



Council – 17 July 2017

“Making” (adoption) of the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans

Purpose of report

Approval is sought for the Council to “make” (adopt) the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans. These Neighbourhood Plans were passed at referendum on 4 May and 29 June 2017 respectively.

Attachment(s)

Appendix 1: Adopted policies from 1996 District Local Plan which are to be replaced by policies in the Chelveston cum Caldecott Neighbourhood Plan 2016-2031

Appendix 2: Adopted policies from 1996 District Local Plan which are to be replaced by policies in the Stanwick Neighbourhood Development Plan 2016-2031

1.0 Background

1.1 On 11 September 2013 and 30 May 2014, Chelveston cum Caldecott and Stanwick Parish Councils respectively applied to be designated Neighbourhood Areas. These applications, approved under Regulation 7 of the Neighbourhood Planning (General) Regulation 2012 (as amended) enabled the two Parish Councils to prepare Neighbourhood Development Plans covering the Chelveston cum Caldecott and Stanwick Parish areas, respectively.

1.2 Over the previous 3-4 years, the two Parish Councils have each worked with their respective communities to prepare a Neighbourhood Plan. Key milestones and further details regarding the two Neighbourhood Plans are set out in the Council’s Neighbourhood Planning web page:

- <http://www.east-northamptonshire.gov.uk/neighbourhoodplanning>).

1.3 The plan making process for the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans culminated in the passage of these two Plans at referendum. Referenda for each of the Plans were held on 4 May and 29 June 2017 respectively.

1.4 This report considers:

- Main features of the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans;
- Results from the Neighbourhood Plan referenda;
- Current adopted Local Plan policies that will be superseded by the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans within the respective Plan areas.

2.0 Main features of the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans

2.1 The Chelveston cum Caldecott and Stanwick Neighbourhood Plans contain a variety

of spatial planning and development management policies relating to the respective Parish areas. Each Neighbourhood Plan sets out a distinctive vision, aims/ objectives and strategy for the Parish. These apply strategic policies from the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (the Local Plan Part 1), adopted July 2016 in the local (Parish) context.

2.2 Chelveston cum Caldecott Neighbourhood Plan (CCNP)

The Neighbourhood Plan sets out distinctive site specific policies for each of the three settlements (Chelveston, Caldecott and Chelston Rise) within the Parish area. It sets out overall development management policies for residential development.

2.3 Other policies seek the protection and/ or enhancement of local infrastructure; e.g. Assets of Community Value, environmental assets (heritage assets and Local Green Spaces) and the Rights of Way network. The Plan also contains policies for managing the main employment areas within the Parish; e.g. Wildacre Residential Home, Upper Higham Lane Industrial Estate and Chelveston Renewable Energy Park. Similarly, it recognises the need for effective management of small/ home based businesses.

2.4 Stanwick Neighbourhood Development Plan (SNDP)

The SNDP differs from the CCNP insofar as this does not include development land allocations. Instead, the Plan focuses upon effective management of the design and delivery of small scale residential development to meet local housing needs within the existing built up area.

2.5 The Stanwick Plan emphasises the importance of securing enhancements to pedestrian access. It contains bespoke policies for the protection and enhancement of green infrastructure, open space, sport, recreational facilities and heritage assets. Specifically, it also defines a “strategic gap”, to avoid coalescence between the built-up areas of Stanwick and Raunds.

2.6 Both the CCNP and SNDP set out locally distinctive policies that add to the overall framework set out in the Local Plan Part 1 (JCS). These complement and enhance the strategic Local Plan policies.

3.0 Results from the Neighbourhood Plan referenda

3.1 Chelveston cum Caldecott Neighbourhood Plan referendum, 4 May 2017:

- 225 “Yes” votes, to “make” (adopt) the CCNP, out of 255 issued – **88.2%** in favour;
- Turnout 55.1%.

3.2 Stanwick Neighbourhood Development Plan referendum, 29 June 2017:

- 759 “Yes” votes, to “make” (adopt) the CCNP, out of 779 issued – **97.4%** in favour;
- Turnout 51.1%.

