

John Slater Planning Ltd

Kings Cliffe Parish Neighbourhood Plan 2018- 2031

Submission Version

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

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Executive Summary

My examination has concluded that the Kings Cliffe Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Removing the limit of five units in terms of the definition of a small-scale infill residential scheme.
- Removing the requirement that infill housing can only go on vacant and undeveloped land within the settlement boundary and the addition of two categories of housing development allowable as exceptions, in areas outside of the settlement boundary, to be in line with national policy.
- Removing the policy element requiring a development to have to comply with sustainable building standards, as these are already required in another part of the development plan and to change the requirement to provide rainwater and storm water harvesting to a policy that *encourages* its use.
- Removing the policy requirement for tree planting on schemes over five units and amending the requirements for new buildings to *match* the surrounding pattern of development to one of “having regard to adjoining development”.
- Removing the element of policy to avoid a significant adverse impact on the setting of “protected open space”.
- Requiring traffic management measurements only where it derives from the significant impact from development on the highway network and removing the requirement for development to fund traffic management schemes.
- Deleting the plan’s parking standards as they essentially provide for the same or less parking in most situations than as required by the county council standard.
- Removing reference to the speed of broadband service required for the new development.
- Removing reference to seeking designation of assets of community value.
- Removing three woodland areas as local green space sites.
- Setting the threshold of *significant harm* to ecological interests to warrant the refusal of planning applications.
- Bringing the definition of affordable housing into line with the 2019 NPPF.

The referendum area does not need to be extended beyond the plan area.

Introduction

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

The Examiner’s Role

4. I was initially appointed by East Northamptonshire Council in April 2019, with the agreement of Kings Cliffe Parish Council, to conduct this examination. My role is known as an Independent Examiner.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both East Northamptonshire Council and Kings

Cliffe Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Kings Cliffe Neighbourhood Plan area.
8. In examining the Plan, the Independent Examiner is expected to address the following questions:
 - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
9. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by East Northamptonshire Council, for the Kings Cliffe Neighbourhood Plan, on 19th June 2015, if it is modified in accordance with my recommendations.
10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2018 up to 2031.
11. I can confirm that the plan does not cover any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. Kings Cliffe Parish Council, as a parish council, is a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to Kings Cliffe and the surrounding countryside on Monday 10th June 2019. I was able to walk and drive around the village and the surrounding countryside to familiarise myself with the plan area.
18. Following my site visit and my initial assessment of the plan, I had a number of matters on which I wished to receive further information, both from the Parish Council and the District Council. That request was set out in a document entitled *Initial Comments of the Independent Examiner* dated 11th June 2019. I received responses from the Council on 14th and 25th June 2019 and the Parish Council separately on 25th June 2019. I received an amended version of the Habitat Regulation assessment from the District Council on 2nd July 2019.
19. All documents have been placed on the respective websites.

The Consultation Process

20. The precursor to the neighbourhood plan was the Kings Cliffe Village Plan 2014 which had already been the subject of extensive public engagement and which the neighbourhood plan has been able to build upon. This Village Plan was a standalone action plan for the Parish Council and was not intended to be part of the development plan and instead, proposed a series of action priorities for the Parish Council and was to be monitored by a village plan action group.
21. The Parish Council took the decision to prepare a neighbourhood plan on 9th April 2015. Recruitment of a steering group took place over the summer of 2015 and the first meeting was held on 2nd September 2015. The launch event for the plan took place on 13th December 2015 in the Village Hall, which was attended by approximately 60 villagers. This was followed up with a village survey, distributed to every home in the parish, which received 228 responses.

