

HARGRAVE NEIGHBOURHOOD PLAN

Hargrave Neighbourhood Plan Examination
A Report to North Northamptonshire Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Hargrave Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Hargrave Neighbourhood Plan meets the basic conditions¹ and I recommend to North Northamptonshire Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Hargrave Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Hargrave Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Hargrave Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by North Northamptonshire Council.
- 5 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Hargrave Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed under “*Legal Requirements*” on page 5 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Hargrave Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Section 2.5 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Hargrave Neighbourhood Area and there is no other neighbourhood plan in place in the Hargrave Neighbourhood Area.

- 9 This meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by North Northamptonshire Council to conduct the examination of the Hargrave Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have nine years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements,
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Hargrave Neighbourhood Area to which the Plan relates.

- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 16 The recommendations set out in this Report take account of local government reorganisation (see *Footnote 10*, later in this Report).

Neighbourhood Plan Period

- 17 A neighbourhood plan must specify the period during which it is to have effect.
- 18 The title page of the Neighbourhood Plan refers to the plan period as "2021 – 2031."
- 19 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 20 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 22 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Hargrave Neighbourhood Plan.
- 23 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 24 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 25 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 26 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 27 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 28 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 29 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 30 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 31 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 32 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”
(Planning Practice Guidance⁵)

- 33 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 34 A Hargrave Neighbourhood Plan Strategic Environmental Assessment screening report was completed and this concluded that a Strategic Environmental Assessment was not required.
- 35 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted and none of these bodies demurred from the conclusion of the Screening report.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 36 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 37 In the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*” April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 38 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 39 A Hargrave Neighbourhood Plan Habitats Regulations Assessment screening report was completed. This recognised the presence of the nearby Natura 2000 (European) site, the Upper Nene Valley Gravel Pits Special Protection Area.
- 40 The screening report concluded that the Neighbourhood Plan would not have a likely significant effect on this or any other European site. All of the statutory bodies were consulted as part of the process and none of them disagreed with this conclusion. Natural England stated that:
- “It is our advice...in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils are concerned, that there are unlikely to be significant environmental effects from the proposed plan.”*

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 41 In addition to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

- 42 North Northamptonshire Council wrote to the Qualifying Body in April 2021 to confirm its formal view that the submitted Neighbourhood Plan complies with statutory requirements. In undertaking the work that it has, North Northamptonshire Council has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 43 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Hargrave Neighbourhood Area

Background Documents

- 44 In completing this examination, I have considered various information in addition to the Hargrave Neighbourhood Plan.
- 45 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2021)⁹
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - North Northamptonshire Joint Core Strategy 2011-2031 (2016)¹⁰
 - Basic Conditions Statement
 - Consultation Statement and appendices
 - Representations received
 - Strategic Environmental Assessment and Habitat Regulations Assessment screening reports
 - Equalities Impact Assessment report
- 46 In addition, I spent an unaccompanied day visiting the Hargrave Neighbourhood Area.

⁹ The government published this revised version of the National Planning Policy Framework on the 20th July 2021.

¹⁰ Local government reorganisation took place during the plan-making process. The former East Northamptonshire Council became part of the new North Northamptonshire Council on April 1st 2021, during the course of the plan-making process. There are a few saved policies from the East Northamptonshire District Local Plan dating back to adoption some 25 years ago in 1996, but relevant and more up to date policies are contained in the Joint Core Strategy referred to.