4.0 Current adopted Local Plan policies that will be superseded by the Chelveston cum Caldecott and Stanwick Neighbourhood Development Plans within the respective Plan areas

4.1 The Council must consider which (if any) of the current (non-strategic) Local Plan policies that are currently in force will be replaced by equivalent policies from the CCNP and SNDP for the respective Parishes. The Planning Policy web pages include a Parish by Parish index of adopted development plan policies (<http://www.east-northamptonshire.gov.uk/parishpolicy>).

4.2 All policies from the JCS define the strategic Local Plan framework for the two Neighbourhood Plans. In addition, four policies from the 1996 East Northamptonshire

District Local Plan (Local Plan Part 2) currently remain in force for the Parishes of Chelveston cum Caldecott and Stanwick:

- AG4 – Re-use and adaptation of buildings in the countryside;
- AG9 – Replacement Dwellings in the countryside;
- RL3 – Recreational open space provision by developers; and
- RL4 – Children's Play Areas.

4.3 A differentiation between “strategic” and “non-strategic” Local Plan policies was agreed by the Planning Policy Committee on 16 November 2015 (Minute 234), in advance of the adoption of the JCS. At the time, this concluded that policies AG4, AG9, RL3 and RL4 should all be regarded as “strategic”.

4.4 In view of the subsequent adoption of the JCS (Local Plan Part 1), launch of a new District-wide Local Plan Part 2 and the passage of the two Neighbourhood Plans at referendum; it is considered appropriate to reconsider the four relevant policies from the 1996 Local Plan. Given that these policies are now over 20 years old, it is necessary to establish which (if any) policies from the CCNP and/ or SNDP provides an equivalent replacement.

4.5 **Chelveston cum Caldecott Neighbourhood Plan**

Officers assessed which (if any) of the remaining policies from the 1996 District Local Plan has an equivalent Neighbourhood Plan policy (**Appendix 1**); such that the latter could represent a Parish-wide update. Of the four 1996 policies that remain in force, the assessment has found that CCNP Policy H2 provides an NPPF compliant update to the Local Plan Policy AG4, regarding the re-use or redundant rural buildings. By contrast, there are no equivalent Neighbourhood Plan CCNP policies that could replace 1996 Local Plan policies AG9, RL3 and RL4.

4.6 **Stanwick Neighbourhood Development Plan**

As for the CCNP, Officers assessed which (if any) of the remaining policies from the 1996 District Local Plan has an equivalent SNDP policy (**Appendix 2**). The SNDP focuses upon managing development within and adjacent to the existing Stanwick and Raunds built-up areas. Given that there are no specific policies relating to the wider rural hinterland of the Parish, it is considered that the SNDP does not therefore include any policies that could replace the remaining Local Plan policies AG4 and AG9.

4.7 Policies RL3 and RL4 from the 1996 Local Plan were primarily retained as these set a 15 dwellings "trigger" threshold, for securing s106 development contributions towards public open space, sport or recreational facilities. The assessment at Appendix 2 reveals that the JCS (policies 7 and 10) and National Planning Policy Framework (NPPF) do not contain such thresholds.

4.8 The national Planning Practice Guidance should also be taken into account. This reiterates the written ministerial statement of 28 November 2014, which sets minimum thresholds for affordable housing and tariff style planning obligations (section 106 planning obligations); i.e. schemes of 11 or more dwellings (5-units or less for rural areas described under section 157(1) of the Housing Act 1985), or 1000m² or more internal floorspace. Where policies RL3 and RL4 are no longer in force (in this case, the Parish of Stanwick), these national standards should then apply in securing development contributions.

4.9 Furthermore, SNDP policies (recently passed at examination) are considered to align to both the JCS and NPPF; e.g. in that these reflect the need to ensure development viability. The implications of removing the 15 dwellings open space/ facilities threshold from the adopted development plan have been considered. Appendix 2 has analysed whether this could be appropriate and it has been concluded that the previous Local Plan thresholds are not clearly supported by the adopted JCS, NPPF or Planning

Practice Guidance. Therefore, it is considered that SNDP policies OSP2 and OSP3 represent an appropriate replacement to the 1996 Local Plan policies RL3 and RL4.

