



Council – 14th October 2019

“Making” (adoption) of the King’s Cliffe Neighbourhood Development Plan 2018-2031

Purpose of report

Approval is sought for the Council to “make” (adopt) the King’s Cliffe Neighbourhood Development Plan 2018-2031, which was passed at referendum on 19 September 2019, and to agree which Policies from the Rural North, Oundle and Thrapston Plan are thereby superseded through the Neighbourhood Plan.

1.0 Background

- 1.1 On 15 April 2015 King’s Cliffe Parish Council applied for the Parish area of King’s Cliffe to be designated a Neighbourhood Area. This application, approved under Regulation 7 of the Neighbourhood Planning (General) Regulation 2012 (as amended), enabled the Parish Council to lead preparation of a Neighbourhood Development Plan (or “Neighbourhood Plan”) for the Parish of King’s Cliffe.
- 1.2 Over the past four years the Parish Council has worked with the community to prepare a Neighbourhood Plan. Key milestones and further details regarding the Plan are set out on the Council’s Neighbourhood Planning web page:
 - <http://www.east-northamptonshire.gov.uk/neighbourhoodplanning>.
- 1.3 The plan making process for the King’s Cliffe Neighbourhood Development Plan culminated in the acceptance of this Plan at a referendum, which was held on Thursday, 19 September 2019.
- 1.4 This report considers:
 - The main issues of the King’s Cliffe Neighbourhood Development Plan
 - Adopted Local Plan policies that will be superseded by the King’s Cliffe Neighbourhood Development Plan within the Plan area.
- 1.5 To meet legislative requirements the Neighbourhood Plan is required to be made by the Council within 8 weeks of the referendum taking place. There is a delegation in place for the making of neighbourhood plans through the resolution of the Planning Policy Committee. However, the next meeting of that Committee will take place after that period has elapsed therefore, on this occasion, the report has been submitted to Council to allow the Plan to be made within the statutory timeframe required.

2.0 Main issues of the King’s Cliffe Neighbourhood Development Plan

- 2.1 The King’s Cliffe Neighbourhood Development Plan contains spatial planning and development management policies relating to the Parish, for the period 2018-2031. These apply strategic policies from the North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (the Local Plan Part 1), in the local context.
- 2.2 The Neighbourhood Plan (paragraph 6.2) sets out a distinctive local vision for King’s Cliffe up to 2031, and sets out 17 separate policies which are a combination of site specific and development management policies.

- 2.3 The Plan makes provision for the development of housing for King's Cliffe up to 2031 through a combination of two allocated sites, infill development within the defined settlement boundary and, providing various criteria are met, housing adjacent to or outside the settlement boundary. It also has an employment land allocation at Kingsmead for small business units. Other site specific policies relate to standards reflecting:
- the challenges of climate change,
 - encouraging sympathetic design,
 - securing road safety,
 - encouraging small businesses and local employment,
 - securing access to high speed broadband,
 - the retention of amenities and community facilities,
 - protecting Local Green Spaces and
 - delivering quality and accessibility enhancements to the Public Rights of Way network.

- 2.4 Overall, it is concluded that the King's Cliffe Neighbourhood Development Plan sets out locally distinctive policies for the Parish that complement and enhance existing Local Plan policies.

3.0 Results from the Neighbourhood Plan referendum

- 3.1 The King's Cliffe Neighbourhood Development Plan referendum held on 19 September 2019 resulted in the following:

- 400 "Yes" votes to "make" the King's Cliffe Neighbourhood Development Plan out of 451 ballot papers that were issued. This equates to 88.7% of those who voted being in favour of the Plan.
- Turnout was 38% of the electorate.

In accordance with the Regulations, where more than half of those voting in a referendum have voted in favour of the Neighbourhood Development Plan, the Local Planning Authority must "make" it part of the statutory development plan and use it when making decisions on planning applications in the Plan Area (in this case, the parish of King's Cliffe).