Hargrave Neighbourhood Area

- 47 The boundary of the Hargrave Neighbourhood Area is identified by Figure 1, on page 7 of the Neighbourhood Plan.
- 48 The Hargrave Neighbourhood Area was designated by East Northamptonshire Council on 6th September 2019. As referred to in footnote 10, above, East Northamptonshire Council became part of the new North Northamptonshire Council in April 2021.
- 49 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 50 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 51 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Hargrave Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to North Northamptonshire Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹¹.
- 53 In 2019, a Steering Group, comprising local residents and Parish Councillors, was established to lead the plan-making process on behalf of Hargrave Parish Council. In the same year, a residents' survey was distributed to all households. Almost a hundred surveys were returned and an event was held to provide feedback on the responses received.
- 54 A call for sites and a draft policies consultation were held during the second part of 2020, with responses informing draft plan production.
- 55 The draft plan underwent public consultation between the 25th January and the 8th March 2021. Comments received were taken into account and led to revisions to the draft plan prior to submission.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 56 The Consultation Statement provides evidence to demonstrate that public consultation formed part of the plan-making process, that there were opportunities for people to have a say and that matters raised were considered.
- 57 I note that the consultation process was criticised in some representations. However, having regard to the above and all of the submitted information, I am satisfied that there is evidence to demonstrate that the consultation process complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 58 The Neighbourhood Plan includes several references to the former East Northamptonshire Council. Taking local government reorganisation into account, I recommend:
- **Unless specifically referred to in other recommendations contained in this Report, change all references to East Northamptonshire Council to “North Northamptonshire Council”**
- 59 The recommendations at the end of this section respond to the points set out below in respect of the pre-Policy sections of the Neighbourhood Plan.
- 60 Several points set out in the introductory paragraphs have been overtaken by subsequent events.
- 61 The time period covered by the Neighbourhood Plan is determined by the Qualifying Body, rather than comprising a “*requisite legislative period.*” In the light of this, paragraphs 1.4 and 1.5 appear unnecessary and confusing.
- 62 The steps undertaken by the Qualifying Body represent the views of the Qualifying Body rather than “*the Neighbourhood Plan process.*”
- 63 The reference to 2045 in paragraph 3.5 appears arbitrary - it does not relate to the plan period.
- 64 It is incorrect to assert that the Neighbourhood Plan addresses issues over the next 25 years, as the Neighbourhood Plan covers the plan period only.
- 65 Objective 3 appears to ensure that any development outside the village boundary is prevented. Such an approach is contrary to national and local planning policy and does not contribute to the achievement of sustainable development. It does not meet the basic conditions.
- 66 There is no evidence to demonstrate that Objective 7 can be “*ensured,*” as stated. As such, the wording of this Objective appears to set unrealistic expectations.
- 67 There is no evidence to demonstrate that Objective 8 is deliverable, viable, necessary, or related to all development. Similarly to Objective 7, it appears to set unrealistic expectations.

68 Taking all of the above into account, I recommend:

- Page 5, delete the third, sixth and seventh bullet points in “Key Facts”
- Para 1.1, change last sentence to “...of which the NDP forms part.”
- Delete paras 1.2, 1.4 and 1.5
- Para 1.6. For clarity, change to “...this Plan seek to allow the village...”
- Para 1.11, delete last two sentences (“The steps...consultation.”)
- Delete Figure 2
- Para 3.5, change to “...sustainable beyond 2031, principally...”
- Para 3.7, change to “...key issues, a number of...”
- Page 14, delete Objective 3
- Page 15, change Objective 7 to “To limit the impacts of traffic, air...”
- Delete Objective 8
- Delete Para 3.8 (which appears out of place as an excerpt from the Consultation Statement)

7. The Neighbourhood Plan – Neighbourhood Plan Policies

- 69 As presented, each Policy is headed by “*Objectives.*” Notwithstanding the recommendations above, the Neighbourhood Plan Objectives hold no land use planning policy status and their inclusion within the Policy section appears confusing and detracts from the clarity and precision of the Neighbourhood Plan.
- 70 The Neighbourhood Plan does not contain a Policies Map, but contains references to such. The introduction also contains a confusing reference to “*Supporting Actions*” being highlighted in the Policy Section, when this is not the case.
- 71 I note that the wording of the basic conditions is specific and para-phrasing can result in confusion and that Page 18 of the Neighbourhood Plan also includes information that has been overtaken by events and repeats information.
- 72 I recommend:
- **Delete all references to Objectives in the Policy section**
 - **Delete Para 4.0.1**
 - **Change Para 4.0.2 to “Neighbourhood Development Plans must *have regard* to national...”**
 - **Para 4.0.2, delete last sentence**
 - **Para 4.0.3, change to “...published *in July 2021*...”**
 - **Delete Paras 4.0.5 and 4.0.6**