5.0 Conclusions

5.1 This report seeks Council approval to “make” (adopt) the Chelveston cum Caldecott and Stanwick Neighbourhood Plans, recently passed at referendum, as part of the statutory development plan. In seeking to adopt the Neighbourhood Plans, Council approval is also sought for policies from the 1996 District Local Plan to be reviewed (in respect of the relevant parishes) and superseded where either Neighbourhood Plan contains an appropriate replacement policy..

5.2 The assessment of Local Plan policies AG4, AG9, RL3 and RL4 (appendices 1 and 2) has identified the following changes to the adopted development plan that accompany the “making” (adoption) of the two Neighbourhood Plans:

- For Chelveston cum Caldecott Parish (the defined Neighbourhood Area), Local Plan Policy AG4 be replaced by CCNP Policy H2; and
- For Stanwick Parish (the defined Neighbourhood Area), Local Plan policies RL3 and RL4 be replaced by SNDP policies OSP2 and OSP3.

6.0 Equality and Diversity Implications

6.1 There are no equality and diversity implications arising from the proposals at this stage. The CCNP and SNDP were each supported by Equalities Impact Assessments, which have considered potential equality or diversity implications for the two Neighbourhood Plans.

7.0 Legal Implications

7.1 The two Neighbourhood Plans have been prepared in accordance with the relevant legislation (2012 Neighbourhood Planning Regulations; 2004 Environmental Assessment of Plans and Programmes Regulations, and 2010 Conservation of Habitats and Species Regulations 2010). Changes have been proposed which if approved will result in changes to the statutory development plan policies for the two designated Neighbourhood Plan Areas.

8.0 Risk Management

8.1 Once “made” (adopted), the Neighbourhood Plans will form part of the development planning framework that the Council is required to prepare. Now that the CCNP and SNDP have been passed at referendum, the legislation requires the Council to adopt the two Plans as part of the statutory development plan for East Northamptonshire.

8.2 In addition to “making” the two Neighbourhood Plans, the Council needs to resolve which (if any) of the Neighbourhood Plan policies should replace policies from the 1996 District Local Plan (the current Local Plan Part 2). If this is not properly considered there is a potential risk of confusion and inconsistency in decision making (determination of planning applications).

9.0 Resource and Financial Implications

9.1 There are no direct resource and financial implications arising from this report.

10.0 Constitutional Implications

- 10.1 This report has been brought to full council because at present it is not specified in Part 3 (Scheme of Delegation) that as they will form part of the Council's Local Plan framework that Neighbourhood Plans can be agreed by Planning Policy Committee. It is recommended that this wording is added to clarify this as this will assist in meeting the statutory time limits for adopting plans after successful examination.

11.0 Customer Service Implications

- 11.1 The development plan policy indices for Chelveston cum Caldecott and Stanwick Parishes will need to be updated, and communicated to key stakeholders, as soon as practicable, to ensure that the correct and most up to date policy information is available (<http://www.east-northamptonshire.gov.uk/parishpolicy>).

12.0 Corporate Outcomes

- 12.1 The relevant Corporate Outcomes are:

- Good Quality of Life – sustainable development, strong communities, high quality built environment, improved housing and public health;
- Effective Partnership Working – effective joint working with Town / Parish Councils and Neighbourhood Planning groups to ensure that the newly “made” (adopted) Neighbourhood Plans are used in decision making;
- Knowledge of our customers and communities – ensuring that the current development plan framework is correctly understood.

13.0 Recommendation


- 13.1 The Council is recommended to:

- (1) Adopt (“make”) the Chelveston cum Caldecott Neighbourhood Plan 2016-2031, in accordance with the relevant provisions in the 2011 Localism Act and 2012 Neighbourhood Planning Regulations.
- (2) Adopt (“make”) the Stanwick Neighbourhood Development Plan 2016-2031, in accordance with the relevant provisions in the 2011 Localism Act and 2012 Neighbourhood Planning Regulations.
- (3) For the Parish of Chelveston cum Caldecott, to agree the replacement of 1996 District Local Plan Policy AG4 by Chelveston cum Caldecott Neighbourhood Plan Policy H2.
- (4) For the Parish of Stanwick, to agree the replacement of 1996 District Local Plan policies RL3 and RL4 by Stanwick Neighbourhood Development Plan policies OSP2 and OSP3.

