



East  
Northamptonshire  
Council

## Planning Policy Committee 29 July 2019

### Neighbourhood Planning – Update report

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#### Purpose of report

To inform Members of feedback from the recent consultation regarding the King's Cliffe Neighbourhood Plan which was recently submitted for Examination. It will also provide information regarding other Neighbourhood Plans, including Oundle, where there has been some recent progress.

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#### 1.0 Background

- 1.1 Since the 2011 Localism Act and Neighbourhood Planning (General) Regulations 2012 (as amended) were implemented a significant number of Town/ Parish Councils across the District have taken up the opportunity of Neighbourhood Planning.
- 1.2 This report focuses upon providing summary feedback from the Regulation 16 consultation for the King's Cliffe Neighbourhood Plan, which finished on 3<sup>rd</sup> June 2019. It also provides the latest information about other Neighbourhood Plans that are making progress during 2019.

#### 2.0 Regulation 16 consultation – King's Cliffe Neighbourhood Plan submission version

- 2.1 On 19 March 2019, King's Cliffe Parish Council formally submitted the King's Cliffe Neighbourhood Plan to East Northamptonshire Council for Examination. Alongside the draft Neighbourhood Plan itself, the Parish Council also submitted a suite of other documents, in accordance with Regulation 15. These include the Basic Conditions Statement and Consultation Statement. Equalities Impact Assessment (EIA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinions were submitted separately, together with respective responses from the Environment Agency, Historic England and Natural England. On 27 March, East Northamptonshire Council wrote to the Parish Council to confirm that the submission documents fulfil the relevant statutory requirements. We also made a number of general points about the Plan for consideration by both the Parish Council and the Examiner in due course. The general points were as follows:

- On the topic of affordable housing, the Plan needs to recognise that the Local Plan (JCS Policy 30) 40% standard always applies subject to development viability.
- In Policy H1 (development within the settlement boundary), references made to character, residential amenity and infrastructure capacity are too broad brush – the 2<sup>nd</sup> sentence is not sufficiently positively worded and these criteria offer little/ not additional direction over and above the JCS Place Shaping criteria (Policy 8).
- In relation to Policy SH1 (standards reflecting challenges of climate change) and the supporting text, it is noted this refers to JCS Policy 9 in relation to water consumption. However, a broader reference is needed to JCS Policy 9 which sets out sustainable building design standards.

- 2.2 Submission of the draft Neighbourhood Plan required the Local Planning Authority to:

- Carry out a 6 weeks consultation under Regulation 16, on behalf of King's

- Cliffe Parish Council; then
    - Appoint an independent Examiner, to assess the draft Neighbourhood Plan against the five “basic conditions”.
- 2.3 The Regulation 16 consultation took place from 6 April – 21 May 2019, inclusive. Responses from 6 parties were received.
- 2.4 **Representations from statutory consultation bodies**  
4 representations were received, from the following statutory consultation bodies:
- Anglian Water;
  - Natural England;
  - National Grid; and
  - Historic England.
- 2.5
- Anglian Water makes a number of points about water consumption, rainwater harvesting, sustainable drainage systems and surface water drainage and suggests a number of changes to improve Policy SH1 of the Plan which is about addressing the challenges of climate change.
  - National Grid does not raise any particular concerns and just provides general information about gas and electricity mains and supplies in the area for developers to take into account.
  - Natural and Historic England do not have any specific comments on the Neighbourhood Plan.
- 2.6 **Representations from other parties**  
2 representations were received.
- 2.7 The first was from Peter Brett Associates on behalf of Northamptonshire County Council who own one of proposed development sites. This site is allocated for the development of a day care centre, assisted living units and a surgery complex in the Plan. They suggest an amendment to the wording of the Policy to allow for a surgery but not to make it an essential requirement for the site. This is because they consider this, whilst commendable as an approach, has an extremely limited market and there is only one medical services provider which would consider a purchase of the site for such a facility. On this basis, it poses a considerable constraint on the County Council’s ability to achieve best value from the sale of the site and it may also prejudice the development of the rest of the site for housing for older people and others with disabilities.
- 2.8 The second was from Gladmans on behalf of another landowner. They are objecting to a number of aspects of the Plan. The first of these is Policy H1, which is the general housing Policy. This proposes a settlement boundary for the village and they object to it if it precludes the delivery of otherwise sustainable development opportunities from coming forward on the edge of the village. They also object to the definition of ‘small scale’ within the supporting text as they consider it will limit the ability of sustainable growth opportunities to no more than 5 dwellings. Finally, they wish to question a statement in the Policy that development will not be considered suitable if it exceeds the capacity of existing infrastructure and services. They point out the delivery of sustainable development will often provide financial contributions on topics such as local education, medical facilities and other infrastructure assets to help mitigate the adverse impacts of development. They recommend a number of amendments to the Policy to address these points.
- 2.9 Gladmans also object to Policy H2, which deals with housing mix, as they consider it to be very specific in terms of referring to 1 to 2 bedroomed homes. They consider this too inflexible to deal with changes to the type of housing that may be needed in the future.