22. Following the publication of the survey results, a call for sites was issued which received five formal responses, plus what has been described as a clarification request from Northamptonshire County Council, regarding the surplus land formerly part of the Middle School. It was decided not to pursue any of the other proposed sites, apart from land at the Middle School. 4 of them were not in line with local plan policies, but they were assessed alongside the SHLAA sites with a formal site assessment. The 5th site was within the village for a single dwelling and it was thought this was best pursued through the normal planning process. All of this is set out in the Consultation Statement.
23. Consultation on identifying important views and local green spaces was carried out at the Transition Fair in December 2016, where residents were asked to choose their favorite 3 views from 20 suggestions that had been put forward, plus residents could put forward an additional view. This prompted 90 responses.
24. All this work culminated in the preparation of the Pre-Submission version of plan, which was the subject of what is known as the Regulation 14 consultation which ran from 22nd July until 15th September 2017. The consultation was supplemented by a public meeting held on 10th August, attended by 30 villagers. The comments are fully set out in the Consultation Statement which also describes how the plan has been amended as a result of a number of the consultation responses in Appendix 0. Following the consultation, the Parish Council commissioned a housing needs survey which was received responses from 26% of the households within the plan area, but that survey did not result in any changes having to be made to the version of the plan that has been previously approved by the Parish Council.

Regulation 16 Consultation

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 18th April 2019 and 3rd June 2019. This consultation was organised by East Northamptonshire Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
26. In total, 7 individual responses were received from Natural England, Historic England (which was a late response), Anglian Water, National Grid, East Northamptonshire Council, Gladman Developments Ltd and Stantec on behalf of Northamptonshire County Council.
27. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan, having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?
30. As this neighbourhood plan was submitted after the cut off of the transitional period, set out in paragraph 214 of the National Planning Policy Framework, this examination will consider the plan against the 2019 version of the Framework.

Compliance with the Development Plan

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the North Northamptonshire Joint Core Strategy 2011-2031 (the “Core Strategy”), adopted in July 2016. In addition, there are the “saved” policies from the Rural North, Oundle and Thrapston Plan, adopted in July 2011.
32. The Core Strategy (Policy 11) differentiates between different types of settlements. Kings Cliffe falls within the designation of a village, wherein the policy allows “small-scale infill development on suitable sites in the village”. It acknowledges that neighbourhood plans can identify sites within or adjoining villages to help meet locally identified needs. Kings Cliffe is not a named village as set out in Table 5, the policy which explicitly deals with housing delivery in named settlements, and so Kings Cliffe will be expected to

contribute to the housing requirements of 820 for the period 2011-31. That is part of the overall local plan housing requirement of 8,400 new homes.

33. The Rural North, Oundle and Thrapston plan (RNOTP) defines Kings Cliffe as a Local Service Centre i.e. one with a settlement boundary. A number of policies are still in place, notwithstanding the adoption of the Core Strategy, including Policy 2 dealing with windfall development in settlements (within the settlement boundary), green infrastructure, residential parking standards.
34. I am treating all the policies in the Core Strategy as strategic policies for the consideration of the basic conditions test.

Compliance with European and Human Rights Legislation

35. The Kings Cliffe Neighbourhood Plan Steering Group issued a Screening Statement, based on an East Northamptonshire screening template which concluded, having consulted with the three statutory consultees, that a full assessment, as required by EU Directive 2001/42/EC (which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”), would not be required, as its view was that the Plan’s policies are unlikely to have significant effects on the environment. A copy of that assessment has been included with the Basic Condition Statement.
36. The Steering Group also used a similar template to screen the plan under the Habitat Regulations which is also included with in the Basic Conditions Statement and concluded that the plan would not have any significant impacts on any Ramsar Site or SPA.
37. Unlike SEA screening, the regulations require the screening to be carried out by the District Council, as competent authority. I questioned the LPA on whether it was satisfied that the screening had been properly carried out and it agreed with me that it was the responsibility of the District Council, not the qualifying body. Having consulted Natural England, the Planning Department prepared an appropriate screening statement, dated 2nd July 2019 which also concluded that the Kings Cliffe plan would not have any significant impacts on the nearest SPA / Ramsar Sites which are the Upper Nene Valley SPA/ Ramsar site beyond what is already mitigated by policies in the Joint Core Strategy and also on the Orton Pit Special Area for Conservation and the Rutland Water SPA / Ramsar Site.
38. I am now satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

