitable to meet those needs.

³⁷ Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

83. Policy 11, part b) of the Joint Core Strategy states: *“Small scale infill development will be permitted on suitable sites within Villages where this would not harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. Part 2 Local Plans and Neighbourhood Plans may identify sites within or adjoining Villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special controls.”* The Neighbourhood Plan states the allocations *“have the potential to provide 22 new dwellings in addition to the dwellings which have received planning permission in the village between August 2016 and August 2017.”* This level of development will boost significantly the supply of housing in the Neighbourhood Area. The small-scale infill nature of the allocations is in general conformity with the strategic policy.
84. Whilst it is not within my role to select additional development sites on behalf of the Glapthorn Parish community, a representation has promoted an additional site for development by stating the Neighbourhood Plan should not constrain its development. The benefits or disbenefits of any particular additional site, relative or not to the allocated sites, is not a matter for my consideration.
85. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 11 and 29 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016.
86. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy 1

Add a statement that “The number of dwellings indicated for sites may be exceeded where sustainable development schemes are

proposed and there are no significant adverse visual, or amenity, or road safety, impacts.”

In the supporting text to Policy 1, delete the final sentence of paragraph 6.4.2.

Policy 2: Settlement boundary

87. This policy seeks to establish that, with the exception of proposals that comply with NNJCS Policy 13 (Rural Exceptions), housing development in the Parish shall be contained within the settlement boundary defined on the Policies Map.
88. A representation states: *“The Inspector is respectfully asked to note that site B4 remains suitable, available and is deliverable as a fall back for housing, should the aspirations of the Neighbourhood Plan not deliver the level of housing envisaged over the plan period (to 2031) or thereafter, or should the District level housing requirements identify further deliverable housing land is required at any point, as this land will be bounded by the revised settlement boundary to both the north and east, with direct access afforded to Main Street to the north.”* I have noted Part 11 of the Neighbourhood Plan sets out in some detail how the implementation of the Plan is to be monitored. These proposed monitoring arrangements will provide opportunity to review the position relating to site B4 and other sites being promoted at that time by owners and other parties.
89. Another representation states that the central southern section of the village settlement boundary should be drawn to include rear gardens so as not to restrict appropriate development proposals. A settlement boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the settlement boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A settlement boundary does not have to include the full extent of a settlement and settlement boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties.

90. Settlement boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include parts of large residential gardens. This is the case in the central southern section of the village settlement boundary. A settlement boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply. Policy 2 seeks to establish that apart from rural exceptions housing development will be contained within the settlement boundary. Proposals within the settlement boundary are subject to other policies of the Neighbourhood Plan including Policy 3 which establishes development criteria, and Policy 10 which establishes design principles for the Plan area as a whole. The settlement boundary proposed has been subject to community engagement and consultation during the plan preparation process. Consideration has been given to the character of the settlement with its linear and predominantly frontage development form. I am satisfied the settlement boundary indicates a physical limit to development adjacent to the village over the plan period and will, subject to modification arising from my later consideration of Development Plan issues, will guide development to sustainable solutions. It is beyond my role to consider whether any alternative alignment of the settlement boundary would offer a more sustainable solution.
91. The policy seeks to establish a tightly drawn settlement boundary for Glapthorn. A settlement boundary tightly drawn around the existing built form of a settlement is rarely likely to be acceptable in the absence of identification of sites to accommodate new housing development to meet local needs. The settlement boundary proposed to be designated by Policy 2 does include sites with planning permission and allocated for new housing development and provides additional opportunities for new homes within the settlement boundary.
92. A representation proposes the Neighbourhood Plan should not restrict development of land to the east of Cotterstock Road, Oundle for residential purposes. The representation relates to a site the northern part of which lies within the Neighbourhood Plan area and which has been referred to as Site A2 in the Neighbourhood Plan appendices. Section 6.7 of the Neighbourhood Plan identifies sites in the wider Parish that were submitted for consideration and Section 6.8 of the Neighbourhood Plan describes the site assessments for development

on the Oundle/Glaphorn boundary. Appendix 4 states Site A2 is 2.2 hectares, being part of a site of 6.6 hectares “mainly in Oundle”. The representation states: “The southern half of the Site is referred to as Site 23 by Oundle Town Council and is proposed for allocation in the emerging Oundle Neighbourhood Plan” and “The Site is however one land parcel, with no physical features delineating the northern and southern portions on the ground”.

93. The representation states: “Whilst it is clearly desirable to define a Settlement Policy Boundary for the village, we object to the reference to only Policy 13 of the North Northamptonshire Joint Core Strategy (the NNJCS)” in this Policy. Policy 11 of the NNJCS states that, ‘Development will be distributed to strengthen the network of settlements in accordance with the roles in Table 1 and to support delivery of the place-shaping principles set out in Table 2. The special mixed urban/rural character of North Northamptonshire with its distinctive and separate settlements will be maintained through the avoidance of coalescence’. Policy 11 defines Oundle as a Market Town and states that ‘The Market Towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town ... Provision will be made for new housing as set out in Policy 28. Any proposals for significant additional growth should be tested and supported through Part 2 Local Plans or Neighbourhood Plans’. Part 2 of Policy 11 deals with the rural areas and states ‘Development in the rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement’. In order to bring Policy 2 into conformity with the basic conditions, we suggest it should be amended as follows: ‘Except for housing development that is necessary to meet the role of Oundle as a Market town in accordance with Policy 11 of the NNJCS, or which complies with NNJCS Policy 13 (Rural Exceptions), housing development in Glaphorn Parish shall be contained within the Settlement Boundary of Glaphorn Village.” Should any development be proposed on the part of the Site which falls within Glaphorn Parish, Policy 8 of the Glaphorn NDP would be applicable, and will require the application to demonstrate how it minimises the impact on the open countryside between Glaphorn and Oundle’.