4.0 Adopted Local Plan policies that will be superseded by the King's Cliffe Neighbourhood Development Plan within the Plan area (the Parish of King's Cliffe)

- 4.1 The JCS sets out the strategic Local Plan policies that the King's Cliffe Neighbourhood Development Plan must be in general conformity with. A number of non-strategic policies from the 2011 Rural North, Oundle and Thrapston Plan (RNOTP) also remain in force. The Council must consider which (if any) of these non-strategic Local Plan policies will be replaced by equivalent policies from the King's Cliffe Neighbourhood Development Plan for the Parish area.

- 4.2 All policies from the JCS must be regarded as "strategic". In addition, 12 policies from the 2011 RNOTP currently remain in force for the Parish of King's Cliffe:

- Policy 2 – Windfall Development in Settlements;
- Policy 4 – Green Infrastructure;
- Policy 5 – Transport Network;
- Policy 6 – Residential Parking Standards;
- Policy 10 – Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves;
- Policy 12 – Considerate Construction;
- Policy 15 – Open Space, Sport and Recreational Facilities;
- Policy 16 – Protected Employment Areas

- Policy 17 – Employment sites occupied by single businesses;
- Policy 23 – Rural Buildings – General Approach;
- Policy 24 – Replacement Dwellings in the Open Countryside; and
- KCF1 – Kingsmead Small and Medium Enterprises Site, King’s Cliffe.

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). At the time this concluded that RNOTP policies 15, 23 and 24 should be regarded as “strategic”; while the remaining RNOTP policies listed above, are deemed non-strategic.

4.4 Nevertheless it is considered appropriate to reconsider the status of all 12 remaining policies from the 2011 RNOTP, in view of the subsequent adoption of the JCS, the emergence of a new District-wide Local Plan Part 2 and the passage of the Neighbourhood Plan at referendum. Given that the RNOTP pre-dates the National Planning Policy Framework (latest revision February 2019), it is necessary to establish which (if any) Neighbourhood Plan policy provides an equivalent replacement.

4.5 Officers assessed which (if any) of the remaining policies from the RNOTP has an equivalent Neighbourhood Plan Policy such that the latter could represent a Parish-wide update. Of the 12 RNOTP Policies that remain in force, the assessment has found that:

- **Neighbourhood Plan Policies H1, H2, BE1, BE2 and RBS1** detail criteria to be considered in relation to development for housing and employment uses within the defined settlement boundary and include character, amenity, the capacity of infrastructure and services, housing mix, sympathetic design and protecting important views. These correspond with points mentioned in RNOTP Policy 2 regarding windfall development within settlement boundaries and are therefore suitable to replace it;
- **Neighbourhood Plan Policy RC1** lists Local Greenspaces to be protected including King’s Cliffe Meadow. RNOTP Policy 10 (Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves) is in two parts. Firstly, it seeks to protect designated Local Nature Reserves or other Local Sites and, secondly, in relation to King’s Cliffe, seeks to designate King’s Cliffe Meadow as a Local Nature Reserve. Policy 4 of the adopted North Northants Joint Core Strategy (JCS) seeks to protect biodiversity interests in general and so could be argued to already supersede the first part of Policy 10 of the RNOTP. In relation to the second part, according to the Neighbourhood Plan, work is underway to designate King’s Cliffe Meadow as a Local Nature Reserve. As Policy 4 of the JCS and Policy RC1 of the Neighbourhood Plan protect the King’s Cliffe Meadows site, it is considered appropriate to replace RNOTP Policy 10 in respect of the King’s Cliffe parish area.
- **Neighbourhood Plan Policy SA2** seeks the development of small businesses on the remaining land at Kingsmead industrial estate. The site is referred to in RNOTP Policy KCF1 as being appropriate for the establishment and expansion of small firms. SA2 can therefore replace this part of the Policy. KCF1 also offers protection for existing business units at this location. However, Policy 16 of the RNOTP seeks to safeguard existing and committed employment sites for employment use and the appendix that relates to this identifies Kingsmead as one such site. Accordingly, there is no need for Policy KCF1 to remain in force just for this purpose. Therefore, Policy SA2 of the Neighbourhood Plan can replace RNOTP Policy KCF1.