39. This is a well presented neighbourhood plan which clearly responds to the stated aspirations of the village. It fits within well with the strategic policy framework set by the Core Strategy. The plan proposes 3 site allocations the largest of which is a former school site which will be a mixed development comprising a medical facility for the village and an assisted housing development. I am satisfied that the site allocation process has been conducted on an objective basis.
40. One of the basic conditions is that the policies of the plan must have regard to the Secretary of State's policy and advice. In a number of cases I have had to recommend amendments to policies and also to the supporting text, where the plan has departed from Secretary of State policy and I have not been satisfied that departing from that policy is justified in the context of Kings Cliffe. Similarly, I have updated the definitions of affordable housing, to make the plan consistent with the latest version of the NPPF.
41. Whilst I have recommended that 3 areas of the woodland to the north of the village should be removed from the list of local green space, I am confident that this would not make the woodland susceptible to development as the area is subject to countryside protection policies. Incidentally the LGS designation would not have prevented the trees being felled in any event.
42. Whilst my recommendations have concentrated upon the wording of the specific policies, in this case there are sections of the supporting text where I am recommending that sections be removed. However, there may be other changes in the supporting text that may be necessary to reflect the amended policy wording to ensure that the plan reads as a coherent planning document. These can be agreed by the Parish Council and the District Council planners when preparing the Referendum Version of the plan.

The Neighbourhood Development Plan Policies

Policy H1: Development within the Settlement Boundary

43. I note that only minor changes are being proposed to the settlement boundary from that set out in the Rural North, Oundle and Thrapston Plan 2011. The variations appear to be the inclusion of the allocation site proposed as Site SA1 and the inclusion of what appears to be new dwelling at the south-east corner of the village, off Kings Cliffe Road. I have no concerns regarding the two changes in relation to the basic conditions.
44. In terms of the drafting of the policy, neighbourhood plan policies will be quoted in other documents, such as on planning decision notices, in searches and in appeal decisions, so references such as to page numbers in the actual

policy. “p15” would be meaningless in such contexts. I consider it will provide greater clarity to refer to the “Policies Map– Settlement Boundary and Site Allocations”.

45. The wording of the policy is consistent with Policy 11 of the Core Strategy. However, the neighbourhood plan does define in the supporting text what it considers to be small-scale, which is not used in the Core Strategy. This says that no more than five units may be built. In my experience, the size of the infill plots coming forward over the plan period will vary and, by placing an arbitrary limit on the number of units, the policy could have unexpected consequences. It could encourage proposals for five large units to maximise the development potential on some larger sites, yet still according with the policy, whilst the size and configurations could allow a greater number of smaller units, which Policy H2 aspires to. It would also run against the national requirement that development makes efficient use of land. Furthermore, the justification for this limit, of being the maximum number of units permitted off an unadopted access, would not necessarily apply, if the development were to incorporate an adopted access or be served directly from the existing highway network. I will propose that the definition of five units in paragraph 3 of Policy H1’s Explanation and Justification be removed.
46. The second part of the policy deals with a housing development which is outside or adjacent to the defined settlement boundary. In the submission version of the plan, one of the exceptions is development on vacant and underdeveloped land *within* the main built-up area of the village. If the land is within the settlement boundary, it will by implication be within the main built-up area of the village and hence will be covered by the criteria set out in the second sentence of the first paragraph. I raised this issue with the Parish Council, whilst preparing this report, and it has been suggested that this part of the policy should be moved to the section dealing with development *within* the settlement boundary. That would make more sense but nevertheless, I believe the wording is unnecessary as development within the settlement boundary is acceptable per se, if it meets the criteria relating to character, residential amenity and infrastructure and should not be restricted to only vacant and undeveloped land as that could lead to the neighbourhood plan delivering less development than allowed by local plan policy. I will propose that the final bullet point be deleted.
47. As related by the rural exception category, it would be helpful to cross reference the requirements set out in Policy 13 of the Core Strategy for the sake of clarity. The list of exceptions also is more restrictive than set out in the NPPF (2019) which permits in criteria b) and d) of paragraph 79, “where development would represent the optimal viable use of a heritage asset or be an appropriate enabling development to secure the future of the heritage asset” or “the development would involve the subdivision of existing dwelling.”