Housing Growth

Policies HNDP1 - HNDP3

- 73 There is no requirement for a Neighbourhood Plan to allocate land for development.
- 74 Notwithstanding the above, the Neighbourhood Plan seeks to designate a housing site as part of its approach to residential development in the Neighbourhood Area.
- 75 However, when considered together, the first three Policies of the Neighbourhood Plan allocate a housing site and define a new settlement boundary within which development will be supported, whilst at the same time, seeking to limit new housing development to a maximum¹² of six dwellings up until 2031.
- 76 As the new settlement boundary, including the proposed allocation, appears capable of providing for considerably more than six dwellings (and there is no evidence to the contrary), the first three Policies of the Neighbourhood Plan appear to be conflict with one another.
- 77 This presents a confusing picture and fails to have regard to national planning guidance, which calls for clarity in planning policies¹³:

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

¹² The Qualifying Body confirmed in its response to the Examiner's Clarification Letter that six dwellings is intended to be treated as a “maximum” figure.

¹³ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

78 As above, the proposed settlement boundary appears capable of providing for considerably more than six dwellings and together, Policies HN2P2 and HN2P3 also provide a supportive policy framework for residential development within the settlement of Hargrave. It is therefore difficult to reconcile these two Policies with Policy HN2P1 which, taking full account of the supporting text and the Neighbourhood Plan's stated objective of "*limiting*" residential development, restricts support for residential development to six dwellings.

79 In this respect, as well as conflicting with the national planning advice referred to in paragraph 77 of this Report, the Neighbourhood Plan also fails to have regard to the national policy requirement for policies to be

"...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals."

(Paragraph 16, the Framework)

80 Taking this into account, Policies HN2P1, HN2P2 and HN2P3 do not meet the basic conditions and I recommend:

- **Delete Policies HN2P1, HN2P2 and HN2P3 and all supporting text**

81 Whilst the deletion of these Policies removes part of the submitted Neighbourhood Plan, I am mindful that there are existing development plan policies which provide for sustainable development and for environmental protection, both within settlement boundaries and outside of them.

82 I also note that, subject to following statutory processes, there is scope for the Neighbourhood Plan to be updated and/or altered beyond being made.

Policy HNDP4: Natural Environment

83 National planning policy recognises that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." (Paragraph 126, the Framework)

84 North Northamptonshire Joint Core Strategy (referred to below as "JCS") Policy 8 ("*North Northamptonshire Place Shaping Principles*") requires development to respond positively to its context.

85 In general terms, Policy HNDP4 seeks to ensure that residential development reflects local character and in so doing, it meets the basic conditions.

86 However, in stating that all residential development should enhance character and amenity, the first paragraph of Policy HNDP4 imposes a requirement more stringent than that of national or District-wide planning policy, even within say, Conservation Areas.

87 Further, this paragraph goes on to seek to prevent development in the countryside or within green spaces. The countryside and green spaces are subject to other development plan policies and nowhere does national or local planning policy simply prevent development in these areas.

88 In addition, the wording of the latter part of the Policy appears unclear and ambiguous in places and some of the requirements set out are unsupported by any evidence of deliverability, contrary to national policy, which requires plans to

"...be prepared positively, in a way that is aspirational but deliverable."
(Paragraph 16, the Framework)

89 For example, it is unclear in the absence of substantive information, why new homes should provide battery storage for electric vehicles, when electric vehicle batteries tend to be located within the vehicles themselves; and there is no evidence to demonstrate how local materials and building styles can be delivered at the same time as being innovative, using sustainable technologies. These are matters that the recommendations below seek to address in a manner that takes the Neighbourhood Plan's stated objectives into account.

- 90 The Policy goes on to include highway safety requirements which are entirely dependent upon another plan, outside of the control of the Neighbourhood Plan. It also includes a reference, rather than a policy requirement, to a "*published Design Code*" without any policy status. This is therefore more suited to inclusion in the supporting text, as recommended below.
- 91 Further to the above, the latter part of the Policy includes a requirement for residential development not to "*impair amenity for its neighbours.*" Notwithstanding that this is an ambiguous and subjective requirement, the planning system provides for the balanced consideration of development proposals. For example, it may, or may not, be the case that say, a minor impact on residential amenity is outweighed by a significant positive impact on something else.
- 92 The approach set out in the Policy would fail to allow for this and in so doing, would run the risk of failing to contribute to the achievement of sustainable development.
- 93 Taking all of the above into account, I recommend:
- **Policy HNDP4, delete the second sentence ("Overall...village")**
 - **Delete from "Local materials..." to the end of the Policy and replace with "*The use of local materials and building styles, sustainable design and technologies – including the minimisation of water and energy use, and the incorporation of renewable energy, sustainable drainage and electric vehicle charging points, will be supported.***

