Purpose of report
To inform Members of feedback from the consultation regarding the Warmington Neighbourhood Plan this was recently submitted for Examination and update on progress regarding the King's Cliffe, Oundle, Wakerley & Barrowden, and Hargrave Neighbourhood Plans.

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 on the Regulation 16 consultation for the Warmington Neighbourhood Plan, which finished on 29th July 2019 and the events since then. Updates will also be given on other Neighbourhood Plans which are at different stages in the process.

2.0 Regulation 16 consultation – Warmington Neighbourhood Plan submission version.

2.1 On 14 May 2019, Warmington Parish Council formally submitted the Warmington 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 included;

- Basic Conditions Statement and Consultation Statement,
- Equalities Impact Assessment (EIA)
- Strategic Environmental Assessment (SEA) and
- Habitat Regulations Assessment (HRA) screening opinions.

On 22 May, East Northamptonshire Council wrote to the Parish Council to confirm that the submission documents fulfil the relevant statutory requirements. Officers 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:

- Policy W1

This seeks community engagement in planning. It is considered this represents a community aspiration rather than a development plan (Neighbourhood Plan) policy.

- Map 4 Possible Housing Development Sites

The Parish Council has been advised it may be helpful to reinstate the green lines, from the previous draft (26 April) version of the Plan (Map 3), in order to provide additional clarification in identifying where the current Rural North, Oundle and Thrapston Local Plan (RNOTP) settlement boundary is proposed to be modified.
• Policy W3  Site Allocation for Future Housing Development

It is considered that the first sentence, which makes reference to RNOTP Policy WAR1, is supporting/descriptive text (rather than actual policy) and should be removed from Policy W3. This amendment is considered necessary because Policy W3 would replace RNOTP Policy WAR1 once the Neighbourhood Plan is ‘made’.

• Map 6 Local Green Spaces

It is noted that site 17 on Map 6 relates to a domestic property with a large curtilage. This property, 3 Spinney Close, has been subject to a recent Lawful Development Certificate case (reference 19/00468/LDP; granted 13 May 2019) which has established it can have a number of extensions and outbuildings in the grounds. If the Parish Council is seeking to include 3 Spinney Close and its curtilage within the Local Green Space (LGS) designation, it will be necessary for them to publish the assessments justifying this as part of the Neighbourhood Plan evidence base.

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 Warlington 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 14 June – 29 July 2019 inclusive. Responses from 10 parties in total were received.

2.4 Representations from statutory consultation bodies

Representations were received from the statutory consultation bodies as follows:

• 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 England does not have any specific comments on the Neighbourhood Plan.
• The Lead Local Flood Authority state the ‘basic conditions’ and they have no further comment to make.
• Northamptonshire County Council, as Mineral Planning Authority, considers Section 1 should make reference to the Northamptonshire Minerals and Waste Local Plan being part of the development plan along with the North Northants JCS and associated plans. They consider this section should also reference that minerals and waste matters are specifically excluded from neighbourhood plans and that where the neighbourhood plan references proposals for development in policy that this excludes minerals and waste related development. They note the plan seeks to designate an area highlighted in yellow on Map 7 (and given the reference 20) as important local space. They point out the northern half of this area is allocated for mineral extraction in the Northamptonshire Minerals and Waste Local Plan and which as an adopted local plan has been through consultation and independent examination and been found sound. The County Council as Minerals and Waste Planning Authority therefore objects to this designation and, as such, considers it fails to meet the basic conditions requirement. They have no objection to the southern half of the proposed area of important local space outside of the minerals allocation being included in the Neighbourhood Plan if this southern area has the necessary attributes for such designation. They also note that paragraph 7.6 makes reference to issues raised at the public event that “there was strong feeling against further gravel extraction on the flood meadows beyond the Mill”. As the neighbourhood plan is excluded from covering minerals and waste matters, it is considered this text should be
excluded. Finally, they note potential housing site 1 (on Map 4) is in a sand and gravel safeguarding area and any planning applications made on this site will need to have regard to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (2017). They consider the Neighbourhood Plan should reference this.

- **Northamptonshire County Council as Highway Authority** notes paragraph 9.1 of the Plan refers to the A605 as a ‘major strategic highway’. They point out that strategic roads are managed by Highways England whereas the A605 is part of the principal road network that is managed by the County Council. They therefore wish for this to be corrected in the Plan.

- **Northamptonshire County Council Development Management Team** makes various general points about the need to secure adequate education, fire and rescue, library and broadband infrastructure in connection with developments. Related to this, they ask that Policy W3 (Site allocation for future housing development) makes reference to the need to secure planning obligations towards primary education infrastructure if necessary. Furthermore, in relation to Policy W4 (criteria for selection of housing site locations outside the village boundary), they note it includes a requirement to consider additional infrastructure requirements to support large housing sites including the potential for the relocation of the primary school. They consider that in the event that such a measure is required, this must be in consultation with the County Council and, where appropriate, any such action is supported via a Section 106 Agreement. They also consider Policy W4 should also seek to secure Section 106 contributions to support the provision of additional capacity at the existing school in the event that relocation is not considered appropriate.