94. Paragraph 6.8.3 of the Neighbourhood Plan states: *“None of the four sites in Glapthorn Parish on the Oundle boundary is included in the Glapthorn Neighbourhood Plan. However, site allocations in the Neighbourhood Plan do not preclude additional housing proposals under NNJCS Policy 13 - Rural Exceptions. Policy 13 is primarily related to affordable housing in rural areas but some market housing maybe acceptable to make a scheme economic”*. Paragraph 6.8.2 of the Neighbourhood Plan states: *“Oundle Town Council, which is at a broadly similar stage to Glapthorn in the development of its Neighbourhood Plan, has confirmed that it has allocated sufficient sites to meet its housing need as identified in the NNJCS. The Town Council has expressed the view that the allocation of sites in Glapthorn Parish which border on Oundle would be inconsistent with Oundle Council’s spatial strategy and unnecessarily increase pressure on existing infrastructure”*.
95. The representation states *“This statement is nonsensical when the Town Council is proposing to allocate the southern half of the site for development. The inclusion of such a statement within the Glapthorn NDP is unnecessary. From the statements made at Sections 6.7 and 6.8, it appears that there is an attempt by Oundle Town Council to use the Glapthorn NDP as a vehicle to stop development on a sustainable site adjoining the town. We consider that the Glapthorn NDP should be seen as a means by which development and change can be managed sustainably; recognising that there will be a need for ongoing development to maintain the role of Oundle as a Market Town whilst also preserving the rural character of Glapthorn village and a degree of separation between the two. Whilst basic condition (e) is about general conformity with Adopted Plans, and not subsequent or emerging plans, it is clear that there is a need for housing in Oundle that is not yet met by an Adopted Development Plan. In that context, it is clearly desirable to ensure that the Neighbourhood Plan for Glapthorn provides positive guidance to inform how development on the Parish boundary should take place, rather than simply opposing any change. In that way, the Glapthorn Neighbourhood Plan will accord with the objective of Paragraphs 16 and 184 of the Framework and contribute to the achievement of sustainable development.”*
96. The Consultation Statement, when presenting Parish Council comments on Regulation 14 representations, states: *“The GPC has been advised throughout by ENC that use of this site for open market housing would need to relate to the JCS Policy (11.1) regarding*

housing need in the market town, and this is entirely logical. Thus, GPC has sought throughout to ensure that the GNP did not conflict with Oundle Town Council's emerging neighbourhood plan policies. The two Councils NP working groups have held 4 meetings to directly address co-operation on Glaphorn sites on the Oundle boundary and this site in particular. Documentation on emerging neighbourhood plans has been shared. These are matters for Oundle. Glaphorn's Plan cannot be judged nor delayed because of comments on another Council's progress or approach." The representation states "the Planning Practice Guidance makes clear that blanket policies within Neighbourhood Plans restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence (Paragraph: 044 Reference ID: 41-044-20160519" and "Neighbourhood Plans should also not attempt to restrict sustainable development in adjoining settlements". My role is limited to consideration of the Neighbourhood Plan and does not extend to consideration of the emerging Oundle Neighbourhood Plan or proposals outside the designated Glaphorn Neighbourhood Area.

97. The Framework states, Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies. The Joint Core Strategy makes provision for 820 dwellings in the rural areas outside the growth town and market towns of East Northamptonshire. This level of development is not assigned to individual villages. Policy 11, part b) of the JCS states: *"Small scale infill development will be permitted on suitable sites within Villages where this would not harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. Part 2 Local Plans and Neighbourhood Plans may identify sites within or adjoining Villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special controls."*

98. Paragraphs 8.16 and 8.17 of the Rural North Oundle and Thrapston Plan (RNOTP) state: *"The development proposals in policies OUN3 and OUN4 are expected to deliver 390 dwellings, leaving a shortfall of 23 dwellings from the Core Strategy target (610). However, PPS3 only requires the identification of specific deliverable or developable sites for 10 years from the date of adoption, so it is expected that the residual shortfall, equating to 0.82 years (i.e. 10 months) housing land supply, will be met through windfall developments" and: "The*

Sustainability Assessment of Sites update (Roger Tyms) 60 assessed 24 alternative sites (including Policy OUN3 and OUN4 site allocations). These were identified through the SHLAA and earlier (2007) sustainability assessment work by Roger Tyms. Of these, 10 sites were found to be deliverable; the majority being discounted as these are not likely to become available during the Plan period or have been designated for alternative uses such as open space or employment”.

99. The RNOTP Proposals Map and the RNOTP Proposals Map Inset 1, which relates to Oundle, do not include any indication of a proposal for the land off Cotterstock Road/St Peter’s Road. Paragraph 8.18 of the Rural North Oundle and Thrapston Plan, states: *“PPS3 requires the Plan to indicate possible locations for housing development from 11-15 years from the date of adoption, i.e. from 2018/19 till after 2021. The Sustainability Assessment work has identified two particular sites which stand out as possible longer-term site allocations. These sites, which could come forward following reviews of the Core Strategy and this Plan, are: Land to the rear of the Cemetery, Stoke Doyle Road (230 dwellings capacity); Land off Cotterstock Road/ St Peter’s Road (200 dwellings capacity)”.*

100. The Guidance states, Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan. I take this to apply to production of part of the Local Plan. Although a draft neighbourhood plan is not tested against the policies in an emerging part of the Local Plan the reasoning and evidence informing the Local Plan Part 2 preparation process is likely to be relevant to the consideration of the basic conditions against which the Neighbourhood Plan is tested. East Northamptonshire Council has published a Local Plan Part 2 (site specific policies) ‘call for sites’ document dated January 2017. This document includes Table 2 that identifies remaining site-specific land allocations from previously adopted development plan documents. *“Table 2 identifies existing housing, employment and mixed-use land allocations which relate to new development proposals (as opposed to site specific safeguarding designations). Adopted development plan documents contain a number of existing site allocations for developments that have not, as yet, come forward through the development management process. Sites, which do not as yet have planning permission are allocated through the following development plan documents, which are adopted or nearing adoption.”* The list of plan documents includes the Rural North, Oundle and Thrapston Plan (saved/ retained policies), adopted

July 2011 (Local Plan Part 2, covering most of the geographic area of the District). Table 2 does not include Land off Cotterstock Road/St Peter's Road Oundle.

