



Settlement boundaries (Policy EN2-EN4) and supporting text

January 2021

This background paper has been prepared to:

1. Assess alternative approaches to managing development at the periphery of built up areas
2. Review adopted settlement boundary criteria from the current Local Plan; and
3. Provide an explanation and justification for the Council's preferred approach.

Attachments:

Appendix 1: Regulation 18 assessment Q04-Q05 – Settlement hierarchy/ settlement boundaries (May 2017)

1.0 Introduction and background

- 1.1 Defined settlement boundaries, or planned limits of development, have long been used to manage development around the periphery of built up areas. Settlement boundaries are applied, by way of the development management process, in order to:
 - Resist unsustainable urban sprawl;
 - Prevent coalescence of settlements;
 - Safeguarding the rural hinterland of built up areas from encroachment;
 - Preserve the setting and character of built up areas;
- 1.2 One of the most sensitive issues arising from the Examination (January 2008 – July 2009) for the previous Local Plan Part 2 (LPP2), the Rural North, Oundle and Thrapston Plan (RNOTP), was the definition of planning boundaries for settlements on the adopted proposals/ policies map. This matter was a contributory factor in delays to adoption of the RNOTP (July 2011); two years after its being found “sound” by the Examination Inspector (July 2009).
- 1.3 The previous LPP2 (RNOTP) specified detailed settlement boundary criteria for urban and rural areas (paragraphs 4.5 and 4.8, respectively), which informed linear boundaries on the Policies Map. Subsequently the current Local Plan Part 1, the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (adopted July 2016) set criteria for managing small scale infill development in rural areas; i.e. “*the development of vacant and under-developed land within the main built up areas...which is bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built*”

up frontage" (JCS paragraph 5.17¹). The JCS also provides an option for the LPP2 and/ or Neighbourhood Plans to define settlement boundaries or more detailed criteria (paragraph 5.18).

1.4 The Regulation 18 consultation for the LPP2 (January – March 2017) considered three possible alternative approaches to defining settlement boundaries:

1. Detailed settlement boundary criteria, allowing for Neighbourhood Plans to define linear settlement boundaries on the policies map;
2. Comprehensively review existing Local Plan (RNOTP) settlement boundaries and criteria through the LPP2; or
3. Consider town and village settlement boundary definitions separately; i.e. define linear boundaries for urban areas only, using a criteria-based approach for villages?

1.5 Of the three approaches, the 1st draft LPP2 (November 2018) proposed the first approach; that is, definition of detailed boundary criteria by way of robust criteria-based policies (EN2-EN4). Alternative approaches will also be systematically assessed in the Sustainability Appraisal (SA) for the Plan. This background paper will supplement the SA and set out the process by which the preferred approach was selected. It will form part of the supporting evidence base for the Plan.

1.6 This paper covers the following themes:

- Recent appeal cases;
- Assessment of advantages and disadvantages of the three alternative approaches; and
- Reviewing and updating settlement boundary criteria.

1.7 It will consider the context for setting a LPP2 approach to defining settlement boundaries, since the launch of the LPP2 in January 2017; through stakeholder workshops (May 2017 – April 2018), followed by the 1st draft LPP2 consultation (November 2018 – February 2019). It goes on to provide an assessment of the adopted Local Plan criteria and where these need to be revised in order to comply with the JCS and NPPF. Finally, it will recommend a preferred approach for the LPP2.

2.0 Recent appeal cases, 2016-2019

2.1 The JCS criteria for infill development are less stringent than the RNOTP settlement boundary criteria which pre-date these. This is borne out through recent appeal cases, since adoption of the JCS in July 2016. Further information regarding these appeal decisions is set out below.

¹ Paragraph 5.17 specifically refers to village boundaries. However, this may be applied equally in the case of managing development at the periphery of the main urban areas.

- 2.2 The status of the RNOTP settlement boundaries in relation to JCS paragraph 5.17 has been a consideration in a number of appeal cases since adoption of the JCS. This first such appeal case related to a residential development proposal at Braesby (and associated land and buildings), Southwick Road, Glapthorn. In this case, the Inspector highlighted that the RNOTP settlement boundaries and criteria are becoming outdated, such that: *“Although I appreciate the site lies mainly outside the settlement boundary as defined in Policy 2 (RNOTP), given that it predates the [National Planning Policy] Framework I give this policy conflict lesser weight”* (Inspector’s report, APP/G2815/W/16/3149683, paragraph 12, August 2016).
- 2.3 A more recent appeal case related to the proposed development of 2 No dwellings at 3 Spinney Close, Warmington. The Inspector considered the proposal with reference to the Referendum Version Warmington Neighbourhood Plan, which (at the time) had passed examination, but had yet to go to referendum. The Neighbourhood Plan had reviewed the RNOTP boundaries, but the Inspector specified that he attached “moderate weight” to the proposed boundary identified in the latest (Warmington Neighbourhood) Plan (APP/G2815/W/19/3230410, paragraph 4, 11 October 2019).
- 2.4 In the Warmington case, the Inspector considered the character of the appeal site, noting that this *“has rural qualities that allow it to be read and experienced as land falling outside the main built up area of the village and thus in open countryside”* (APP/G2815/W/19/3230410, paragraph 10). The Inspector concluded that the site is located in open countryside, beyond the village, as defined by Warmington’s settlement boundary.
- 2.5 A third appeal decision (October 2019) related to the proposed development of a single dwelling, at The Fieldings, Main Street, Tansor. In this case, the Inspector accepted that the site meets the JCS definition of infill development, as set out in paragraph 5.17 (Inspector’s Report, APP/G2815/W/19/3235142, paragraphs 6-7, 23 October 2019). The Inspector concluded that the settlement boundary, as defined by the current Local Plan (RNOTP) remains material and relevant for determining the principle of development, as set out below (APP/G2815/W/19/3235142, paragraph 7).