4.6 A number of remaining RNOTP policies, are not found to have an equivalent Neighbourhood Plan replacement. The situation with each of these is as follows:

4.7

- **Neighbourhood Plan Policies RC2 and TP3** encourage improvements to

biodiversity and pedestrian and cycle links, as also referred to in **RNOTP Policy 4 (Green infrastructure)**. However, Policy 4 also lists a couple of green infrastructure projects which are to be designed in consultation with Natural England (Wakerley-King's Cliffe-Yarwell-Peterborough and King's Cliffe-Oundle) and which seek to secure green economic uses plus imaginative recreational facilities, and also states that, for large sites, a masterplan should set out how green infrastructure will be delivered. There is no reference to these items in the Neighbourhood Plan. These Policies therefore do not represent an appropriate replacement for Policy 4 (Green infrastructure).

- **Neighbourhood Plan Policies TP1, TP2 and TP3** relate to road safety, improving access for pedestrians and cyclists and promoting sustainable transport, some of which is referred to in **RNOTP Policy 5 (Transport network)**. However, Policy 5 also refers to improving bus services and community transport in two areas, one of which is King's Cliffe. There is no specific Policy in the Neighbourhood Plan on this topic and, accordingly, Policies TP1, TP2 and TP3 are not a complete replacement for Policy 5 of the RNOTP.
- The Neighbourhood Plan originally proposed to define residential parking standards with the aim that they exceeded and superseded those in **RNOTP Policy 6**. However, RNOTP Policy 6 was adopted in 2011 and the County Council has since adopted revised Countywide parking standards (2016). These more recent standards are used by the Council's Development Management Officers in determining Planning Applications. Unlike the County Council standards, the suggested Neighbourhood Plan Policy would not have specified parking requirement for one bedroom dwellings or for visitor parking spaces. On these grounds, the requirements in the Neighbourhood Plan would have reduced the required parking level beyond the minimum required by the County Council standards. The Examiner recommended that this Policy be deleted and this advice was accepted by the Parish Council. Accordingly, whilst Policy 6 of the RNOTP continues to remain an adopted Policy, as there is nothing in the Neighbourhood Plan to replace it, it is effectively superseded by the 2016 Countywide parking standards.
- **RNOTP Policy 12 (Considerate Construction)** is a self-contained construction phase development management policy, for which there is no equivalent Neighbourhood Plan Policy.
- **RNOTP Policy 15 (Open space, sport and recreational facilities)** seeks to secure new open space, sport and recreational facilities for new developments or the enhancement of existing off site facilities. There is no equivalent for this in the Neighbourhood Plan.
- **RNOTP Policy 16 (Protected employment areas)** aims to protect a number of named sites for employment use as discussed above. These include sites in the Parish at West Hay Farm, Kingsmead and King's Cliffe Industrial Estate. Whilst the Neighbourhood Plan identifies land at the Kingsmead site as being encouraged for employment purposes, there is nothing in the Neighbourhood Plan to protect existing sites in the way Policy 16 of the RNOTP does. Accordingly, it should remain in force.
- **RNOTP Policy 17 (Employment sites occupied by single businesses)** aims to ensure two named sites including West Hay Farm which are occupied by a single business are vacated they are redeveloped a mixture of B1, B2 and B8 uses. There is no Policy in the Neighbourhood Plan aimed at achieving this.
- **RNOTP Policy 23 (Rural buildings – general approach)** defines the criteria whereby planning permission will be granted for the adaptation or re-use of buildings in the countryside for employment generating, tourism or residential

use. Whilst Policy H1 of the Neighbourhood Plan does identify some examples whereby residential use will be granted in the open countryside it does not set detailed criteria whereby developments will be allowed or refer to other types of use which can be encouraged. Policy 23 should therefore be retained.