101. Table 3 in the Local Plan Part 2 (site specific policies) 'call for sites' document dated January 2017 lists over 40 potential development sites that could deliver urban extensions and other significant/ strategic new development proposals at each of the six towns within the District. It is stated that "*these sites are derived from four main sources: SHLAA – minimum site area threshold, 0.25ha; Strategic Employment Land Assessment (SELA); Strategic site proposal – North Northamptonshire JCS; Online site submissions, since March 2013*". Table 3 includes an entry: 2017 call for sites reference CFSU18, location Oundle, source SHLAA reference number 1097, site area 6.7 hectares, capacity (housing) 87. The sites listed in Table 3 are stated to be entirely "*without prejudice*" and "*there is no suggestion that these could come forward for development solely on the basis that these are included within the list. Instead, the sites will be considered as part of a site selection process undertaken for the emerging Local Plan Part 2*". The document also states: "*It should be noted that, with the exception of existing development plan allocations listed in Table 1, the identification of a site in this document in no way implies support by the Council for it to be released for development.*"
102. The settlement boundary is drawn to include the development sites allocated in Policy 1 and planning approvals granted in 2016 to 2017. Development on the eight allocation sites and sites granted permission 2016 to 2017 do not represent all the development of homes that the Neighbourhood Plan envisages. Policy 2 does not place any cap on the number of dwellings that can be built within the Glapthorn settlement boundary. The Neighbourhood Plan also envisages some residential development may occur outside the settlement boundary subject to limiting criteria established by NNJCS Policy 13. Policy 2 does not limit or cap the amount of development that can occur in the Plan area as a whole. Policy 2 will permit the supply of housing to be boosted significantly. The overall approach to new housing development is consistent with the role for Neighbourhood Plans identified in the Framework to shape and direct development in their area and is consistent with the presumption in favour of sustainable development. I find Policy 2, subject to modification arising from my later consideration of Development Plan issues, meets the Basic Conditions "*having regard to national policies*

and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan” and “the making of the neighbourhood plan contributes to the achievement of sustainable development”

103. It is necessary for me to consider whether the making of the Neighbourhood Plan, containing Policy 2 as currently drafted, *“is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)”*. Referring to ‘Paragraph 8.18 Longer Term Strategy’ of the RNOTP, the Neighbourhood Plan states: *“The reference to that part of the ‘Land off Cotterstock Road to St Peter’s Road’ which falls within Glapthorn Parish shall no longer be applicable”*. The Consultation Statement when presenting Parish Council comments on Regulation 14 representations states: *“The purpose of the neighbourhood plan is to consider afresh the housing needs and land supply for housing in each neighbourhood. The GNP has concluded that the site A2 is not required for open market housing”* and proposes an amendment to the Neighbourhood Plan as follows: *“The Plan will make explicit reference to RNOTP para 8.18 and delete the site A2 as a possible longer-term site allocation (open market housing) within the Plan period.”*

104. It is necessary to consider the nature of paragraph 8.18. East Northamptonshire Council in describing the Development Plan to me has included paragraph 8.18 as a planning policy. Although including the terms *“possible longer-term site allocations”* and *“which could come forward”* the paragraph does state an intention appropriate for a longer-term strategy. A policy does not have to be presented under a heading “policy”. Indeed, the Framework which sets out the planning policies for England is set out as general text rather than set out as individual policy statements. The Framework states: *“The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”* RNOTP was adopted in July 2011 and remains part of the Development Plan, and East Northamptonshire Council has confirmed paragraph 8.18 is regarded as strategic policy. As the RNOTP predates the Framework the Framework takes precedence. I do not find any conflict between the RNOTP and the Framework in respect of the site in question.

105. Paragraph 184 of the Framework states: *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The*

ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”

106. The description of the Development Plan with respect to paragraph 8.18 is of such significance in considering whether Policy 2 meets the Basic Conditions that I sought clarification in an email I sent to East Northamptonshire Council and copied to the Parish Council on 8 March 2018. I asked “*Could East Northamptonshire Council please confirm Paragraph 8.18 of the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011:*

- *relates to (inter alia) all of the site referred to as Site A2 in the Glapthorn Neighbourhood Plan documents, and*
- *is a strategic policy for the purposes of neighbourhood plan preparation.”*

107. The response of the Principal Planning Policy Officer, East Northamptonshire Council dated 20 March 2018 stated: “*Paragraph 8.18 of the RNOTP relates to the whole of site A2, shown on Map 6 (p30) of the Regulation 16 version of the Glapthorn Neighbourhood Plan 2016-2031, submitted 14 December 2017. It should be noted that RNOTP paragraph 8.18 also refers to the southern part of the site (that within Oundle Parish; i.e. outside the Glapthorn Neighbourhood Area). Paragraph 8.18 should be regarded a strategic policy for the purposes of neighbourhood planning. The paragraph was included within the RNOTP in recognition of the requirements of national policy at the time (Planning Policy Statement 3: Housing), which was in force during the RNOTP Examination (2008-9). This required Plans to consider potential development sites for up to 15 years from the date of the Plan Examination, despite the end date for the RNOTP being 2021 (only 12 years beyond the time of the Examination). Accordingly, paragraph 8.18 must be regarded as “strategic”, as this identifies possible development sites that could come forward in order to deliver the strategic Local Plan (North Northamptonshire Joint Core Strategy 2011-2031) housing requirement for Oundle beyond 2021. The Joint*

Core Strategy (Local Plan Part 1) requires at least 645 dwellings to be delivered by 2031 (Policy 29/ Table 5). Therefore, further sites around Oundle are likely to be necessary to deliver the residual housing requirement (currently just over 200 dwellings). Any decision to allocate land west of Cotterstock Road/ north of St Peter's Road (including site A2) would be dependent upon the quantum of need for further sites around Oundle to deliver the residual strategic housing requirement for the town."