Nonetheless, it is not deemed that the site falls within the main built up area of Tansor. As outlined above, while the appeal site has links to the village through footpaths and bus services, it is outside of the defined settlement boundary. Furthermore, the wider site of The Fieldings, while falling within this boundary, lies on the edge of a residential pocket and marks the transition into the open countryside, rather than lying within the main built up area of Tansor. The appellant has made reference to case law for the definition of ‘built up area’ but has not supplied a copy of this case or any further evidence in support of the site falling within the main built up area of Tansor. Accordingly, the proposal is not infill development such that it would be permitted by Policy 11 of the JCS.

- 2.6 The three appeal cases highlighted illustrate that the weight given to the current (RNOTP) settlement boundaries varies on a case by case basis. In some

cases, such as The Fieldings (Tansor), the Inspector concluded that weight should be given to the RNOTP defined boundary, in the absence of sufficient evidence to the contrary being presented by the appellant. By contrast, the Braesby appeal Inspector explicitly concluded that reduced weight should be given to the RNOTP boundary at Glapthorn, given that this pre-dated the 2012 (1st version) NPPF; whilst The Spinney appeal was determined on the basis of the RNOTP settlement boundary, which had been recently reviewed for the Warmington Neighbourhood Plan.

2.7 The three differing appeal decisions highlight that the previously adopted RNOTP settlement boundaries and criteria need to be reviewed for the LPP2.

3.0 1st approach – Detailed settlement boundary criteria, allowing for Neighbourhood Plans to define linear settlement boundaries on the policies map

3.1 JCS paragraph 5.17 (Local Plan Part 1) sets overarching generic settlement boundary criteria. In the case of a number of other settlements, the RNOTP defines linear boundaries, while the majority of “made” Neighbourhood Plans define linear boundaries. **Table 1** (below) considers the different approaches of the 10 “made” Neighbourhood Plans (as at December 2019).

Neighbourhood Plan	Approach to settlement boundaries
Barrowden and Wakerley, “made” (adopted) December 2019	Linear boundary for Barrowden (Rutland); spatial strategy of development restraint for Wakerley
Brigstock, “made” January 2019	Linear boundary for built up area – RNOTP boundary reviewed
Chelveston cum Caldecott, “made” (adopted) July 2017	New linear boundary definition for each settlement/ built up area: Caldecott, Chelston Rise and Chelveston
Glapthorn, “made” July 2018	Linear boundary for built up areas – RNOTP boundary reviewed
Higham Ferrers, “made” April 2016	Written urban area boundary definition
King’s Cliffe, “made” October 2019	Linear boundary – RNOTP boundary reviewed
Raunds, “made” November 2017	No defined settlement boundary
Rushden, “made” June 2018	Linear boundary definition for main urban area, to distinguish between the “urban” and “rural” parts of Rushden
Stanwick, “made” July 2017	New linear boundary definition for built up area
Warmington, “made” December 2019	Linear boundary for built up area – RNOTP boundary reviewed

3.2 Table 1 demonstrates that 8 out of 10 of Neighbourhood Plans made to date have set linear settlement boundaries to define main built up areas for development management purposes. The exceptions to this are Higham Ferrers (due to clear physical constraints/ features, which define the built-up area in any event), and Raunds. Therefore, an overwhelming majority of

Neighbourhood Plans favour the use of settlement boundaries to define the built-up areas within each parish or Neighbourhood Area.

- 3.3 It is important that the Local Plan provides sufficient strategic direction and clarity to support Neighbourhood Planning. It is also critical that the LPP2 provides the additional detail necessary to deliver effective development management policies for areas where Neighbourhood Planning is not being undertaken.

Advantages

- 3.4 Since the introduction of Neighbourhood Planning (through the 2011 Localism Act) in 2012, the Council has sought to facilitate and support communities in preparing Neighbourhood Plans. A number of specific advantages in respect of this approach are identified; summarised below:
- The need for the Local Plan (Parts 1 and 2) to provide a clear framework for Neighbourhood Plans relates closely to the Government's Localism agenda.
 - Enabling the Local Plan to incentivise Neighbourhood Planning, in the form of clearly defined policy "hooks".
 - This approach allows development management to be undertaken "spatially", in contrast to the former zonal planning approach that earlier generations of land use Local Plans (from 1960s-1990s) were required to apply.
 - Flexibility, allowing Neighbourhood Plans to define linear settlement boundaries where this approach is supported locally.
 - Recognition of the need for the LPP2 to provide additional detail over and above the overarching development management principles set out in the JCS (Part 1).
- 3.5 Overall, the 1st approach (that put forward in the draft LPP2, policies EN2-EN4) seeks a practical solution to the need to accommodate and integrate Neighbourhood Planning within the development planning system. It recognises the need to delineate between themes and topics that the Local Plan needs to address, and those (non-strategic) matters that are better suited to Neighbourhood Planning.

Disadvantages

- 3.6 The 1st (proposed Plan) approach is (in part) dependent upon the effective and timely preparation of Neighbourhood Plans. Certain disadvantages associated with this direction are identified below.
- Fragmentation of plan-making. As stated, the majority (8 out of 10) of made Neighbourhood Plans have defined linear boundaries. In the case of Higham Ferrers the extent of the main urban area is set by strong physical boundaries as acknowledged in the Plan, but the Raunds Neighbourhood Plan has chosen not engage with this theme. Therefore

in a minority of cases Neighbourhood Plans have taken significantly differing approaches to settlement boundaries. It is recognised that this could, in turn, lead to perceived inconsistencies in decision making.

- Arguably, this approach could be regarded as actively disadvantaging parishes or communities that have not chosen to prepare a Neighbourhood Plan.
- The perception may arise that the scope of the LPP2 would not provide sufficient leadership and direction through plan making.

3.7 Overall, the first approach actively seeks to embrace Neighbourhood Planning. It recognises that certain non-strategic policies, including defining detailed spatial planning criteria specific to an individual settlement or location, may be best addressed by way of Neighbourhood Planning. That said; it is recognised that possible concerns may be raised that this approach could encourage further fragmentation of the development plan system.