- **RNOTP Policy 24** deals with replacement dwellings in the open countryside. The Plan contains no detail regarding “1 for 1” replacement of dwellings in the open countryside. Policy H1 refers to special circumstances whereby housing will be supported outside the settlement boundary but it makes clear these are only examples by the use of wording reading ‘such as...’ There is no mention of replacement dwellings and so RNOTP Policy 24 should be retained.

5.0 Conclusions

5.1 This report seeks Council approval to “make” the King’s Cliffe Neighbourhood Development Plan as part of the statutory development plan. In seeking to adopt the Neighbourhood Plan, Council approval is also sought for policies from the 2011 Rural North, Oundle and Thrapston Plan (RNOTP) to be reviewed (in respect of the King’s Cliffe Parish) and superseded where the Neighbourhood Plan contains an appropriate replacement policy.

5.2 The report proposes the following changes are required to the adopted development plan, for the Parish of King’s Cliffe, to allow the Plan to be “made”:

- **RNOTP Policy 2** is replaced by a combination of Neighbourhood Plan Policies H1, H2, BE1, BE2 and RBS1.
- **RNOTP Policy 10** is replaced by Neighbourhood Plan Policy RC1.
- **RNOTP Policy KCF1** is replaced by Neighbourhood Plan Policy SA2.

6.0 Equality and Diversity Implications

6.1 The King’s Cliffe Neighbourhood Development Plan was supported by an Equalities Impact Assessment, which considered potential equality or diversity implications arising from the Plan.

7.0 Legal Implications

7.1 The Neighbourhood Plan has 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 that are in force for the designated Neighbourhood Plan Area (King’s Cliffe Parish).

8.0 Risk Management

8.1 Once “made” the King’s Cliffe Neighbourhood Development Plan will form part of the development planning framework that the Council is required to prepare. Now the Plan has been passed at referendum, the legislation requires the Council to adopt it as part of the statutory development plan for East Northamptonshire.

8.2 In addition to “making” the Neighbourhood Plan, the Council needs to resolve which (if any) of the Neighbourhood Plan policies should replace policies from the 2011 Rural North, Oundle and Thrapston 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 There are no constitutional implications arising from this report.

11.0 Customer Service Implications

11.1 The development plan policy index for the Parish of King's Cliffe 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 Privacy Implications

12.1 There are no implications arising from this report.

13.0 Corporate Outcomes

13.1 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 Plan is used in decision making;
- Knowledge of our customers and communities – ensuring that the current development plan framework is correctly understood.



14.0 Recommendation

14.1 For the Parish of King's Cliffe, the Council is recommended to:

- (1) Adopt (“make”) the King's Cliffe Neighbourhood Development Plan 2018-2031 as part of the statutory development plan for East Northamptonshire, in accordance with the relevant provisions in the 2011 Localism Act and 2012 Neighbourhood Planning Regulations.
- (2) Agree the replacement of:
 - **RNOTP Policy 2** by a combination of Neighbourhood Plan Policies H1, H2, BE1, BE2, and RBS1
 - **RNOTP Policy 10** by Neighbourhood Plan Policy RC1
 - **RNOTP Policy KCF1** by Neighbourhood Plan Policy SA2.

(Reason – To update the adopted development plan for the Parish of King's Cliffe in view of the passage of the Neighbourhood Plan at referendum)

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
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Other considerations:		N/a			
Background Papers:	North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016 (Local Plan Part 1) Retained policies from the Rural North, Oundle and Thrapston Plan, adopted July 2011 (Local Plan Part 2) King's Cliffe Neighbourhood Development Plan 2018-2031 – Referendum Version: https://www.east-northamptonshire.gov.uk/downloads/file/11423/king_s_cliffe_neighbourhood_plan_referendum_version Planning Policy Committee, 16 November 2015 (Minute 234)				
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