- **Anglian Water** note that reference is made to the County Council’s Local Standards in the Plan and ask that reference is made to their Surface Water Management Policy and Sustainable Drainage Systems (SuDS) adoption handbook. They also note changes have been made to the design code in response to comments made by the County Council as Lead Local Flood Authority and support the requirement for applicants to include the provision of SuDS so as not to increase flood risk and to reduce flood risk where possible. Finally, they consider SuDS would help reduce the risk of surface water and sewer flooding.

2.5 **Representations from other parties**

3 representations were received.

2.6 The first is on behalf of the owner of the site at 3 Spinney Close. This site has been referred to in Paragraph 2.1 above.

2.7 In summary, this is concerned about two aspects of the Plan in relation to this property. The first relates Policy W2 and, in particular, to the designation of much of the garden of this property outside the settlement boundary for the village. A boundary in this position is currently shown in the Council’s Rural North, Oundle and Thrapston Plan. However, they argue the situation has changed since then. They consider the property to be integral to the built up area of the village as a result of a combination of the permitted development rights it has (various extensions and buildings in the grounds have been accepted under Council reference 19/00468/LDP) and a number of planning applications that have been made relating to the grounds which they consider are likely to be approved in the near future (19/00598/FUL for the conversion and extension of a barn to create a dwelling plus 19/00957/FUL for a new dwelling on the Church street frontage). As a result, they consider this Policy (as it relates to this property) contravenes basic condition 2 as it does not contribute to sustainable development and basic condition 3 as it is considered this is not in general conformity with the strategic policies set out in the development plan.

2.8 In addition, it objects to the designation, in Policy W7, to much of the garden of this property as an area of Local Green Space. Again, they note this designation has been carried forward from the Rural North, Oundle and Thrapston Plan and they consider
there is insufficient evidence to justify this and, once more, circumstances have changed. It is therefore considered this contravenes basic condition 1 as it fails to have regard to national planning policy and guidance from the Secretary of State about how such areas should be designated.

2.9 The second representation is from Gladman Developments. In summary, this expresses 3 concerns as follows:

- There is concern that Policy W2 states the existing settlement boundary will be retained and all development outside this boundary will be resisted with the exception of rural exception sites and additional housing requirements imposed through overarching national or Local Planning Authority Policy changes. It is considered this approach precludes otherwise sustainable development coming forward in such locations and this does not accord with the positive approach to growth required by the National Planning Policy Framework. Therefore, they consider the Plan to be contrary to basic Condition (a) as it is not in line with national policy. Related to this, it is considered Policy W4, which lists the types of development which will be acceptable outside the settlement boundary, should be opened up to all forms of development. In addition, there is concern that this Policy refers to small scale sites being preferred and it is considered this should be changed to sites being proportionate in scale to Warmington.
- There is concern about Policies W7 and W8 which seek to designate Local Green Space and Important Local Open Space. It is considered there is insufficient evidence to support these designations. This is considered contrary to the National Planning Policy Framework and therefore also contrary to basic Condition (a).
- Finally, there are concerns about Policy W9 which seeks to protect important views. It is considered that opinions on landscape are highly subjective and there is insufficient evidence to support why these views are considered special in the Plan. Accordingly, the Policy, in the current form, is likely to lead to inconsistencies in the decision-making process.

2.10 The third representation is from a mineral extraction and land restoration company. In summary, this is concerned that the Plan does not recognise an area allocated for mineral extraction in the County Council’s Mineral and Waste Local Plan (adopted July 2017). They point out a Neighbourhood Plan should be in conformity with strategic policies such as this and are concerned that it makes reference to specific areas within the proposed mineral extraction site which are of importance to the local community without accepting the allocated area that is safeguarded for mineral extraction. These include the eastern sector of the site which is stated to be ‘important open space’. They add that, following mineral extraction, the site will be restored to flood meadows and consider the end product will increase the biodiversity within the locality.

2.11 **Next stage in the process.**
The Plan Examiner considered the implications of the representations following the expiry of the period given to make views on the Plan. He issued his final report on 28th August 2019. This recommended that the Plan proceeded to Referendum providing a number of changes were made to it.

2.12 The main changes that were recommended include –

- Policy W1 (which expresses a desire for community engagement in planning) be deleted (as it is not really a Policy) and included as a parish aspiration.
- Policies W2 and W4 (which refer to the settlement boundary and development within and outside it) are merged into one policy and expanded to include other categories of development which local and national policies allows outside settlement boundaries.
- That Policy W3 (which allocates a parcel of land within the settlement for residential and commercial use) is retained but the content is shortened to make it clearer and the extra wording which is removed is added to the related
The content of Policy W5 (which supports the use of design codes) is reversed and minor amendments are made to the wording of it.

Minor amendments are made to the wording of Policy W6 (Backland or Tandem Development).

The wording of Policy W7 (Local Green Spaces) is slightly amended and the land at 3 Spinney Close which is referred to in one of the objections to the Plan is removed from this category on the accompanying map.