Recommendations

Replace “p15” with “Settlement Boundary and Site Allocations”

Delete paragraph 3 of the Policy Explanation and Justification

At the end of the first bullet point insert “as set out in Policy 13 of the Joint Core Strategy”

Replace the final bullet point with

“– where the development would involve the subdivision of an existing dwelling

where the development would represent the optimal viable use of a heritage asset or an appropriate enabling development to secure the future of a heritage asset”

Policy H2: Housing Need

48. I consider that this policy has been justified by evidence and is consistent with Policy 30 of the Core Strategy. However, the definition of social housing needs to be updated to include the term “affordable housing” which is clearly defined in the Glossary to the 2019 Version of the Framework.

Recommendation

In b) replace “social” with “affordable”

Policy SH1: Standards Reflecting Challenge of Climate Change

49. There is no value in the neighbourhood plan proposing a policy which simply requires the development to comply with policy requirements of another part of the development plan. Policy 9 of the Core Strategy already applies to development in Kings Cliffe. Furthermore, the Secretary of State in a Written Statement to the House of Commons, dated 25th March 2015 stated that neighbourhood plans must not set “any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.” I therefore do not consider that a policy *requiring* rainwater harvesting can be included as a neighbourhood plan policy and still meet the basic condition of having regard to national policy. I note that the policy has the support of Anglian Water. I will therefore recommend the wording be changed to “encourage” the incorporation of rainwater and storm water harvesting in respect of residential development.

50. I will also accept the proposed changes to the third bullet point relating to SUDs.

51. In terms of the final bullet, in respect of the proximity of the development to a watercourse and the current wording that refers to “an environmental permit” which is not defined or related to any legislation. A policy cannot require planning consent to be conditional upon the granting of a separate regulatory approval. Similarly, in terms of the suggested revision proposed by the Parish Council, a planning policy cannot dictate what documents must accompany a

planning application. That is a matter that is set out in the Local Validation List prepared by the district planning authority. In East Northamptonshire, the local list requires the submission of a flood risk assessment on any sites falling within Flood Zones 2 and 3. I have checked the EA flooding maps and that provides for Kings Cliffe, clear guidance for the areas where a flood risk assessment will be required. I consider that therefore that the final part of the policy can be omitted.

Recommendations

Delete the first bullet point

In the second bullet point, insert at the start of the sentence “Be encouraged to” and after “rainwater” insert “and storm water” and after “harvesting” insert “on residential development” and delete “with a minimum capacity of 200 litres”

Replace the third bullet point with “Within the curtilage, incorporate sustainable drainage systems (SUDS) capable of delivering a net reduction to surface water runoff. This will include, but not be limited to, driveways and pathways and other potentially impermeable surfaces”

In the final bullet point remove all text after “Willow Brook”

Policy BE1: Sympathetic Design

52. There will be some development where it would not be appropriate to require a building to have to comply with all elements of the policy. To give an example, if an extension to the KCA building were to be proposed, a building which stands alone in its own grounds, many of the requirements would not be appropriate. This can be covered by the insertion of the caveat, “where appropriate”. I fully understand and appreciate the intention behind the policy, but I would question how a decision maker will be able to assess whether the proposal has had respect for the “history” of the village. I consider that reference to “local character, street scene” and indeed the village “vernacular” are capable of being assessed. I will recommend that that particular criterion be omitted.
53. In terms of the requirement to “match” the “density, structure and position” of adjoining development, is not a practical requirement and I believe the more appropriate tests would be for all schemes to “have regard” to these features.
54. It is an arbitrary requirement to set a threshold of five units before a tree planting scheme is required. Smaller schemes may equally warrant appropriate landscaping and tree planting and I believe that such a matter should be addressed at development management, rather than at policy making stage.