(Reason: To update the adopted development plan for the Parishes of Chelveston cum Caldecott and Stanwick in view of the passage of the respective Neighbourhood Plans at referendum)

- (5) That the wording in Part 3.1 in relation to Planning Policy Committee is amended with the following additional words in bold:
The Formulation, and ~~development~~ **agreement** of the Council's Local Plan, **including the making of Neighbourhood Plans**

[Reason: to allow Neighbourhood Plans to be agreed by Planning Policy Committee in future in order to meet the regulatory time limits to adopt plans after successful examination]

Legal	Power: Town and Country Planning Act 1990 Localism Act 2011 Neighbourhood Planning Act 2017 Neighbourhood Planning (General) Regulations 2012, as amended Neighbourhood Planning (Referendums) Regulations 2012, as amended Neighbourhood Planning (Prescribed Dates) Regulations 2012 Environmental Assessment of Plans and Programmes Regulations 2004 Conservation of Habitats and Species Regulations 2010, as amended				
	Other considerations: N/a				
Background Papers: North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016 (Local Plan Part 1) Saved policies from East Northamptonshire District Local Plan, adopted November 1996 (Local Plan Part 2) Chelveston cum Caldecott Neighbourhood Plan 2016-2031 Referendum Version 5.0, March 2017 (http://ndp.chelveston.org.uk/NDP-Our-Plan) Stanwick Neighbourhood Development Plan 2016-2031 Referendum Version, May 2017 (http://www.stanwickneighbourhoodplan.org.uk/the-plan/4586523881) Planning Policy Committee, 16 November 2015 (Minute 234)					
Person Originating Report: Michael Burton, Principal Planning Policy Officer ☎ 01832 742221 ✉ mburton@east-northamptonshire.gov.uk					
Date: 05 July 2017					
CFO		MO 6/7/17		CX	

Appendix 1: Adopted policies from 1996 District Local Plan which are to be replaced by policies in the Chelveston cum Caldecott Neighbourhood Plan (CCNP) 2016-2031

1996 District Local Plan (DLP) Policy	Policy Name	Commentary	Replacement CCNP Policy
AG4	Re-use and adaptation of buildings in the countryside	Policy AG4 was retained as this provides detailed development management criteria regarding the re-use/ conversion of existing rural buildings, over and above the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) Policy 25. CCNP Policy H2 also provides additional/ more detailed development management criteria in addition to Policy 25 and, as such, represents an appropriate replacement/ update to DLP Policy AG4, in line with the National Planning Policy Framework.	H2
AG9	Replacement Dwellings in the countryside	Development management criteria regarding a particular type of scheme; namely "1 for 1" dwelling replacement. No equivalent policy within CCNP; therefore it is considered appropriate to retain this policy for development management within the rural hinterland, beyond the three established settlements (Chelveston, Caldecott and Chelston Rise).	Retain/ review as part of Local Plan Part 2
RL3	Recreational open space provision by developers	DLP Policy RL3 includes a strategic element; setting trigger thresholds for the implementation of recreational open space in association with new developments (not included within JCS infrastructure policies 7 and 10). The CCNP contains local infrastructure policies; e.g. seeking development contributions towards new footways (H5) and protection of Assets of Community Value (ACV). There are however NO policies in the CCNP relating to thresholds for open space, sport and/ or recreational development; on this basis it is therefore expedient to retain Policy RL3.	Retain/ review as part of Local Plan Part 2
RL4	Children's Play Areas	DLP Policy RL4 includes a strategic element; setting trigger thresholds for the implementation of play areas, in association with new developments (not included within JCS infrastructure policies 7 and 10). The CCNP contains local infrastructure policies; e.g. seeking development contributions towards new footways (H5) and protection of Assets of Community Value (ACV). There are however NO policies in the CCNP relating to thresholds for childrens' play areas; on this basis it is therefore expedient to retain Policy RL4.	Retain/ review as part of Local Plan Part 2