4.0 2nd approach – Comprehensively review existing Local Plan (RNOTP) settlement boundaries and criteria through the Local Plan Part 2

4.1 By contrast to the 1st (Neighbourhood Plan focused) approach, the 2nd approach anticipates that the Local Plan must take the lead, in setting a consistent planning policy framework for the District. It could provide a substantive and challenging theme for the LPP2 to tackle, recognising that Neighbourhood Plans may only be anticipated to come forward in a minority of cases.

4.2 The 1996 District Local Plan used a written settlement boundary definition. The RNOTP replaced this with defined settlement boundaries, for the majority of settlements. Settlement boundaries for the towns and villages were defined using urban (for Oundle and Thrapston) and rural (most villages) criteria respectively.

Advantages

4.3 The decision to introduce settlement boundaries was taken predominantly to make planning decision making process clearer and more accountable. The benefits of taking a comprehensive “belt and braces” approach to the definition of development limits (settlement boundaries) are summarised below.

- Ensuring a comprehensive Local Plan approach for all communities, regardless of whether or not they have chosen to prepare a Neighbourhood Plan.
- Maximising clarity and transparency in decision making. In particular this approach should maximise clarity for land charge searches. Difficulties were previously encountered explaining the written policy and definition in the Local Plan to the main stakeholders, who are often more comfortable seeing a line on a map.

- Providing a clear and unambiguous Planning Policy differentiation between “urban”/ built up areas and “rural”.

Disadvantages

- 4.4 The RNOTP Examination (January 2008 – July 2009) previously revealed the challenges of providing set boundary definitions on the policies map. The move from land-use to spatial planning under the 2004 Planning and Compulsory Purchase Act reveals a degree of disconnect between zonal settlement boundaries and the need to allow for sufficient flexibility to deliver sustainable development. There are therefore a number of significant issues and concerns about this approach.
- The issue of settlement boundaries (predominantly village boundaries) took up a large amount of time and resources throughout the RNOTP Examination. This was a concern as the majority of these related solely to the policies map itself and **not** the soundness of the submission Plan, but still required considerable work by officers and the Planning Inspector.
 - The RNOTP Examination revealed that stakeholders struggled to understand the role of settlement boundaries themselves. Professionals and practitioners have also found some difficulties in understanding how the settlement boundaries, shown on the Policies map Insets, which accompany the adopted RNOTP, should be interpreted and utilised in practice.
 - Particular difficulties were identified in the interpretation of some RNOTP criteria, particularly in terms of “peripherality” and domestic garden curtilages with “*capacity to extend the built form of the village*” (RNOTP Inspector’s Report, paragraph 3.185).
 - Practical difficulties and concerns were identified through the various Plan consultations about the “flexibility” of the strategy for settlement boundary definition and whether it is appropriate to show these as fixed lines on the policies map, given that the situation on the ground may change over time.
 - The RNOTP Examination revealed a number of cases where judgments have been made, but different parties may look at individual sites and come to opposing views.
 - East Northamptonshire Council’s representation regarding the draft NPPF emphasised that: “*In many respects, the most difficult issues to address in DPD preparation are the site specific issues. This has always been the case; hence, under the 1990 Town and Country Planning Act...Local Plans were subject to Public Inquiries in all cases, where the relative merits of alternative/ rival development proposals/ sites could be formally tested. The NPPF fails to recognise that the majority of stakeholders only engage with the process when site specific proposals are being considered. In many cases (if not the majority of cases) this is because DPD proposals will affect **land and property values**; clearly not a ‘planning’ issue but nevertheless a concern for the majority of*

interested parties (i.e. landowners/ residents)” (ENC response to NPPF consultation, 13 October 2011). This issue is particularly pertinent in the case of settlement boundary definition and, as the RNOTP process revealed, may lead to significant delays in getting an up to date, comprehensive Local Plan in place.

- The Braesby (Glaphorn) appeal decision reveals that the RNOTP settlement boundaries are already becoming outdated, although other decisions such as The Fieldings (Tansor) case demonstrate that in many locations the linear boundaries remain relevant and up to date. Notwithstanding, significant resources would be required to comprehensively review these for the new LPP2.

4.5 Overall, the translation of settlement boundary criteria into specific lines on the policies map can present major problems in practice. This approach has tended to divert attention from “spatial” planning to traditional zonal planning, i.e. disputes and objections about the positioning of a line or zone on the policies map.

5.0 3rd approach – Consider town and village settlement boundary definitions separately; i.e. define linear boundaries for urban areas only, using a criteria-based approach for villages

5.1 The 3rd possible approach is effectively a hybrid of the 1st and 2nd approaches; namely designating settlement boundaries for the main urban areas on the policies map but applying a written boundary definition for rural settlements. This could help give clear recognition to the Local Plan differentiation between “urban” and “rural” areas (JCS policies 11(1) and 11(2) respectively).

Advantages

5.2 At the time that the RNOTP was prepared (2006-8), the decision to define settlement boundaries on the policies map was taken predominantly to make planning decision making process clearer and more accountable. The advantages or benefits of this “hybrid” approach are summarised as follows:

- Clear recognition of the JCS (Local Plan Part 1) Policy 11 distinction between “urban” and “rural” areas and the different spatial strategies that apply for each;
- Emphasising/ reiterating the urban and rural differentiation for the Local Plan;
- Enabling the differing approaches that the “made” Neighbourhood Plans for the urban areas (Higham Ferrers, Raunds and Rushden) to defining a settlement boundary to be coordinated and applied consistently;
- Allowing flexibility in defining settlement boundaries for rural villages;
- Providing the option for Neighbourhood Plans to define detailed linear settlement boundaries for villages/ rural settlements;

- Unlike those for the villages, previous RNOTP urban area settlement boundary criteria for Oundle and Thrapston mostly align to the new JCS criteria (paragraph 5.17), allowing for a straightforward review of these through the LPP2 and/ or a Neighbourhood Plan.