- 2.10 In addition, they object to Policy BE1 which requires sympathetic design because it uses terms such as development not being overly prominent in scale or not giving rise to visual overbearing of neighbouring properties without giving further guidance about these in the supporting text. Accordingly, they consider this is likely to give rise to conflicting decisions.
- 2.11 Furthermore, Gladmans wish to make the point that they consider Policy TP2 (enabling off road parking) contains parking standards which differ from the Countywide ones without justification.
- 2.12 They also are concerned about Policy TP4 which promotes sustainable development through design and, in particular, a requirement for at least electrical charging point for vehicles on developments of 5 or more houses. They feel this has implications for the ability of the electricity infrastructure to cope and also to impact on the viability of developments. They would prefer the Policy to encourage this provision rather than make it an essential requirement.
- 2.13 Finally, they object to Policy RC1 which seeks to designate several areas of local green space. They are not sure that all of these meet the national Guidance on this topic. In particular, they need to be in reasonably close proximity to the community served, hold a particular local significance and not be an extensive tract of land.
- 2.14 An Examiner has now been appointed to look at the Plan and the supporting documents. All of the views that were received as a result of the Regulation 16 consultation have been forwarded to him for consideration as part of this process.
- 2.15 **The next stages**  
The “default” position for Neighbourhood Plan examinations is that these will normally be undertaken through written representations. However, where appropriate, the Examiner may decide to hold hearing sessions; e.g. in situations where alternative or rival site allocations are being promoted.
- 2.16 The next stage will involve the Examiner publishing his report. If the King’s Cliffe Neighbourhood Plan is deemed to have fulfilled the basic conditions (normally, in practice, incorporating modifications that the Examiner deems necessary), then it would proceed to a local referendum later this year.

### **3.0 Other Neighbourhood Plans where matters have progressed.**

#### **3.1 Oundle Neighbourhood Plan**

Since the last report was prepared on this topic for the 29<sup>th</sup> April 2019 meeting of this Committee, the Oundle Neighbourhood Plan has progressed to the point where the submission version of the draft Plan (2011-2031) has been received. A procedural/legal issue was identified in relation to the need to consult Natural England, the Environment Agency and Historic England regarding the submitted Sustainability Appraisal report. This consultation was subsequently carried out. It ran until 5<sup>th</sup> July and raised no issues.

3.2 In view of this, a full Regulation 15 Legal check of the Plan has now been carried out. This has confirmed that, whilst ENC is of the opinion that the draft Neighbourhood Plan is in general conformity with the basic requirements, it does raise a number of minor points and more significant concerns. The main areas of concern are as follows:

- Inconsistencies in the settlement boundary. A number of inconsistencies have been identified in how the settlement boundary has been defined. For example, it currently includes land in Glapthorn Parish and this is outside the remit of the Plan. It also does not reflect recent developments which have taken place in the vicinity of Prince William School. These are considered to move the settlement boundary out further than the Neighbourhood Plan shows.
- The site selection/consultation process. The 1<sup>st</sup> draft of the Neighbourhood Plan proposed 7 housing sites. It has now been reduced to 5 by the deletion of

sites in Cotterstock Road and St Christopher's Drive with the shortfall of housing that results being added to one of the other sites (south of Herne Road). It is considered that this represents a significant change to the overall strategy and there has not been a further round of consultation following this decision to delete 2 of the original sites. This is a cause for concern because it is contrary to the aim that Neighbourhood Plans should be progressed with the full involvement of the local community. In addition, more information is needed about the site shortlisting process.

- The deliverability of selected sites. The two sites which have been deleted from the Neighbourhood are both contained in the Council's Draft Local Plan and are at an advanced stage of progression towards the submission of planning applications. It is therefore considered that these are the most deliverable and, with these discounted, this raises concerns about the site selection process as a whole.
- Conformity with strategic Policies. The decision to delete the Cotterstock Road site represents a direct challenge to the adopted strategic Policies of the Local Plan. Paragraph 8.18 of the Council's Rural North, Oundle and Thrapston Plan identifies this site as being suitable as a longer term site allocation.
- Housing density. All five sites are proposed at a density that is less than that being encouraged via the North Northamptonshire Joint Core Strategy. Accordingly, the sites are considered to offer much more capacity than the Neighbourhood Plan currently proposes. This could result in 111 more dwellings on the 5 sites in total.
- Concerns about two of the individual sites, in particular. It is noted that the Herne Road site has been increased to 120 dwellings following the deletion of sites at St Christopher's Drive and Cotterstock Road. The reason for the deletion is given as mainly due to highway/access issues. It is unclear how the Herne Road site is considered acceptable on highway grounds when it would be served from a single point of access similar to the one for the St Christopher's Drive site and would be a larger development to the one that the neighbourhood Plan originally proposed for that site. In addition, another site (North of Benefield Road) has been amended since the 1<sup>st</sup> draft of the plan so that the residential element is detached from the main urban area. It is considered that the previous version, which had it immediately adjacent to Benefield Road/Wakerley Close, should be reinstated.