Recommendations

In the first sentence after “should” insert “where appropriate” and delete “history”

In the 4th bullet replace “matching” with “Having regard to”

Delete the fifth bullet

Policy BE2: Enhancing the Built Environment

55. It is entirely appropriate for a plan to identify views which are particularly valued by the local community. However, Appendix C includes the statement - "these do not represent the totality of views referred to in Policy BE2". That statement creates a dilemma on any applicants and decision-makers, who would not know whether their proposals or the application they were considering, would be covered by the expectations in this policy. Accordingly, the inclusion of these words mean that the policy cannot be used with confidence, and therefore would not meet the Secretary of State's expectations. I propose the removal of that statement.
56. The policy refers to the heritage assets but the appendices also referred to local green space and recreation areas, some of which may have historical association, but could not be referred to as a heritage asset. I do not consider that these recreational areas, which include local play areas, school playing areas, allotments or the site of Kings Cliffe Active, deserve particular protection, because the designation recognise their recreational value rather than the sensitivity of their setting. The case for their protection has not been justified by evidence and I propose that they should be omitted from the policy. Beyond that, I considered policy does meet basic conditions.

Recommendations

In Appendix C, delete the text "These do not represent the totality of views referred to in Policy BE2"

In the first bullet point, delete "and protected open spaces" and replace "Appendices B and C" with "Appendix C"

Policy TP1: Development Contributing to Road Safety

57. This policy applies to *all* development. The Parish Council has clarified that the intention is that it should only apply to any development that would impact on accessibility or road safety. This focus can be achieved by inserting the caveat "where it is required as a result of the development". Similarly, not all development decisions will need to address "the impact of additional traffic, parking and congestion" either by virtue of the type of development proposed or the scale of the development. The threshold for considering the impact of development on the highway, is whether the development would create additional traffic generation, the need for further on-site parking or whether it is likely to cause congestion. The threshold set by the Secretary of State is set out in paragraph 108 of the 2019 NPPF, and is, whether "any significant impact from development on the transport network (in terms of capacity and congestion) or on a highway safety can be cost effectively mitigated to an

acceptable degree.” I will therefore recommend the insertion of “*significant*” impact on village roads.

58. I am not convinced that the case has been made to justify the seeking of contributions to bespoke traffic management schemes for parking and congestion in Park Street, West Street and Wood Road. I raised the question as to whether there is in existence, any highway improvement or parking schemes to which any contributions could be expected to contribute. The Highway Authority confirmed that there are no identified schemes for Kings Cliffe. If the threshold of a development having a “severe impact” was passed, then specific mitigation contributions could be sought, but such requests would need to pass the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, which require that any contribution is necessary to make the scheme is acceptable in planning terms, is directly related to the development and finally is fairly and reasonably related in scale and kind to the development. I do not consider that this needs to be covered at a policy level but if the impact were shown to be severe at a development management measures, a contribution to mitigation measures could be sought at that stage.

Recommendations

At the end of the first sentence insert “where it is required as a result of the development”

In the second sentence insert “significant” before “impacts”

Remove the last paragraph and bullet points

Policy TP2: Enabling Off Road Parking

59. The plan refers to updating the parking requirements in the 2011 RNOTP but the latest parking standards are set by the County Council, which came into force in 2016. A comparison of the differences between the two requirements shows that the neighbourhood plan does not have a parking standard for 1 bed units, which is a house type that is to be encouraged by the Plan, whilst the County Council standard requires one space. For developments between two and four bedrooms, the standards are identical, but the neighbourhood plan would require a fourth space for a five-bed unit. Furthermore, the neighbourhood plan does not require the provision of visitor spaces.
60. In view of the absence of a parking standard for one bed unit and the omission of a requirement for visitor parking, I conclude that the requirements in the neighbourhood plan would actually reduce the required parking level beyond the minimum required by the County Council standards, and the only scenario where the County standards would deliver less parking will be on five bedrooms plus, units which are unlikely to be a significant contributor to new housing in the village. I am not satisfied that the case has been made to depart

from the County Council standards and I will propose that the policy be deleted.