108. East Northamptonshire Council also sent me a comment on the question which was stated to have been prepared on behalf of the Parish Council and the Neighbourhood Planning Group. Although the comment was directed at the East Northamptonshire Council, it was forwarded to me. The comment said *"I realise that the first question (re para 8.18 of RNOTP) is for ENC to answer. However, it does seem us that Living Land have attempted to assign a firmness to the 'allocation' of Site A2 in the RNOTP which is not justified by the text of the RNOTP. Paragraph 8.18 refers to 'possible longer-term site allocations...which could come forward following reviews of the Core Strategy and this Plan.'* The Neighbourhood Plan represents the review and has determined not to include the Site. We trust your response will make these points. We are, though content for you to draw his attention to GNP paragraph 6.8.3. 6.8.3 None of the four sites in Glapthorn Parish on the Oundle boundary is included in the Glapthorn Neighbourhood Plan. However, site allocations in the Neighbourhood Plan do not preclude additional housing proposals under NNJCS Policy 13 – Rural Exceptions. Policy 13 is primarily related to affordable housing in rural areas but some market housing maybe acceptable to make a scheme economic. Although this is in practice no more than a re-statement of the JCS, we felt it appropriate to highlight this Policy with Site A2 particularly in mind."

109. On the same day that I received the response of 20 March 2018 I wrote to East Northamptonshire Council and included the following comment *"You have in your response also included in respect of the first point of clarification a statement made on behalf of Glapthorn Parish Council. As this statement was not requested in respect of a point of clarification I must regard it as a representation. As the period for representations has closed it is important that I do not consider this additional statement otherwise this could leave the Independent Examination process open to successful challenge. I will not be taking into consideration the statement made on behalf of the Parish Council*

in respect of the first point of clarification”. The following day I received a further email from East Northamptonshire Council that included the following statement: “I accept that legally the comments from Glapthorn Parish Council regarding RNOTP paragraph 8.18 should be regarded as a “representation”. However, in practice this is simply a matter of emphasis, rather than any disagreement in the positions of the Parish Council and East Northamptonshire Council. My response to question 1 sought to respond directly to your question regarding the status of paragraph 8.18; i.e. that this should be regarded as “strategic”. I supplemented this with an explanation of the background to paragraph 8.18. The Parish Council has also correctly highlighted that paragraph 8.18 states that land west of Cotterstock Road/ north of St Peter’s Road (including site A2) could come forward following reviews of the Core Strategy and RNOTP; i.e. as things stand this site is not an allocation. This is similarly reflected in the final sentence/ paragraph of my question 1 answer.”

110. In reaching the conclusions that I have with respect to Policy 2, I have taken into consideration the response of East Northamptonshire Council to the request for clarification that I made. I have not taken into consideration the response of Glapthorn Parish Council in this respect. East Northamptonshire Council has confirmed that Paragraph 8.18 is a strategic policy for the purposes of neighbourhood planning. The Framework is clear, at paragraph 184, that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan, and indeed it is a Basic Condition that the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*
- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
 - *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
 - *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*

- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*³⁸

111. I have identified a fundamental conflict between the RNOTP and Policy 2 and find the draft neighbourhood plan policy is seeking to undermine the RNOTP. This would exceed the extent of flexibility that the term ‘general conformity’ allows, as discussed earlier in my report. The Neighbourhood Plan is not legitimately able to state Paragraph 8.18 *“shall no longer be applicable”*. Paragraph 185 of the Framework states *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.”*

112. It is only outside the strategic elements that a neighbourhood plan is able to shape and direct sustainable development. Strategic planning and neighbourhood planning provide separate and different functions within the Development Plan. A neighbourhood plan is not performing the role of a review of strategic policy. I conclude the Neighbourhood Plan cannot be found to be in general conformity with the strategic policies of the Development Plan unless a suitable modification is made to Policy 2. I have recommended a modification to rectify this situation and enable me to recommend the Neighbourhood Plan should, with specified recommended modifications, proceed to referendum. In making this recommendation I have considered the interface of Policy 2 with Policy 8 and find the policies, as recommended to be modified, are compatible.

113. It is intended that the Local Plan Part 2 will provide an updated basis for development management decision taking by identifying sites for development. If there is a future conflict between a policy of the Local Plan Part 2 and the Neighbourhood Plan then the conflict is resolved in favour of the Plan that last became part of the Development Plan.

³⁸ National Planning Practice Guidance (ID ref: 41-074 201 40306)

114. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 11, 13, 28 and 29 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policies 2 and 24, and Paragraph 8.18 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

115. As recommended to be modified the policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; and conserving and enhancing the natural environment. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 2:

In Policy 2 after “that” insert “is proposed for a site that is allocated, or is identified for possible housing development, in a current Development Plan document or”

The reference to “Paragraph 8.18 Longer Term Strategy” in paragraph 3.12 should be adjusted accordingly.