A letter has been sent to the Town Council advising of these points for their consideration. This will also be considered by the Examiner who is appointed to look at the Plan.

3.3 The Plan is now subject to Regulation 16 consultation over the period 12th July to 27th August, 2019 inclusive. During this time, an Examiner will be appointed in discussion with the Town Council.

3.4 **Warmington**

The Warmington Neighbourhood Plan has progressed to being subject to Regulation 16 consultation which will close on 29<sup>th</sup> July 2019.

3.5 **Twywell**

A Neighbourhood Area was formally designated for Twywell on 9<sup>th</sup> May 2019. This will enable work to begin on their Neighbourhood Plan.

3.6 **Barrowden and Wakerley**

Finally, the Barrowden and Wakerley Neighbourhood Plan has recently been Examined. Work is currently underway with the aim of concluding this document. This is being coordinated by Rutland County Council.

3.7 Further details about progress with other Neighbourhood Plans may be obtained from the Council's Neighbourhood Planning web page (<https://www.east-northamptonshire.gov.uk/neighbourhoodplanning>) and/ or individual Town/ Parish

Council Neighbourhood Plan pages.

#### **4.0 Equality and Diversity Implications**

4.1 There are no equality and diversity implications arising from this report. Neighbourhood Plans must be supported by Equalities Impact Assessments, which should ensure compliance with the relevant equalities and Human Rights legislation.

#### **5.0 Legal Implications**

5.1 Each Neighbourhood Plan has been/ is being prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended. Referendums will be carried out in accordance with the requirements of the Neighbourhood Planning (Referendums) Regulations 2012, as amended. Given that this report is provided for information only however, there are therefore no legal implications arising from it.

#### **6.0 Risk Management**

6.1 There are no significant risks arising from this report.

#### **7.0 Resource and Financial Implications**

7.1 The Government (Housing, Communities and Local Government) provides £20,000 to the local planning authority for each Neighbourhood Plan to cover the cost of each referendum, upon successful completion of the neighbourhood planning examination. Payments of £20,000 are due from the Ministry of Housing, Communities and Local Government to cover the costs of each referendum.

7.2 Comments on the Neighbourhood Plan have been encouraged to be submitted via a 'Smart Survey' The Council is already paying for a "Smart Survey" licence, through Resources and Organisational Development. Therefore, there would be no further costs associated with the using Smart Survey under the current terms. However, if a more advanced Smart Survey package is deemed necessary then this could entail an additional annual fee to cover the enhanced licence.

#### **8.0 Constitutional Implications**

8.1 Day to day matters of Planning Policy, including providing proactive guidance and/ or comments by East Northamptonshire Council regarding emerging Neighbourhood Plans, have already been delegated to the Planning Policy Committee. As such, there are no constitutional implications arising from the proposals.

#### **9.0 Customer Service Implications**

9.1 There are no customer service implications arising from this report.

#### **10.0 Corporate Outcomes**

10.1 The relevant Corporate Outcomes are:

- Good Quality of Life – delivery of delivery of regeneration, economic development, sustainable development and strong communities
- Effective Partnership Working – effective joint working with Neighbourhood Planning bodies
- Effective Management – providing the necessary support to ensure that Neighbourhood Plans are legally compliant

## 11.0 Recommendation

11.1 This report is presented to Members for information. The Committee is therefore recommended to:

- (1) Note the current stage in preparation of the King's Cliffe Neighbourhood Plan Development Plan 2018-2031 and the summary of Regulation 16 consultation representations at section 2.0 (above);
- (2) Note the progress of other Neighbourhood Plans that are coming forward during 2019.

*(Reason – to support the forthcoming King's Cliffe Neighbourhood Plan through examination and support other Neighbourhood Plans as these progress)*

<b>Legal</b>	Power: <b>Town and Country Planning Act 1990 (Amended by the Localism Act 2011)</b> <b>Neighbourhood Planning (General) Regulations 2012 (as amended)</b> <b>Neighbourhood Planning (Prescribed Dates) Regulations 2012 (as amended)</b> <b>Neighbourhood Planning (Referendums) Regulations 2012 (as amended)</b> <b>Conservation of Habitats and Species Regulations 2010</b>				
	Other considerations: None				
<b>Background Papers:</b> King's Cliffe, Oundle, Warmington and Wakerley and Barrowden Neighbourhood Plan submission documents plus the Twywell Parish Council map showing the proposed neighbourhood Area. All these documents are available via the Neighbourhood Planning page of the Council's website.					
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