Development should respect highway safety and should retain and incorporate existing natural features, including trees and hedgerows and avoid loss of habitats for wildlife.
 - **Delete the subjectively worded Paras 4.5.6 to 4.5.8, inclusive and replace with "*As part of the plan-making process, a design code for Hargrave has been created. This is intended to provide helpful background information and the Parish Council will seek to finalise the document and encourage prospective developers to make use of it.*"**

Landscape Character and Green Space

Policy HNDP5: Landscape Character

- 94 JCS Policy 8 (*“North Northamptonshire Place Shaping Principles”*) requires development to respond to local topography and landscape setting.
- 95 In general terms, Policy HNDP5 aims to ensure that development takes account of its landscape setting and in this way, it is in general conformity with the JCS.
- 96 As set out, the wording of the Policy would serve to promote development that harms the landscape, as long as there was some form of mitigation. Further to clarification, it is understood that this was not the intent of plan-makers and this is a matter addressed by the recommendations below.
- 97 I recommend:
- **Policy HNDP5, delete the second sentence (*“Where...impact.”*)**
 - **Policy HNDP5, change start of second para to *“Landscaping should be used to soften...”***
 - **Delete Para 4.6.8, which does not relate to the Policy**

Policy HNDP6: Local Green Space

- 98 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 99 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 100 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable. Whilst Figure 6 is helpful in that it shows the general location of proposed areas of Local Green Space, it is not possible to clearly determine the precise boundaries of each area. This is a matter addressed in the recommendations below.
- 101 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 102 The Neighbourhood Plan's evidence base includes a Local Green Space Assessment, which clearly sets out why each area of Local Green Space is demonstrably special. Taking this into account, other than for Site 5.6 (see below), I am satisfied that the Neighbourhood Plan and the supporting information submitted alongside it provide evidence to demonstrate that each of the proposed areas of Local Green Space pass the national policy tests.

- 103 Representations have been received in objection to two proposed areas of Local Green Space. Whilst I acknowledge these objections, I consider that there is evidence to demonstrate that, with the exception of Site 5.6, each of the designations, including Site 5.1 - the subject of an objection, passes the national policy tests. Consequently, I am satisfied that each designation (other than Site 5.6) meets the basic conditions.
- 104 However, whilst I am mindful that the plan-making process is dynamic and that, until a land use plan is made or adopted its policies are subject to change, the Framework clearly establishes that areas of Local Green Space should be identified by the community.
- 105 Site 5.6, "*Land north of Church Street,*" was previously included in the draft plan as a site for residential development and its designation was not the result of the same level of scrutiny and assessment as other Local Green Space designations. The site was changed to a Local Green Space following its deletion as a prospective residential development site between the draft and submission stages of the Neighbourhood Plan.
- 106 I note that it is not in any way an unusual state of affairs for there to be numerous differences between the draft and submission versions of a Neighbourhood Plan. Rather, such differences can be indicative of the importance of the consultation stages and of the dynamic nature of the plan-making process.
- 107 However, taking account of all of the information submitted, the introduction of Site 5.6 does not appear to me to have emerged through a sufficiently robust and open assessment. Site 5.6 was included as a Local Green Space very late in the plan-making process and it was not subject to the same degree of scrutiny and consultation as the other areas designated as Local Green Space. Further, I note that designation in a previous, out of date planning document as Important Open Land is not a national policy test.
- 108 As noted above, Local Green Space is a restrictive and significant policy designation. In this case, having regard to all of the information before me, there is insufficient evidence to demonstrate that the designation of Site 5.6 meets the basic conditions.

109 Further to all of the above I note that national policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. The wording of Policy HNDP6 introduces scope for inconsistency with Green Belt policy and this is a matter addressed in the recommendations below.