Appendix 2: Adopted policies from 1996 District Local Plan which are to be replaced by policies in the Stanwick Neighbourhood Development Plan (SNDP) 2016-2031

1996 District Local Plan (DLP) Policy	Policy Name	Commentary	Replacement SNDP Policy
AG4	Re-use and adaptation of buildings in the countryside	Policy AG4 was retained as this provides detailed development management criteria regarding the re-use/ conversion of existing rural buildings, over and above the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) Policy 25. The SNDP does not contain any additional local detail regarding rural buildings, over and above JCS Policy 25; therefore it is considered appropriate to retain DLP Policy AG4.	Retain/ review as part of Local Plan Part 2
AG9	Replacement Dwellings in the countryside	Development management criteria regarding a particular type of scheme; namely "1 for 1" dwelling replacement. No equivalent policy within SNDP; therefore it is considered appropriate to retain this policy for development management within the rural hinterland, beyond the Stanwick built-up area.	Retain/ review as part of Local Plan Part 2
RL3	Recreational open space provision by developers	DLP Policy RL3 sets a trigger threshold (15 dwellings) for the implementation of recreational open space in association with new developments (not included within JCS infrastructure policies 7 and 10). The SNDP contains specific policies for managing the protection of existing/ provision of new open space, sport and recreational facilities. Critically, the SNDP seeks that ALL new developments contribute towards open space, sport and recreational infrastructure subject to viability; i.e. NO defined lower limit/ threshold. Given that SNDP, including policies OSP2 and OSP3. has been examined and the Plan does not seek major development land allocations it is considered appropriate that these should supersede/ replace DLP Policy RL3.	OSP2 & OSP3
RL4	Children's Play Areas	DLP Policy RL4 sets a trigger threshold (15 dwellings) for the implementation of childrens' play areas in association with new developments (not included within JCS infrastructure policies 7 and 10). The SNDP contains specific policies for managing the protection of existing/ provision of new open space, sport and recreational facilities (including for children). Critically, the SNDP seeks that ALL new developments contribute towards open space, sport and recreational infrastructure subject to viability; i.e. NO defined lower limit/ threshold. Given that SNDP, including policies OSP2 and OSP3. has been examined and the Plan does not seek major development land allocations it is considered appropriate that these should supersede/ replace DLP Policy RL4.	OSP2 & OSP3
		Implications of removing 15 dwellings threshold from development plan	
	Potential advantage	Improved scope to secure development contributions through planning obligations; i.e. s106, Community Infrastructure Levy (CIL) or any future tariff replacement for CIL	

Appendix 2: Adopted policies from 1996 District Local Plan which are to be replaced by policies in the Stanwick Neighbourhood Development Plan (SNDP) 2016-2031

	Potential disadvantage	Viability assessments could be required in the determination of all planning applications if no explicit lower threshold/ limit is set through the development plan, therefore placing further pressures on the development management process.	
		Conclusions	
		The 15 dwellings "open space" development contributions threshold dates from the 1990s. Subsequent Local Plan and/or national policy updates do not include any such threshold, which serves to reduce opportunities to secure development contributions for open space provision. The recently examined SNDP (policies OSP2 and OSP3) define additional local standards, WITHOUT trigger thresholds. The Neighbourhood Plan therefore provides a mechanism by which additional development contributions could be sought, including for minor development proposals.	
		The removal of the 15 dwellings threshold should be seen within the context of the Local Plan and NPPF, which do not specify such thresholds. Policies OSP2 and OSP3 should be seen within the wider SNDP context, which does not seek to promote major development. Therefore the removal of the 1996 Local Plan standard would accord to the current Local Plan (JCS) and national policy. That said, any viability assessment to support a planning application (as required by Policy OSP3) would need to be proportionate.	