Recommendation

That the policy be deleted.

Policy TP3: Access to Services

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

Policy TP4: Promoting Sustainable Transport Through Design

62. Again, I have no comments to make on this policy.

Policy BS1: Encouraging Small Business and Local Employment

63. I have no general comments to make on this policy. However, I feel I must point out that it is not possible to restrict occupation of employment space to those uses that provide “services beneficial to the community”. Nevertheless, there is no reason why the policy cannot encourage those businesses by inserting “especially those” before “beneficial”.

Recommendation

Insert “especially those” before “beneficial”

Policy RB2: Access to High-Speed Broadband

64. There is no issue with the requirements for development to provide for access to high-speed broadband to new properties. However, the question of the speed of the connection is really a matter for the broadband supplier and is not a matter that is under the direct control of the developer, who can only be expected to facilitate a connection to the new property. I propose that references to national standards be removed.

Recommendation

Delete all the text after “broadband”

Policy RBS3: Retention of Amenities and Community Facilities

65. My main concern with this policy is the statement in the second paragraph, to applications being made to see Assets of Community Value designated. That is not a policy for the use and development of land, which could be used to assist determination of planning application. The neighbourhood plan can include a statement of intent on behalf of the Parish Council to seek such designations, but it should not be a development plan policy and should be moved to the supporting text.

66. I will amend the wording, rather than to refer to “(see maps PP 15 and 39 - 40)” and in the next paragraph to “see maps below”. I will refer to the specific maps in my recommendations.

Recommendations

Delete the second paragraph

At the end of Amenities replace “(see maps pp.15 & 39-40)” with “as shown on Maps A - C in Appendix B”

Under Community Services replace “(see map below)” with “as shown on the Community Facilities Map

Policy RC1: Local Green Space

67. The only proposed green spaces which I have concerns regarding, in terms of meeting the strict criteria set out in the NPPF for Local Green Space (LGS) designation, are the three areas of woodland shown as Hither Myers, Hollow Wood and Buxton Wood. These three woodland areas are actually part of a wider area of Fineshade and Westhey Woods, which collectively is an extensive area of woodland. I do not consider that it is within the remit of the national guidance to seek to divide off a small part of what is an extensive feature and confer on part of that area, a specific status, as local green spaces which is different to the rest of the woodland. I note that the Parish Council acknowledge that it would not be possible to designate the whole woodland area and the areas around the woodland margin were chosen for landscape reasons. However, I do not believe that is consistent with the paragraph 150 that requires the “green space holds a particular local significance”. Whilst a site can be designated for its intrinsic beauty, it is not appropriate to use LGS status to retain what is a landscape feature. I will recommend that the final sentence of the policy be removed.

Recommendation

Delete the final sentence of the policy and remove the 3 woodland areas from Map B.

Policy RC2: Biodiversity Protection and Gains

68. National policy relating to LGS is to protect from development the green spaces. I note that some of the LGS are designated for their ecological importance and so I consider that it is reasonable for the policy to offer protection to the “ecological significance” of the LGS.

69. In terms of the requirements of the policy which states that any development that leads to an overall negative impact on any of these considerations “will not be supported” and goes beyond the threshold set out in the NPPF (2019) which requires that where “significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused”. I will be recommending an amended wording of the policy to bring it into closer alignment with the Secretary of State’s approach are set out in paragraphs 174

to 175 of the NPPF where the test is to avoid significant harm to biodiversity resulting from the development.