110 I recommend:

- **Policy HNDP6, delete the final paragraph and replace with “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts as set out in national policy.*”**
- **Policy HNDP6, delete Site 5.6 from the list of designated areas of Local Green Space and delete from Figure 6 (if Figure 6 is to be retained, subject to the bullet point below)**
- **Provide an additional Map or Maps, clearly identifying the precise boundaries of each designated Local Green Space**
- **Para 4.6.11, change to “Paragraphs 101 to 103 of the NPPF...”**
- **Para 4.6.13, change to “the Hargrave Residents’ Survey...”**
- **Para 4.6.14, change to “Paragraph 102 of...” (and change to “102” in the subsequent quotation from the Framework)**
- **Delete Para 4.6.17, the majority of these bullet points refer to factors that could apply to just about any open green area and are not necessarily demonstrably special qualities justifying designation as Local Green Space.**

Natural Environment

Policy HNDP7: Environment

- 111 As noted earlier in this Report, national policy and advice requires plans to be deliverable and to contain clear, unambiguous policies so that it is evident how a decision maker should react to development proposals.
- 112 Policy HNDP7 is not a land use planning policy. Rather, it simply presents a vague statement about minimising pollution, rather than a land use planning policy supported by substantive evidence or information in respect of deliverability, viability or the decision-making process.
- 113 In addition, the Policy sets out requirements in respect of lighting that sit outside the scope of land use planning.
- 114 The Policy goes on to set out requirements in respect of vehicle movements, which in the absence of any base evidence, information or indication of how things might be measured, who by and on what basis, appear unrealistic and undeliverable.
- 115 Policy HNDP7 also includes vague references to “*expected emissions*” and seeks to impose planning application and development management requirements that in the absence of any justification or information to the contrary, appear to be beyond the scope of the Neighbourhood Plan.
- 116 The Policy does not contribute to the achievement of sustainable development and does not meet the basic conditions.
- 117 I recommend:
- **Delete Policy HNDP7 and supporting text**

Sustainable Infrastructure

Policy HN8P8: Sustainable Infrastructure

- 118 The first paragraph of Policy HN8P8 requires development to “*not put undue pressure on available infrastructure*” or to provide “*enhanced infrastructure.*”
- 119 Nowhere does the Neighbourhood Plan or its evidence base provide detailed information in respect of what infrastructure is currently available in the Neighbourhood Area or what “*undue pressure*” comprises.
- 120 Consequently, the first part of the Policy appears ambiguous. There is no evidence to suggest that it is deliverable or that it makes it evident to a decision maker how to react to a development proposal.
- 121 Further, the Policy seeks to impose unnecessary requirements on all forms of development. Notwithstanding that the Qualifying Body is not the Local Planning Authority and cannot set planning application requirements, in the absence of any evidence, no justification is provided for a requirement for all forms of development to demonstrate that they would not put pressure on available infrastructure, even if “*pressure*” and “*available infrastructure*” were known quantities.
- 122 Paragraph 44 of the Framework is clear in stating that information requirements
- “...should be kept to the minimum needed to make decisions...Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”*
- 123 The second paragraph of Policy HN8P8 refers directly to the first paragraph and relies upon it. In addition, the second paragraph appears vague. There is no indication in the Policy, supporting text or evidence base for example, as to what “*sustainable infrastructure*” comprises.

- 124 In addition to the above, I note that it is unnecessary to state that a sustainable drainage system should be sustainable, or that infrastructure measures to reduce energy consumption should be designed to be sustainable.
- 125 Necessary infrastructure is exactly that. As noted earlier in this Report, the planning system seeks to achieve sustainable development and provides for the balanced consideration of development proposals.
- 126 As set out, the final paragraph of Policy HNDP8 could serve to place an obstacle in the way of essential infrastructure. In this respect, in making the recommendation below I am mindful that national and local planning policy provides for necessary infrastructure and environmental protection.
- 127 Taking the above into account, I recommend:
- **Delete Policy HNDP8 and supporting text**

Village Amenities

Policy HNPD9: Protecting and Enhancing Village Amenities

128 The Framework seeks to promote healthy and safe communities. In this respect and in order to provide the social, recreational and cultural facilities and services the community needs, national policy requires planning policies to:

“...plan positively for the provision and use of shared spaces, community facilities (such as...meeting places...cultural buildings...places of worship)...”
(Paragraph 93, the Framework)

129 In addition, JCS Policy 7 (“*Community services and facilities*”) requires development to support community services and facilities.