Policy 3: Housing development within the settlement boundary of Glapthorn

116. This policy seeks to establish conditional support for new housing development within the settlement boundary for Glapthorn.

117. In a representation Anglia Water state “*Reference is made to housing development only being acceptable where infrastructure is currently available. Dependent upon the scale and location of the proposed housing site there may not be capacity available within the existing water supply and foul sewerage networks to accommodate the development but this could be mitigated by making improvements to the existing network to supply water to the site or drain the site appropriately. The wording as proposed does not appear to be consistent with point f) of Policy 5 of the adopted North Northamptonshire Core Strategy (July 2016).* I have recommended an alternative modification to that proposed in the representation to avoid

the imprecise suggested linkage of “*environment*” and “*can be made available*”.

118. The policy refers to the settlement boundary shown on Map 5 and the Policies Map. Map 5 shows the “*present*” settlement boundary with planning approvals and extensions shown separately. The Policies Map clearly shows the allocation sites and sites with planning approval as falling inside the settlement boundary and is printed to a larger scale than Map 5. I have recommended a modification to delete the reference to Map 5 so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
119. The term “*where possible on brownfield sites*” pays sufficient regard to the approach of the Framework which states effective use of brownfield land should be encouraged. The policy avoids unnecessary prescription referred to in paragraph 59 of the Framework.
120. The Neighbourhood Planning Act establishes a duty for Government to produce guidance on how local development documents should meet the needs of older and disabled people. This guidance is currently being drafted but not yet published. Paragraph 50 of the Framework refers to the need to plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). I recommend use of the term ‘homes’ rather than ‘*housing*’ so that the policy relates to the full range of dwelling types suitable for the elderly. Whilst both provision 10 and the part of the penultimate paragraph of the policy relate to dwelling size they are compatible.
121. The imposition of a precise maximum size of development figure may mean that a proposal for sustainable development of a greater number of homes would not be supported. The inclusion of this precise maximum size of development figure “*up to 5 dwellings*” has been explained in terms of community preference only. My observation of the evidence of the nature of the historic growth of the settlement leads me to conclude small-scale developments would reinforce local distinctiveness as referred to in paragraph 60 of the Framework.

122. It is unnecessary and confusing to state “*development is in accordance with other Local Plan, Neighbourhood Plan and national policies*”. The Development Plan and the Framework should be read as a whole. It is confusing to reiterate, “*not encroaching beyond the village settlement boundary*” when the policy clearly relates to, and is headed, housing development within the settlement boundary for Glapthorn. It is confusing and unnecessary for provision 11 of the policy to refer to the loss of Local Green Space. Local Green Space is the subject matter of Policy 9. The Neighbourhood Plan should be read as a whole. I have recommended provision 11 is deleted. The terms “where appropriate”, “*suitable access*”, “*carefully considered*”, “*sufficient provision*” and “*developments are not gated*” are imprecise. I have recommended modifications in all these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

123. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 29 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policy 2 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy 3

- **delete “Map 5 and”**
- **delete “not encroaching beyond the village settlement boundary”**
- **after “infrastructure” insert “(where necessary upgraded)”**
- **delete “investment” and insert “improvements”**

- delete “where appropriate”
- delete “suitable” and insert “safe”
- delete “carefully” and insert “demonstrably”
- continue provision 9 with “so that no additional on-street parking is necessary”
- in provision 10 replace “houses” with “homes”
- delete provision 11 and re-number subsequent provisions accordingly
- delete “developments” and insert “shared accesses”
- delete provision 14

Policy 4: Supporting rural diversification

125. This policy seeks to establish support for employment development that would help to diversify the rural economy.

126. The Framework states planning policies should support economic growth in rural areas and “*support the sustainable growth and expansion of all types of business and enterprise*”. I have recommended a modification to state support for employment development that strengthens the rural economy.

127. The term “*adequate*” is imprecise. The term “*unacceptable levels of traffic*” is also imprecise. The Framework states “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. The term “*particularly welcomed*” does not provide a basis for determination of planning applications. No explanation is provided why redundant farm buildings or farm buildings becoming redundant that are situated outside the village should not be re-used in accordance with the policy. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

128. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 22, 23, and 25 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016.

129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; and promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy 4

- **after “help to” insert “strengthen and”**
- **delete “unacceptable levels of traffic” and insert “severe traffic impacts”**
- **in criteria a) and b) delete “village” and insert “parish”**
- **continue criterion d) with “so that no additional on-street parking is necessary”**
- **delete “particularly welcomed” and insert “supported”**

Policy 5: Protecting landscape character

130. This policy seeks to establish that new development should protect and enhance features which contribute to special landscape character and the pattern of open spaces surrounding the village. The policy addresses locally significant views and local landscape features including mature and established trees.

131. As a point of clarification, I made a written request as follows *“Could Glapthorn Parish Council please inform me where the “locally significant views” referred to in Policy 5 of the Glapthorn Neighbourhood Plan are identified?”* East Northamptonshire Council sent me a statement prepared on behalf of the Parish Council that included *“This policy derives from the results of the community consultations prior to drafting the Plan and formed one of a series of “Statements of Principle” which then were used to frame the Policies of the Neighbourhood Plan. The particularly relevant Statement of Principle for NP Policy 5 is Statement G.”* Statement G includes three lists:

- *“Important landscape views on the edge of the village and from within the village should be protected; thus, the following areas are not appropriate for development: Land to the east of the Oundle - Southwick Road; Open land to the north of Cotterstock*