Disadvantages

5.3 The “hybrid” direction, like the designation of comprehensive urban and rural settlement boundaries (2nd approach), could still give rise to similar challenges in defining linear boundaries. The move from land-use to spatial planning under the 2004 Planning and Compulsory Act reveals a degree of disconnect between zonal settlement boundaries and the need to allow for sufficient flexibility to deliver sustainable development. This approach therefore raises similar issues to the 2nd approach; insofar as the designation of settlement boundaries on the policies map is arguably an anathema for spatial planning.

- The issue of settlement boundaries took up a large amount of time and resources throughout the RNOTP Examination. This was a concern as the majority of these related solely to the policies map itself and **not** the soundness of the submission Plan, but still required considerable work by officers and the Planning Inspector.
- The RNOTP Examination revealed that stakeholders struggled to understand the role of settlement boundaries themselves. Professionals and practitioners have also found some difficulties in understanding how the settlement boundaries, shown on the Policies map Insets which accompany the adopted RNOTP, should be interpreted and utilised in practice.
- Practical difficulties and concerns were identified through the various DPD consultations about the “flexibility” of the strategy for settlement boundary definition and whether it is appropriate to show these as fixed lines on the policies map, given that the situation on the ground may change over time.
- The RNOTP Examination revealed a number of cases where judgments have been made, but different parties may look at individual sites and come to opposing views.
- “Made” Neighbourhood Plans for three of the towns (Higham Ferrers, Raunds and Rushden) have each taken differing approaches with regard to each urban area settlement boundaries. Therefore, it would be challenging to set, and apply, a consistent set of criteria.

5.4 Overall, the differentiation between “urban” and “rural” is fundamental in applying the spatial development strategy (JCS Policy 11) in practice. That said, the definition of linear settlement boundaries, even just for the six towns (main urban areas), presents significant challenges to the plan-making process as (like for the 2nd approach), this still requires challenging site specific judgements to be made.

6.0 Reviewing and updating settlement boundary criteria

- 6.1 The JCS defines overarching criteria for managing small scale infill development within existing built up areas; i.e.: “*bounded by existing built curtilages on at least two sides, such as the filling in of a small gap in an otherwise substantially built up frontage*” (JCS paragraph 5.17). Given that the RNOTP criteria are outdated (i.e. not wholly consistent with JCS paragraph 5.17); then in all circumstances these would need to be reviewed in line with the relevant JCS policy “hook” (paragraph 5.18).
- 6.2 The Member workshops (May 2017 – April 2018); specifically the 3rd Member Workshop (12 May 2017), considered the RNOTP settlement boundary criteria in order to assess which criteria would need to be revised. Appendix 1 was prepared for the 3rd Member workshop as an analysis of issues arising from the Regulation 18 consultation and how these could inform the LPP2. The assessment at Appendix 1 (May 2017), alongside the workshop feedback, was utilised to inform the draft policies. This allowed for draft settlement boundary criteria to be set in the 1st draft version LPP2 (November 2018: policies EN2-EN4), in conformity with JCS paragraph 5.17 (Table 2, below).
- 6.3 The 1st draft Plan consultation (November 2018 – February 2019) allowed for the draft settlement boundary criteria at policies EN2-EN4 to be further refined. The consultation itself enabled further amendments to detailed policy criteria to be incorporated into the publication Local Plan.

RNOTP – settlement boundary review

- 6.4 At paragraphs 4.5 and 4.8, the RNOTP set the detailed criteria by which linear settlement boundaries were drawn. The preferred approach for the replacement LPP2 (1st approach, above) entails a comprehensive review of settlement boundary criteria. This is especially critical for development management purposes, given that the Local Plan will no longer define linear boundaries; with this matter delegated to Neighbourhood Planning. The workshops and subsequent 1st draft Plan consultation have allowed for the RNOTP boundaries to be comprehensively reviewed.
- 6.5 Table 2 (below) provides a criterion by criterion review of the RNOTP settlement boundary criteria. For the LPP2, it is proposed that these should be replaced by specific urban and rural criteria.

Table 2		
RNOTP settlement boundary criterion	Current wording	Proposed criterion, in order to accord with JCS paragraph 5.17 (Local Plan Part 1) and/ or arising from 1st draft Plan consultation
Urban areas		LPP2 Policy EN2 – ...infill development will generally be supported... where it meets the objectives of the following criteria...
4.5(a)	Land on periphery of towns included if small in scale relative to its surroundings	<i>...small in scale, relative to an otherwise substantially built up frontage</i>
4.5(b)	Land on periphery of towns included if well related to the urban area (existing or committed)	<i>...well related to the urban area (existing or committed)</i>
4.5(c)	Land on periphery of towns included if clearly distinct from the countryside physically and visually.	<i>...clearly distinct from the countryside physically and visually</i>
4.5(d)	Land on periphery of towns included if bounded by compatible development (existing or committed)	<i>...bounded by compatible development (existing or committed)</i>
4.5(e)	Land on periphery of towns included if bounded by existing or committed development on all sides but one, which should be adjoined by a road (or other strong and distinct physical feature)	<i>...for land on periphery of towns, bounded by compatible existing or committed development on two sides, which should be adjoined by a road (or other strong and distinct physical feature)</i>
4.5(f)	Land on periphery of towns included if unlikely to be of any beneficial uses as open land, including for agriculture	<i>... unlikely to be of any beneficial use as open land, including for agriculture; or</i>
4.5(g)	Land on periphery of towns included if a proposed allocation for development	<i>...committed for development by way of an extant planning permission or development plan allocation</i>
Rural areas		LPP2 Policy EN3 – The extent of the built-up areas of these villages is defined by the following criteria...
4.8(a)	Existing employment uses, caravan sites or leisure uses on the edge of villages which are obviously detached from, or peripheral to, the main built up area are EXCLUDED	<i>...existing employment uses, caravan sites or leisure uses on the edge of villages which are clearly detached from the main built up area are <u>excluded</u></i>
4.8(b)	Free standing, individual or groups of less than 10 dwellings, nearby farm buildings or other structures which are obviously detached	<i>...free standing, individual or small groups of dwellings, nearby farm buildings or other structures which are clearly</i>