That Policy W8 is renamed ‘Other Local Spaces’ and the wording be amended on the related map. Minor amendments are also recommended to the wording of this Policy and also part of one of the ‘Other Local Spaces’ is deleted on the map where it overlaps with a site included in the Northamptonshire Minerals and Waste Local Plan.

That Policy W10 (developer contributions for community facilities) is deleted and included as a parish aspiration as there is a later Policy (W15) which deals with the topic of developer contributions in general.

That the first part of Policy W11 (Traffic Management and Transport Improvements) is deleted and set out as a parish aspiration. This is because the first part relates to various road safety and traffic management initiatives which are highways rather than planning matters.

That Policy W12 (Sustainable Transport) is amended to include different numbering and to reflect that fact that most development delivered via the Plan will be small scale and not able to deliver they sustainable transport measures that are being sought by it.

Some amendments to the wording of Policy W15 (Developer contributions) to give it better clarify as required by the NPPF.

Finally, the Examiner recommended the start date for the Plan be 2019 and a correction to the wording relating to the A605 to refer to it as part of the principal road network rather than a major strategic highway.

2.13 An updated version of the Plan incorporating these changes has been received from the Parish Council. At the time of writing this report, arrangements are being made for it to proceed to a Referendum with the likely date being 24th October 2019. A verbal update on this will be given at Committee.

3.0 Examiner’s Report – King’s Cliffe Neighbourhood Plan

3.1 The Examiner’s Report for the King’s Cliffe Neighbourhood Plan was received on 22nd July. This recommended that the Plan proceeded to Referendum providing a number of changes were made to it; the key proposals are set out in paragraph 3.2 below.

3.2 The examiner advised that the following key changes be made to the Neighbourhood Plan:

- Removing the limit of five units in terms of the definition of a small-scale infill residential scheme.
- Taking out the requirement that infill housing can only go on vacant and undeveloped land within the settlement boundary and the addition of two categories of housing development allowable as exceptions, in areas outside of the settlement boundary, to be in line with national policy.
- Removing the policy element requiring a development to have to comply with sustainable building standards, as these are already required in another part of the development plan and to change the requirement to provide rainwater and storm water harvesting to a policy that encourages its use.
- Taking out the policy requirement for tree planting on schemes over five units and amending the requirements for new buildings to match the surrounding pattern of development to one of “having regard to adjoining development”
- Removing the element of policy to avoid a significant adverse impact on the setting of “protected open space”.
- Requiring traffic management measurements only where it derives from the
significant impact from development on the highway network and removing the requirement for development to fund traffic management schemes.

- Deleting the plan’s parking standards as they essentially provide for the same or less parking in most situations than are required by the 2016 parking standards adopted by the County Council and which is the document the District Council’s officers use in determining Planning Applications.
- Removing reference to the speed of broadband service required for the new development.
- Removing reference to seeking designation of assets of community value.
- Removing three woodland areas as local green space sites.
- Setting the threshold of significant harm to ecological interests to warrant the refusal of planning applications.
- Bringing the definition of affordable housing into line with the 2019 NPPF.

3.3 These changes have all been accepted by the Parish Council and, at the time of writing this report, the Plan was due to be subject to a Referendum on 19th September 2019. A verbal update on the outcome of this will be given at Committee.

4.0 Other Neighbourhood Plans where matters have progressed.

4.1 Oundle

4.2 The Plan was subject to Regulation 16 consultation which finished on 27th August 2019. A report summarising the representation received is considered as a separate item on the agenda (Item 7).

4.3 Barrowden and Wakerley

4.4 This Plan is currently awaiting referendum, which is being organised by Rutland County Council, as the larger part of the Plan extends into that County. A Referendum is likely to be held on 17th October, 2019. Again a verbal update on this will be given at Committee.

4.5 Hargrave

4.6 An application for the designation of a neighbourhood area for the Parish of Hargrave has also been received at the time of writing this report. A verbal update on this will be given at Committee.

4.7 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.

5.0 Equality and Diversity Implications

5.1 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.

6.0 Privacy Impact Implications

6.1 All representations submitted by members of the public in respect of Neighbourhood Plan consultations, along with any personal details relating to other representations, have been redacted for publication on East Northamptonshire Council’s website, to ensure that personal information is not published alongside the submitted representation.
7.0 Legal Implications

7.1 Each Neighbourhood Plan has been/is being prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, as amended. The 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.

8.0 Risk Management

8.1 There are no significant risks arising from this report.

9.0 Resource and Financial Implications

9.1 The Government (Ministry of 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; this will cover the costs of the individual referendum.

9.2 Comments on the Neighbourhood Plans have been encouraged using 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.

10.0 Constitutional Implications

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

11.0 Implications for our Customers

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

12.0 Corporate Outcomes

12.1 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

13.0 Recommendations

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

1. Note the progress of the Neighbourhood Plans as listed in the report.

   *(Reason – to support the various Neighbourhood Plans as these progress)*
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Other considerations: None

**Background Papers:** The most recent versions of the Warmington, King’s Cliffe, Oundle and Wakerley and Barrowden Neighbourhood Plans. All these documents are available via the Neighbourhood Planning page of the Council’s website.

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**Date:** 23 September 2019

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