- *Benefield Road; Land to the south and west of Main Street and Brookside (beyond the re-defined village envelope); Open land bounded by Cotterstock Road, Southwick Road and Main Street (beyond re-defined village envelope);*
- *Views approaching the village which define the settlement edge and character should be preserved. There should be no development beyond the natural boundaries marked by natural features or buildings of local character, namely: Village school site approaching from Benefield; Leverton approaching from Oundle; Stone outbuildings before Netherdyke approaching from Cotterstock on Benefield Road; Bridge over stream approaching from Southwick; and*
- *Specific street views, the surroundings of significant buildings of local character and natural features should be protected by restricting development or requiring suitable design attributes be adopted; namely the following locations: Windy Hollow to Crown House – bower-like stretch lined with mature trees; Main Street from Hope Cottage to Church Farm; Main Street from The Little Manor to Rosebank Cottage; Crown House to Glapthorn Manor.”*

132. The first list refers to areas of open land and not views. For a view to be taken into account in the determination of a planning application it must be defined as seen from a location. The first list does not identify locally significant views and so cannot be taken into consideration in the formulation or determination of planning proposals. The first list is not sufficiently precise to be incorporated in Policy 5. The first paragraph of Policy 5 does require proposals to have regard for the special landscape character and pattern of open spaces surrounding the village. The second list which relates to views approaching the village is sufficiently precise to guide decisions on planning applications. I have recommended a modification so that these views are incorporated in Policy 5 and I have also recommended they should be identified on the Policies Map. The third list relating to specific street views is included within Policy 10. Inclusion of the third list in Policy 5 would be unnecessary and confusing and would not provide a practical framework for the determination of planning applications.

133. The first sentence of Policy 5 is imprecise and does not provide a basis for the determination of planning proposals. Paragraph 118 of

the Framework provides for the loss of aged or veteran trees where the benefits of development clearly outweigh the loss. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

134. The Framework states: *“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* I have recommended a modification so that the Policy has regard for national policy.

135. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 3 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policies 4, 10, and 23 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy 5

- **Delete “shall be sited and designed to” and insert “must demonstrate its siting and design will”**
- **Before “locally” insert “The following” and after “significant views” insert “defined on the Policies Map”**
- **After “detracted from” insert “Village school site approaching from Benefield; Leverton approaching from Oundle; Stone outbuildings before Netherdyke approaching from Cotterstock on Benefield Road; Bridge over stream approaching from Southwick”**
- **continue the final paragraph with “unless it is demonstrated the loss of any mature and established tree cannot be**

avoided and that adequate compensatory planting will occur; and it can be demonstrated the need for, and benefits of the development in that location clearly outweigh the harm or loss”

The locally significant views referred to in the Policy should be indicated on the Village Policies Map.

Policy 6: Green infrastructure

137. This policy seeks to establish a policy framework to preserve and enhance the green infrastructure of the area.
138. The term “*local habitats and wildlife corridors shall be preserved and enhanced*” is imprecise and does not offer a basis for the formulation and determination of planning proposals. The term “*constructing*” is inappropriate in respect of planted boundaries.
139. In the context of Policy 1 which does not allocate any site with a capacity greater than approximately 5 dwellings the term “*other than small infill*” must necessarily refer to rural exceptions sites that are provided for by Policy 2. The requirements of the third paragraph of the policy are substantial in nature. I have recommended a modification so that the scale of obligations does not threaten the viability of development schemes as required by paragraph 173 of the Framework.
140. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
141. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 3, 4, and 19 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policies 4 and 10 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.
142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy 6

- **delete the first sentence**
- **delete “constructing” and insert “marking the limit of”**
- **after “small infill, shall” insert “to the extent that they do not threaten the viability of the scheme,”**

Policy 7: Built environment

143. This policy seeks to establish that development schemes should retain the linear layout of the village; minimise light pollution; and not have a detrimental impact on archaeological or other heritage assets.

144. The first and second parts of the policy are merely statements without implication. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

145. Paragraphs 132 to 141 of the Framework set out in some detail, and with some complexity, national policy as it relates to development proposals that affect heritage assets. Policy 7 does not adequately reflect national policy in particular with respect to the need to balance harm to certain types of heritage asset with public benefit. I have recommended deletion of the third part of the policy as it is unnecessary for a neighbourhood plan to attempt to repeat national policy.

146. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 2 and 8 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policy 2 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy 7

- **replace the first part with “To be supported development proposals must demonstrate how they contribute to the retention of the linear layout of Glapthorn village”**
- **in the second part delete “shall give” and insert “must demonstrate”**
- **delete the third part**

Policy 8: Avoiding coalescence

148. This policy seeks to establish that development proposals should demonstrate how they minimise the impact on the open countryside between Glapthorn and Oundle in order to maintain the established pattern of development and conserve the character of Glapthorn as a separate and distinctive village.

149. A representation states there is no justification or evidence to seek to prevent sustainable development on a site to the east of Cotterstock Road, Oundle from coming forward in the future. The representation states *“Should any development be proposed on the part of the Site which falls within Glapthorn Parish, Policy 8 of the Glapthorn NDP would be applicable, and will require the application to demonstrate how it minimises the impact on the open countryside between Glapthorn and Oundle”*. The representation does not object to Policy 8.

150. The term *“minimise the impact on the open countryside”* is imprecise. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

151. The policy title, and supporting text in paragraph 8.6, suggest the purpose of Policy 8 is to prevent the coalescence of Glapthorn and Oundle. A policy defining an area where no development is to be permitted would seek to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy the resistance of coalescence of settlements can be a legitimate objective of land use policy. Preventing two settlements from coalescing is not the same as preventing any development between them. I have recommended a modification of the policy such that to be supported development proposals must demonstrate that they will not have significant adverse impact on the open nature of the open countryside between Glapthorn and Oundle. The recommended modification would have regard for those elements of the Framework that establish a presumption in favour of sustainable development; and those elements that specifically recognise the importance of economic growth in rural areas; and the special circumstances where isolated homes in the countryside will be acceptable. The recommended modification would also have regard for Paragraph 109 of the Framework which states “*the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*”. I have noted the text in paragraph 8.6 of the Neighbourhood Plan which states “*the importance of avoiding coalescence was endorsed by 95% of respondents in the Community Questionnaire*”. This provides evidence that the undeveloped rural landscape in the area between Glapthorn and Oundle is a valued landscape. I have also recommended the policy should relate to the public, rather than private interests. Having regard for national policy, as recommended to be modified Policy 8 is appropriate.