Table 2		
RNOTP settlement boundary criterion	Current wording	Proposed criterion, in order to accord with JCS paragraph 5.17 (Local Plan Part 1) and/ or arising from 1st draft Plan consultation
	from, or peripheral to, the main built up area are EXCLUDED	<i>detached from the main built up area are <u>excluded</u></i>
4.8(c)	Public open spaces and undeveloped areas of land on the edge of villages are EXCLUDED	<i>...public open spaces on the edge of villages are <u>excluded</u></i>
4.8(d)	The curtilages of dwellings are INCLUDED unless the land has the capacity to extend the built form of the village	<i>...residential curtilages, where these are bounded by existing built curtilages on fewer than two sides, are <u>excluded</u>; and</i>
4.8(e)/ 4.8(f)	Areas of land currently with planning permission at 1 April 2008 adjoining the built-up area and proposed allocations are INCLUDED	<i>...areas of land committed for development by way of an extant planning permission or development plan allocation adjoining the built-up area are <u>included</u></i>

Ribbon developments

- 6.6 The 1996 District Local Plan set a criteria-based policy (RU2) for managing development in the area of ribbon development to the south east of the main urban area of Rushden (Avenue Road/ Bedford Road/ Newton Road). This was subsequently replaced by Policy H1 of the Rushden Neighbourhood Plan (“made” June 2018)².
- 6.7 Through the stakeholder workshops (May 2017 – April 2018), other areas of ribbon development were identified at the periphery of most main urban areas. These areas are often suburban character, but physically separated from the main urban area. Accordingly, it was considered appropriate to set specific criteria for managing development at these urban fringe locations.
- 6.8 The former Policy RU2 and replacement Neighbourhood Plan Policy H1 provide a basis for setting an updated criteria-based development management policy for defined areas of ribbon developments (Table 3, below). This should not apply in the case of the Avenue Road/ Bedford Road/ Newton Road area, which is covered by Policy H1, but apply to other areas of ribbon development (identified at section 9.0) of the 1st draft LPP2.

² https://www.east-northamptonshire.gov.uk/downloads/file/10955/made_version_of_rushden_neighbourhood_plan

Table 3		
1996 District Local plan ribbon development criterion	Current wording	Proposed criteria, with reference to Rushden Neighbourhood Plan Policy H1 and/ or arising from 1st draft Plan consultation³
Former Policy RU2	Planning permission will normally be granted for residential infilling or redevelopment...where it...	LPP2 Policy EN3 – <i>Within the ribbon development areas of lower Crow Hill (Irthlingborough) and Brooks Road (Raunds) ...development will be supported provided that it...</i>
RU2(I)	...relates to land within the built up area, has a frontage to the highway and a depth similar to adjoining residential curtilages	<ul style="list-style-type: none"> a) <i>is bounded by existing built curtilages on at least two sides;</i> b) <i>has a frontage to the highway and a depth similar to adjoining residential curtilages;</i>
RU2(II)	...does not result in a backland form of development	<ul style="list-style-type: none"> c) <i>does not extend the built form away from the main highway to create a “backland” form of development; and</i> d) <i>has regard to positive local character and distinctiveness.</i>

6.9 The comparisons at Tables 2 and 3 (above) explain how settlement boundary policy criteria have developed for the LPP2 from its predecessors. The final stage in refining settlement boundary policy criteria was through the 1st draft LPP2 consultation (November 2018 – February 2019) which allowed for the initial draft criteria to be strengthened for the publication (Pre-Submission Draft) LPP2.

7.0 Conclusions and recommendations

7.1 The three alternative settlement boundary approaches for freestanding settlements have all entailed a comprehensive review of settlement boundary criteria. The three approaches were initially proposed in the Regulation 18 consultation (January – March 2017). This was followed by further analysis during the subsequent stakeholder workshops (May 2017 – April 2018)

7.2 The analysis at Appendix 1 (May 2017) identified where the most recent (RNOTP) LPP2 settlement boundary criteria will need to be amended, in order

³ A number of changes to policy wording have been taken on board in response to the 1st draft Local Plan consultation (November 2018 – February 2019). These are shown in this Background Paper, although other minor grammatical changes to the policy text may have been subsequently incorporated into the policy text.

to accord with JCS paragraph 5.17. These would need to be either applied through the development management process if used as written boundary definitions (1st and 3rd approaches), or applied by way of linear settlement boundaries on the policies map in the LPP2 and/ or future Neighbourhood Plans (2nd and 3rd approaches).

- 7.3 Continuation of the current LPP2 (RNOTP/ District Local Plan) criteria was discounted as a reasonable approach, due to the Braesby (Glaphorn) appeal decision, which highlighted that some of the RNOTP village settlement boundary criteria are incompatible with the overarching JCS criteria (paragraph 5.17), although as other appeal cases have demonstrated in some locations the earlier RNOTP boundaries were deemed “fit for purpose”. This therefore requires earlier Local Plan criteria to be reviewed, for all potential approaches to settlement boundary definition.
- 7.4 In considering the relative merits of the alternative approaches, the 1st approach would represent a move from the current LPP2 (RNOTP) strategy, to a more spatial approach. The 1st approach recognises that deciding a preferred direction for settlement boundary definition is a “strategic” decision, but detail regarding where a linear boundary ought to be drawn is non-strategic and therefore a matter that could be addressed through Neighbourhood Plans. In this way, the LPP2 should focus upon outstanding District-level issues that are not appropriate to be covered by the JCS, but require cooperation or coordination at the District/ sub-District level.
- 7.5 The 2nd approach would represent a continuation from the RNOTP approach. This has certain advantages, insofar as this approach is “tried and tested”, having already been found to be sound through the RNOTP Examination. Nevertheless, the difficulties and sensitivities which arose through this approach, together with questions regarding its validity in a “spatial planning” context, imply that this represents a return to traditional “Local” (land use) planning, as opposed to “spatial” planning”. Furthermore, this would entail substantial additional resources and could arguably be regarded as marginalising Neighbourhood Planning.
- 7.6 The potential 3rd approach represents a hybrid approach, or middle way. It emphasises the differing “urban” and “rural” spatial development strategies (JCS Policy 11) but would remove a major issue of contention (village settlement boundaries) from the LPP2 preparation and Examination processes. This would be manageable and would enable the differing urban Neighbourhood Plan approaches to be coordinated by way of the Local Plan Part 2.
- 7.7 The LPP2 should recognise that settlement boundaries (whatever approach) are an important development management tool, with the 1st draft and subsequent published Plans applying the 1st approach on the basis of the analysis in this paper. The JCS (Policy 11) differentiates between urban and rural spatial strategies, but it is also important to understand that the LPP2 and/ or Neighbourhood Plans also have a role to play in defining settlement boundaries. Regardless, it has proven necessary to review extant LPP2