130 In general terms, Policy HNPD9 aims to plan positively for and to support the provision of, community facilities and in so doing, the Policy has regard to the Framework and is in general conformity with the JCS.

131 As worded, Policy JNDP9 simply “*protects*” Hargrave Village Hall and All Hallows Church. This form of wording is unclear. It could suggest that no development whatsoever will be supported in respect of these two facilities – which could serve to prevent the achievement of sustainable development, contrary to the basic conditions.

132 Whilst the Policy goes on to provide a generally supportive framework for the provision of new community facilities, it does so only in a manner whereby such facilities are required to meet a host of requirements. In the absence of any evidence to demonstrate that such an approach is deliverable, the final sentence of the Policy effectively places significant hurdles in the way of contributing to the achievement of sustainable development through the provision of new community services.

133 The Policy refers to footpath access. This does not fully reflect the supporting text, which is clear in setting out community support for the enhancement of public rights of way. Such enhancement has regard to Paragraph 100 of the Framework, which states

“Planning policies and decisions should protect and enhance public rights of way and access...”

134 I recommend:

- ***Policy HNPD9, change to “Hargrave Village Hall and All Hallows’ Church are important community facilities. Proposals to enhance community facilities will be supported, whereas their loss will not be supported.***
- ***The provision of new community facilities will be supported. New community facilities should respect local character, residential amenity and highway safety. Improvements to the Neighbourhood Area’s footpath and bridleway network will be supported.”***

Supporting Rural Diversification and Employment

Policy 10: Rural Diversification and Employment

135 Paragraph 84 of the Framework seeks to support a prosperous rural economy. In so doing, it creates a positive planning framework for enabling the sustainable growth and expansion of all types of business in rural areas; the development and diversification of agricultural and land-based rural businesses; and the development of sustainable rural tourism and leisure developments which respect local character.

136 Further, JCS Policy 25 ("*Rural economic development and diversification*") promotes the development and diversification of the rural economy where such development respects its surroundings.

137 Generally, the first part of Policy 10 supports the diversification of the rural economy where development is of good design and respects local character.

138 However, the opening paragraph requires development to "*conserve*" rural character, which goes beyond any national or local policy requirements and is an approach unsupported by any evidence or justification and this is a matter addressed in the recommendations below.

139 The remaining part of the Policy seeks to introduce a completely new approach to development in the countryside, in conflict with national and local planning policy. It requires any rural economic development other than the re-use of an existing building to relate well to and to be appropriate to the village. No justification is provided for this approach, which would effectively place a significant obstacle in the way of rural economic development across all of that part of the Neighbourhood Area not well-related to the village and in doing so, would fail to contribute to the achievement of sustainable development.

140 I recommend:

- **Policy HNDP10, change the first paragraph to "*...well sited and respects the rural character of the Neighbourhood Area.*"**
- **Delete rest of the Policy**

8. The Neighbourhood Plan: Other Matters

141 The Glossary refers to the Stratford on Avon Core Strategy which is not relevant to the Neighbourhood Plan; and to Roadside Infill, which, taking the recommendations above into account, is not relevant to the Neighbourhood Plan.

142 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, plan/map, paragraph and page numbering.

143 I recommend:

- **Glossary reference to Development Plan Document, delete all after first sentence**
- **Glossary, delete Roadside Infill definition**
- **Update the Contents, Policy, Plan/Map, paragraph and page numbering to take into account the recommendations contained in this Report**

9. Referendum

144 I recommend to North Northamptonshire Council that, subject to the recommended modifications, **the Hargrave Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

145 I am required to consider whether the Referendum Area should be extended beyond the Hargrave Neighbourhood Area.

146 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

147 Consequently, I recommend that the Plan should proceed to a Referendum based on the Hargrave Neighbourhood Area approved on the 6th September 2019.

Nigel McGurk, November 2021
Erimax – Land, Planning and Communities