152. Paragraph 5.7 of the Joint Core Strategy states “*Distinctive and separate settlements will be maintained in North Northamptonshire. Part 2 Local Plans can identify areas of particular sensitivity to coalescence that should be protected strategically using measures such as strategic gaps to maintain the separate identities of settlements.*” This supporting text does not prevent a neighbourhood plan from seeking to prevent coalescence of settlements. Policy 11 of the JCS states “*The special mixed urban/rural character of North Northamptonshire with its distinctive and separate settlements will be maintained through the avoidance of coalescence.*” Policy 8 upholds

the general principle of the strategic policy, is not in conflict with strategic policy, and adds an additional level of detail. Taking into account the stated rationale for the Policy, I conclude the Policy is in general conformity with the strategic policies of the Development Plan.

153. For the reasons set out in my consideration of Policy 2 I have recommended a modification so that Policy 8 is *“is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)”* and in particular the reference in Paragraph 8.18 of the Rural North Oundle and Thrapston Plan which refers to a possible longer-term site allocation on Land off Cotterstock Road/ St Peter’s Road (200 dwellings capacity). As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policies 11 and 13 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policies 23 and 24 and paragraph 8.18 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

154. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy 8

- **delete “any future development shall demonstrate how it will minimise the impact on the open” and insert “with the exception of development proposed for a site that is allocated, or is identified for possible housing development, in a current development plan document, to be supported development proposals must demonstrate that they will not have significant adverse impact on the open nature of the”**
- **after “Oundle” continue “when viewed from publically accessible locations”**

Policy 9: Local green space

155. This policy seeks to designate a defined area of land as Local Green Space.
156. In a representation Anglian Water states: *“Assuming that the reference to appropriate facilities including water and water recycling infrastructure provided by Anglian Water we would support the policy as drafted”*. The wording of the policy reflects the criteria for the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances.
157. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.”*
158. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Space is presented on the Village Policy Map in the Neighbourhood Plan at a scale that is sufficient to identify the precise boundaries of the Local Green Space proposed for designation. On this basis I consider the area of land concerned has been adequately identified.
159. In respect of the area intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designation has regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

160. A representation states *“The green area concerned should be local in character and not an extensive tract of land. The draft plan suggests the designation of C. 5.74 acres of land, of which 2.32 acres or 40% is owned by ourselves. In the context of the size of the village, number of residents and proximity and density of the adjoining dwellings, this is I feel extensive in area”*. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*³⁹

I find that the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

161. A representation states: *“The green area should be demonstrably special to a local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. Our land is only agricultural land for which the only apparent reason for designation is for the prevention of any development; thus, undermining the entire designation process. You may argue that this is of historic significance with reference to the setting of Glaphorn Manor being a Grade 2 listed property dating back to the 16th Century, however this argument would again be undermined by: - the decision to remove the designation for the area to be used as horse pasture adjacent to this property - the decision to remove the designation and promote the development of 5 properties on an area adjacent to this property - the decision to promote the development of 5 properties on an area to the other side of the Manor - Furthermore, demonstrably special must mean that there is something that can be identified as being different between our pasture land and any other field in the village. Whilst the view is pleasant, isn't that the reason why we all live in village settlements and*

³⁹ Paragraph 77 National Planning Policy Framework 2012

actually couldn't you say that about any green space in the village, even those that haven't been proposed for inclusion in the LGS designation? - I note that there is a footpath on (names redacted)⁴⁰side of the brook – this is beyond an established a significant line of trees along the brook and from the footpath, there is severely restricted visibility of our land. The land on the other side of the brook which is subject to a reduced designation footprint is therefore available for public enjoyment and it could be more easily argued that this is demonstrably special to the community. The same cannot be said for our land which is private with no rights of access or rights of way”.

162. The Guidance states *“land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected”*.⁴¹

163. I have considered whether there is sufficient evidence for me to conclude that the area proposed for designation as Local Green Space is demonstrably special to a local community and hold a particular local significance. I have noted the Neighbourhood Plan states: *“The site identified includes most of the land previously defined in the 1996 Local Plan (carried forward as Policy EN 20 in the RNOTP) with the exception of one small area allocated for housing development, some horse pasture of the riding school and exclusion of an area which is neither publicly accessible nor publicly visible. The area now proposed has been discussed with all three land owners and agreement reached with two of them”*. The fact that an area of land, in large part the same as the area now proposed for designation, was identified as having particular significance at the time of preparation of the RNOTP more than 20 years ago is a consideration that supports the designation proposed in the Neighbourhood Plan.