settlement boundary criteria. The 1st draft LPP2 consultation enabled the initial draft criteria to be refined and strengthened for the published Plan.

Prepared by:
Michael Burton (Principal Planning Policy Officer)

Appendix 1: Regulation 18 assessment: Q04-Q05 – Settlement hierarchy/ settlement boundaries

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
Need for additional detail re rural settlement hierarchy	JCS Policy 11	JCS Policy 11(2) provides the overall spatial strategy for the rural areas	The majority of Regulation 18 respondents have highlighted the need for the LPP2 to include a more detailed settlement hierarchy, recognising the vast distinction between individual villages re population and character.	Developing an enhanced settlement hierarchy to provide a more detailed rural spatial development strategy is a strategic policy matter. This would therefore be addressed through the LPP2 to guide future development across the District; providing additional local detail to the overall spatial strategy set out at JCS Policy 11.
		11(2) distinguishes between "Villages" and "Open Countryside" (JCS Table 1), but does not go further than this two tier spatial approach for the rural area	The concept of designating larger "Principal Villages" was considered for the JCS (2012-14). However, this approach was not taken forward into the submission Plan (January 2015), in part as it was concluded that this could give rise to inappropriate/ unsustainable development pressures for the designated "Principal Villages".	The LPP2 will need to define built up areas that fall within the category "Villages". While the majority of settlements are defined by Parish, it should also be noted that there are certain "urban outliers" or areas of ribbon development (e.g. Crow Hill, Irthingborough; Avenue Road/ Newton Road, Rushden) that fall outside the main urban areas but which, nevertheless, may require an "urban" or "rural" definition within the settlement hierarchy.
		Distinction between villages is vast; i.e. - Largest: Stanwick, approx 1960 population (2015 estimate) - Smallest: Deene, approx 44 population (2015 estimate) - excludes hamlets such as Armston and Wigsthorpe, regarded as "Open Countryside" by current Local Plan Part 2 (Rural North, Oundle and Thrapston Plan)	In practice, Stanwick is around 1/3 (33%) of the size of Oundle (the next ranking settlement and smallest urban area within the District), in terms of population. By comparison, Deene (smallest village) is just 2% of the population of Stanwick.	2015 estimates indicate that Brigstock, Easton on the Hill, King's Cliffe, Ringstead, Stanwick, Warmington and Woodford all have populations >1000. This standard may provide an initial start point in developing a more detailed LPP2 rural settlement hierarchy, building upon the overall spatial strategy set out in JCS Policy 11/ Table 1.

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Methodology for developing settlement hierarchy	JCS Policy 11	Capacity	Capacity may be measured through online site submissions received during the Regulation 18 "Call for sites" and before that are developable and deliverable	Of the larger villages (>1000 population), significant numbers of online site submissions have been submitted at King's Cliffe, Ringstead, Stanwick and Warmington. In some cases, site specific proposals may be unsuitable (e.g. flood risk, contamination etc); however, the large numbers of site submissions at many of the largest villages may indicate both development pressures and/ or development capacity at these locations.
		Services/ sustainability assessment	Detailed local services surveys/ assessments were undertaken for the previous LPP2 (RNOTP). This survey/ assessment is now dated (over 8 years old) and would need to be reviewed/ updated for the LPP2, and extended to cover the whole District.	The January 2009 RNOTP study ("Settlement Hierarchy - Defining Category A and B Villages") found a distinct differentiation between the largest/ best serviced villages, and other villages within the Plan area. The LPP2 rural settlement hierarchy would need to be developed with reference to the clear separation between the largest and best served villages and other villages, and extended to cover the whole District.
		Relationship to higher order centres	JCS Policy 11(2)(a) refers to a "locally arising need, which cannot be met more sustainability at a larger settlement". This recognises that many of the larger villages within North Northamptonshire are closely related to one or more urban areas (JCS paragraph 5.15), and the JCS seeks to resist inappropriate development pressures at the larger villages that are in close proximity to urban areas. The 2009 Settlement Hierarchy study positively scored settlements with access to services at nearby urban areas; this approach must be reconsidered in view of the newly adopted JCS spatial strategy.	The proximity of villages to larger urban centres must be considered in light of the adopted overall spatial strategy. The 2009 RNOTP methodology could be amended, with negative scorings on the assessment matrix where villages are within 2km/ 4km radii of urban areas.