Recommendations

After “threat to” insert “the ecological significant of”

In the final sentence replace “overall” with “significant”

Policy RC3: Rights of Way

70. It is an unreasonable expectation that *all* developments should deliver improvements to the rights of way network. Such a policy should only be required if a proposal affects the alignment of a right of way or is a significant development which could offer the opportunities of connecting the site to the right of way network.

Recommendation

At the start of the policy insert “Where appropriate”

Site allocations

SA1: Old Middle School Site

71. The policy as submitted requires the development to include health facilities that includes doctors, dentists *and* other medical practitioners, alongside a mixed tenure housing scheme for older people and residents with disabilities. I consider that a degree of flexibility should allow the medical development to take place without all the three constituent elements of the health centre uses otherwise it could prevent much needed facilities from being delivered if all the constituent elements were not provided.
72. The requirement to include the medical facility has drawn an objection made on behalf of Northamptonshire County Council, citing that it effectively prevents the landowner being able to negotiate any Best Value transaction on its land, which could affect the delivery of the other ingredients of the proposed mixed use for the site. They request the insertion of “and/or” before the second element of the package so that a “ransom” situation cannot be created.
73. I can understand the desire of the Parish Council to secure a new site for surgery. I am also persuaded that the National Planning Policy Framework in paragraph 92 requires planning policies should assist providing the social, recreational, cultural and services that the community needs by “planning positively to provideother local services to enhance the sustainability of communities” and “support the delivery of local strategies to improve health, social and cultural well-being of all sectors of the community”. I consider that a policy to allocate land for a vital service to the community is within the scope of the neighbourhood planning, which is described by the government as “a powerful set of tools for local people to plan the type of development to meet their community needs and where the ambition of the neighbourhood is

aligned with these strategic needs and priorities of the wider area". Conversely, I would not consider that it would have been good planning practice, if the village had missed the opportunity to secure a site for its much-needed doctors' surgery (whose existing facilities are considered not fit for purpose), just because the County Council was seeking to secure a higher capital receipt by providing more assisted living spaces. I consider that a mixed-use scheme is an appropriate locally determined aspiration.

74. I therefore do not propose to adopt the suggestion revision, promoted by the County Council as landowner for an "and/ or" wording.

Recommendation

In the first bullet after "dentists and" insert "/ or"

SA2: Kingsmead

75. I have no comments on this allocation, except for a minor drafting proposal to bring the allocation into line with what I am proposing in respect of Policy RBS1.

Recommendation

Insert "especially those" before "beneficial"

SA3: Land off Daleswood Rise

76. The allocation promotes "small units, social housing, starter homes and low-cost market housing". The plan does not define what it considers to be "social housing" "starter homes" or "low-cost market housing". I propose to revert to the definition of "affordable housing for rent" and "starter homes" and "low-cost market housing" as per the NPPF.

77. I do not consider that a site which lies within the settlement boundary can be expected to deliver solely affordable housing, as the relevant housing policies in the Core Strategy, would only require 40% housing to be affordable. I will amend the wording so as to require the development to provide the appropriate percentage of affordable housing which includes affordable housing for rent, starter homes and low-cost market housing.

Recommendation

Replace b), c) and d) with "affordable housing in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy to include ideally a mix of affordable housing for rent, starter homes and 4 x 1 bed discounted market sale housing (not bungalows) or other tenure types, as set out in the Glossary to the NPPF."

The Referendum Area

78. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Kings Cliffe Neighbourhood Plan as designated by East Northamptonshire Council on 19th June 2015, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

79. I must congratulate Kings Cliffe Parish Council on grasping the opportunities presented by neighbourhood planning to allow the community to shape its planning policies.

80. This is a locally distinct neighbourhood plan, which will provide a sound basis for dealing with planning applications in the Parish in the coming years.

81. The changes I have had to make are all required to ensure that the policies comply with the basic conditions.

82. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

83. I am therefore delighted to recommend to East Northamptonshire Council that the Kings Cliffe Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
22nd July 2019