164. The Neighbourhood Plan sets out in paragraph 8.7 a justification for the designation. *“Such a site has been identified as being of particular significance to the village because: the land contributes to the retention of the existing form and character of Glapthorn village;*

⁴⁰ Names of individuals have been redacted

⁴¹ National Planning Practice Guidance Paragraph: 017 Reference ID: 37-017-20140306

Glapthorn has traditionally been regarded as a “village of two halves, Upper and Lower Glapthorn” and this open space defines the form and character of the village; the land provides an important open area within the village; the immediacy of fields “within” the village emphasises its rural character; the land contributes to the setting of a listed building (Glapthorn Manor) and provides views of it in a rural setting; the open space provides valuable landscape views from Main Street include the space itself and surrounding trees, Glapthorn Manor, and the landscape beyond; this land has become important to wildlife as the grassland in and around the village is very limited. Notable bird species seen on and using this land include long eared owls, barn owls, turtle doves and lesser spotted woodpeckers. Badgers, foxes, bats and kites also contribute to the wildlife diversity”. I am satisfied the area proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

165. I find the area proposed as Local Green Space is suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space. The policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 11 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policies 4 and 15 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

166. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

Policy 10: Design principles

167. This policy seeks to establish design principles for all new development.

168. A representation objects to the requirement to “*respect the linearity character of the village*” and states the central southern section of the village settlement boundary should be drawn to include rear gardens so as not to restrict appropriate development proposals. I

have referred to this matter in my consideration of Policy 2 earlier in my report. I am satisfied it is appropriate that the policy should seek to promote local distinctiveness in accordance with paragraph 60 of the Framework.

169. The term “*shall take account of*” does not provide a basis for the determination of planning applications. For a view to be taken into account in the determination of a planning application it must be defined as seen from a location. The term “*a well-managed streetscape*” is imprecise. The use of the term “*rather than tenure*” has not been sufficiently explained. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
170. The policy makes reference to the Lighting Guidelines published by the Campaign for Dark Skies. The Campaign for Dark Skies became the Commission for Dark Skies in March 2015. It is unclear which lighting guidelines of the Commission are referred to in the policy. A general reference does not in any case provide a practical basis for determination of a planning proposal. I have recommended a modification in this respect to make the policy self-contained. I would have no objection to a reference to the Commission for Dark Skies in the general text supporting the policy.
171. The policy seeks to provide an additional level of detail or distinct local approach to the place shaping principles set out in Joint Core Strategy Policy 8. The Framework states “*local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*” and: “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*”. The policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription referred to in paragraphs 60 and 59 of the Framework.

172. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 8 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016, and Policy 23 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:
In Policy 10**

- **replace the text before the colon with “To be supported development proposals must demonstrate how they reflect the following design principles”**
- **delete “locations and”**
- **delete “rather than tenure”**
- **delete “to allow a well-managed streetscape” and insert “so as not to significantly detract from the visual amenity of the street scene”**
- **delete “and follow the Lighting Guidelines published by The Campaign for Dark Skies” and insert “beyond the boundary of the area being lit”**

The street views referred to in principle 2 should be indicated on the Village Policies Map.

Policy 11: Mitigating traffic and road safety issues

174. This policy seeks to ensure that development in four defined locations with existing severe road safety issues should reduce existing problems and include mitigating measures to overcome detrimental impact on road safety.

175. The policy includes the phrase “*shall only be permitted*”. With regard to the issue of decision making the Framework states “*the*

planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.” This basis for decision making should be made clear. Policies should use the term “will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification in this respect.

176. The Framework states “*Plans should be deliverable*”. Therefore, development in the identified areas with existing traffic and safety concerns should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The policy does not recognise the need for consideration of viability as required by Paragraph 173 of the Framework. The Framework also states Plans should take account of whether “*improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*” and “*Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.”*

The requirement in the policy “*to reduce the existing problem*” does not relate to the impact of the proposed development. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

177. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 15 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan

Part 1) adopted July 2016, and Policy 6 contained within the Rural North, Oundle and Thrapston Plan (RNOTP) (Local Plan Part 2) adopted July 2011.

178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy 11

Delete “permitted” and insert “supported”

Delete “measures to reduce the existing problems as well as including”

Policy 12: Protecting existing and supporting new community and recreational services and facilities

179. This policy seeks to establish that proposals to change the use of the Village Hall, the Church, and the School will only be permitted for other health, education or community type uses, unless specified circumstances can be demonstrated. The policy also seeks to guard against loss of allotments and seeks to support new or improved community and recreation facilities.

180. All three parts of the policy contain the word “*permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.*” This basis for decision making should be made clear. Policies should use the term “supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification in this respect.

181. The terms “*protection*”, “*a rural settlement*”, “*reasonably*” and “*may be permitted*” are imprecise. The term “*if appropriate*” introduces uncertainty and in any case national and local advertising can be achieved simultaneously using internet channels. The term “*realistic*” is unnecessary where an advertising period of at least 12 months is specified. Reference to impacts on traffic flow have not been adequately explained in the context of the Framework which states “*development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe.*” I have recommended a modification in these respects.

182. The Framework states planning policies should “*guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs*” and “*ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.*” I have recommended a modification in these respects so that the policy has regard for national policy and refers to guarding against unnecessary loss of facilities.

183. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy 7 contained within the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) adopted July 2016.

184. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy 12

- **In parts 1 and 2 delete “in favour of the protection” and insert “against the unnecessary loss”**
- **in parts 1, 2 and 3 of the policy delete “permitted” and insert “supported”**
- **before “advertising” delete “realistic”**
- **delete “(if appropriate)”**

- delete “a rural settlement” and insert “Glaphorn”
- delete “reasonably” and insert “conveniently”
- delete “may and insert “will”
- delete “or traffic flow”
- delete 3 f)

Summary and Referendum

185. I have recommended 11 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

186. I am satisfied that the Neighbourhood Plan⁴²:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

⁴² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁴³

I recommend to East Northamptonshire Council that the Glapthorn Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

187. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁴ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by East Northamptonshire Council as a Neighbourhood Area 27 June 2016

Annex: Minor Corrections to the Neighbourhood Plan

188. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. I have drawn attention to the need to adjust the text of paragraph 3.12, however other adjustments may be necessary.

189. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁵ I recommend minor change only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

⁴³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 12:
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from update.**

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23 April 2018
REPORT ENDS