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
Application of settlement boundaries	JCS Policy 11/ paragraphs 5.17-5.18/ NPPF paragraph 55	Differentiation between built up areas and rural hinterland	Settlement boundaries are a conventional tool for managing development around the periphery of built-up areas. Setting a specific approach to defining settlement boundaries is a "non-strategic" matter, although the LPP1 (JCS paragraph 5.17) does set out some overall criteria, while JCS paragraph 5.18 states that the LPP2 and/ or Neighbourhood Plans may define village boundaries or more detailed criteria. Therefore, the LPP2 must give further consideration to a more detailed approach.	JCS paragraph 5.17 sets out the overall criteria. The current LPP2 (RNOTP) sets more detailed boundary criteria. However, the Braesby (Glaphorn) decision (APP/G2815/W/16/3149683, 11 August 2016) indicates that the settlement boundaries defined through the RNOTP already need to be reviewed. These would therefore need to be comprehensively reviewed, either through the LPP2 or individual Neighbourhood Plans.
	JCS Policy 11/ paragraphs 5.17-5.18/ NPPF paragraph 55	Regulation 18 consultation considered three potential approaches	Opinions were divided, although the largest number of respondents favoured a comprehensive review of defined boundaries and designation of new boundaries where appropriate. Respondents' overall preference to comprehensively designate settlement boundaries through the LPP2 reflects a view that these offer "certainty".	The LPP2 must recognise that settlement boundaries provide a clear and visual illustration of the differentiation between built up areas and the countryside. That said, it may be challenged as to whether such a zonal approach is compatible with the NPPF (paragraph 55) which refers to "isolated" new dwellings; a recognition that the transition from "urban"/ built up areas to open countryside is often a matter of degree. Therefore, the LPP2 settlement boundary criteria should understand the transitional nature of the edges of built up areas.
	RNOTP paragraph 4.5(a)	Land on periphery of towns included if small in scale relative to its surroundings	It is considered that this recognises the transitional nature of the periphery of settlements; i.e. whether, on balance, a particular site/ area should be considered overall to be more "urban" or "rural". In this regard this criterion accords to the relevant NPPF/ JCS criteria.	Overall, RNOTP paragraph 4.5(a) is in general conformity with the LPP1, so could be retained for LPP2
	RNOTP paragraph 4.5(b)	Land on periphery of towns included if well related to the urban area (existing or committed)	It is considered that this recognises the transitional nature of the periphery of settlements; i.e. whether, on balance, a particular site/ area should be considered overall to be more "urban" or "rural". In this regard this criterion accords to the relevant NPPF/ JCS criteria.	Overall, RNOTP paragraph 4.5(b) is in general conformity with the LPP1, so could be retained for LPP2

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
	RNOTP paragraph 4.5(c)	Land on periphery of towns included if clearly distinct from the countryside physically and visually.	It is considered that this recognises the transitional nature of the periphery of settlements; i.e. whether, on balance, a particular site/ area should be considered overall to be more "urban" or "rural". In this regard this criterion accords to the relevant NPPF/ JCS criteria.	Overall, RNOTP paragraph 4.5(c) is in general conformity with the LPP1, so could be retained for LPP2
	RNOTP paragraph 4.5(d)	Land on periphery of towns included if bounded by compatible development (existing or committed)	It is considered that this recognises the transitional nature of the periphery of settlements; i.e. whether, on balance, a particular site/ area should be considered overall to be more "urban" or "rural". While farms/ agricultural buildings on the periphery of settlements may represent built development, such "greenfield" sites should normally be considered "rural". In this regard this criterion provides additional local direction re paragraph 5.17 reference to "land which is bounded by existing built curtilages on at least two sides".	Overall, RNOTP paragraph 4.5(d) is in general conformity with the LPP1, so could be retained for LPP2
	RNOTP paragraph 4.5(e)	Land on periphery of towns included if bounded by existing or committed development on all sides but one, which should be adjoined by a road (or other strong and distinct physical feature)	JCS paragraph 5.17 refers to built curtilages on at least two sides. Therefore, paragraph 4.5(e) does not accord with the equivalent LPP1 criterion.	RNOTP paragraph 4.5(d) should be revised, in accordance with JCS paragraph 5.17
	RNOTP paragraph 4.5(f)	Land on periphery of towns included if unlikely to be of any beneficial uses as open land, including for agriculture	It is considered that this recognises the transitional nature of the periphery of settlements; i.e. whether, on balance, a particular site/ area should be considered to have a potential active "rural" function. In this regard this criterion accords to the relevant NPPF/ JCS criteria.	Overall, RNOTP paragraph 4.5(f) is in general conformity with the LPP1, so could be retained for LPP2
	RNOTP paragraph 4.5(g)	Land on periphery of towns included if a proposed allocation for development	Settlement boundaries should need to reflect current development commitments.	Overall, RNOTP paragraph 4.5(g) remains appropriate and is in general conformity with the LPP1, so could be retained for LPP2

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
	RNOTP paragraph 4.8	Village boundaries need not be contiguous	Settlement boundaries need to reflect the main built-up areas of villages. Therefore, the identification of separate built-up parts of individual villages would accord to JCS paragraph 5.17.	Overall, the definition of two or more separate built-up parts of a village would be appropriate for retention as LPP2 settlement boundary criterion
	RNOTP paragraph 4.8(a)	Existing employment uses, caravan sites or leisure uses on the edge of villages which are obviously detached from, or peripheral to, the main built up area are EXCLUDED	In considering whether criterion 4.8(a) remains appropriate, it is necessary to refer to JCS paragraph 5.17. This refers to vacant/ under-developed land within the main built up areas. Therefore, unless clearly detached from the main built up area it would be appropriate to include such areas/ sites within the definition of the settlement boundary.	Consider revision to criterion 4.8(a); e.g. "Existing employment uses, caravan sites or leisure uses on the edge of villages which are obviously detached from the main built up area are EXCLUDED", in order to accord with JCS paragraph 5.17.
	RNOTP paragraph 4.8(b)	Free standing, individual or groups of less than 10 dwellings, nearby farm buildings or other structures which are obviously detached from, or peripheral to, the main built up area are EXCLUDED	In considering whether criterion 4.8(b) remains appropriate, it is necessary to refer to JCS paragraph 5.17. This refers to vacant/ under-developed land within the main built up areas. Therefore, unless clearly detached from the main built up area it would be appropriate to include such areas/ sites within the definition of the settlement boundary.	Consider revision to criterion 4.8(b); e.g. "Free standing, individual or groups of less than 10 dwellings, nearby farm buildings or other structures which are obviously detached from the main built up area are EXCLUDED", in order to accord with JCS paragraph 5.17.
	RNOTP paragraph 4.8(c)	Public open spaces and undeveloped areas of land on the edge of villages are EXCLUDED	In considering whether criterion 4.8(c) remains appropriate, it is necessary to refer to JCS paragraph 5.17. This refers to vacant/ under-developed land within the main built up areas. Therefore it would be appropriate to exclude public open spaces from the settlement boundaries. However, where underdeveloped land is surrounded by existing built curtilages on at least two sides this ought to be included within the defined settlement boundary.	Consider revision to criterion 4.8(c); e.g. "Public open spaces on the edge of villages are EXCLUDED", in order to accord with JCS paragraph 5.17.

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
	RNOTP paragraph 4.8(d)	The curtilages of dwellings are INCLUDED unless the land has the capacity to extend the built form of the village	RNOTP paragraph 4.8(d) proved a contentious issue for the definition of linear/ zonal settlement boundaries; i.e. agreeing whether or not such development could, indeed, extend the built form of a village. JCS paragraph 5.17 refers to built curtilages on "at least two sides", which would normally allow for inclusion of residential curtilages within the built up area.	Revision to criterion 4.8(d); e.g. "Residential curtilages are EXCLUDED where these are bounded by existing built curtilages on fewer than two sides", in order to accord with JCS paragraph 5.17.
	RNOTP paragraph 4.8(e)/ 4.8(f)	Areas of land currently with planning permission at 1 April 2008 adjoining the built up area and proposed allocations are INCLUDED	RNOTP paragraphs 4.8(e)/ 4.8(f) illustrate fundamental difficulties in defining settlement boundaries on the policies map. Once adopted they are already becoming out of date; e.g. where Rural Exceptions schemes or other development proposals (e.g. barn conversions) come forward at the periphery of villages.	Revision to criteria 4.8(e)/ 4.8(f); e.g. "Areas of land committed for development adjoining the built up area are INCLUDED", in order to accord with JCS paragraph 5.17.
Context of settlement boundaries within spatial strategy	JCS Policy 11	JCS Policy 11 emphasises urban/ rural differentiation	JCS Policy 11 sets out a strong spatial divide between urban areas and the rural hinterlands. In providing a distinction between urban and rural areas it could be appropriate to define a settlement boundary, in order to provide clarity about where JCS Policy 11(1) and 11(2) should be applied; i.e. a strategic case to distinguish between urban/ rural strategies. However, any boundaries ought to provide sufficient flexibility to accommodate development requirements for the next 10-15 years (i.e. remainder of the Local Plan period).	Where not already defined through Neighbourhood Plans, it would be appropriate to define settlement boundaries for urban areas, in order to provide clarity as to where "urban" (Policy 11(1)) and "rural" (Policy 11(2)) JCS policies should be applied.
Role of Neighbourhood Plans	JCS Policy 11/ paragraph 5.18	Higham Ferrers Neighbourhood Plan (HFNP) 2011-2031, "made" (adopted) April 2016	The HFNP sets out a written criteria for the urban/ rural settlement boundary. This reflects the fact that the urban area is physically defined by the A6, A45 and Rushden urban area to the south.	Given that HFNP provides a written definition for the urban area boundary and its clear physical extent, it is not considered that a further LPP2 boundary definition is necessary.
		Irthlingborough - Neighbourhood Area designated 10 December 2014	Little progress to date with Neighbourhood Plan preparation. Draft boundary previously prepared for Four Towns Plan Working Party (FTPWP), 2015.	Refresh/ update 2015 FTPWP boundary assessment

Issue (Regulation 18 feedback)	Local Plan/ NPPF policy reference	Further details	Analysis	Potential/ preferred policy approach
	RNOTP Policy 2	Oundle - Neighbourhood Area designated 17 June 2013	1st (Regulation 14) draft Neighbourhood Plan anticipated to be published for consultation during summer 2017. It is likely that this will include a draft settlement boundary, which would represent a review/ update to the RNOTP (current LPP2) boundary.	LPP2 approach dependent upon Neighbourhood Plan progress
		Raunds Neighbourhood Plan 2011-2031, submitted November 2016	Neighbourhood Plan does not define a settlement boundary. Furthermore, extensive development land is already committed at the periphery of the town. Draft boundary previously prepared for Four Towns Plan Working Party (FTPWP), 2015.	Refresh/ update 2015 FTPWP boundary assessment. Define settlement boundary through LPP2, in order to provide additional assurance and clarity.
	District Local Plan Policy RU2	Rushden Neighbourhood Plan, 1st draft version, March 2017	Neighbourhood Plan includes settlement boundary, in order to distinguish between the urban area and rural hinterland. However, the Neighbourhood Plan does not include a boundary for the Avenue Road/ Newton Road ribbon development/ urban outlier, although this part of Rushden is currently covered by 1996 District Local Plan Policy RU2.	Given that the Rushden Neighbourhood Plan does include a defined urban/ rural settlement boundary, it is unnecessary to consider further definition through the LPP2. However, the LPP2 will need to review Policy RU2.
	RNOTP Policy 2	Thrapston	Currently no Neighbourhood Area designation, although Thrapston Town Council has previously expressed an interest in preparing a Neighbourhood Plan. Current settlement boundary is defined through RNOTP Policy 2.	Refresh/ update RNOTP settlement boundary through LPP2. It should be noted that RNOTP boundary is already out of date; e.g. permitted site for the Cattle Market relocation.
	RNOTP Policy 2	Rural areas	Settlement boundaries defined for Caldecott, Chelston Rise, Chelveston and Stanwick through Neighbourhood Plans. Others (e.g. Brigstock, King's Cliffe, Glaphorn) are likely to follow in due course.	Ensure that settlement boundary criteria provide sufficient clarity and flexibility to support Neighbourhood Plans in defining settlement boundaries.

