



Council 9 December 2019

“Making” (adoption) of the Barrowden and Wakerley Neighbourhood Plan 2016-2036

Purpose of report

Approval is sought for the Council to “make” (adopt) the Barrowden and Wakerley Neighbourhood Plan 2016-2036.

Attachment

Appendix 1: Assessment of policies from 2011 Rural North, Oundle and Thrapston Plan.

1.0 Background

- 1.1 On 25 January 2015 Barrowden Parish Council applied to Rutland County Council and East Northamptonshire Council, for the respective Parish areas of Barrowden and Wakerley to be designated a single Neighbourhood Area. This application, approved under Regulation 7 of the Neighbourhood Planning (General) Regulation 2012 (as amended) enabled Barrowden Parish Council, supported by Wakerley Parish Meeting to lead preparation of a Neighbourhood Development Plan (or “Neighbourhood Plan”) for the two parishes.
- 1.2 Over the past four years Barrowden Parish Council has worked with the communities of Barrowden and Wakerley 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 Barrowden and Wakerley Neighbourhood Plan culminated in the acceptance of this Plan at a referendum, which was held on Thursday, 17 October 2019.
- 1.4 This report considers:
 - The main features of the Barrowden and Wakerley Neighbourhood Development Plan; and
 - Current adopted Local Plan policies that will be superseded by the Barrowden and Wakerley Neighbourhood Plan, for the Parish of Wakerley.

2.0 Main features of the Barrowden and Wakerley Neighbourhood Plan

- 2.1 The Barrowden and Wakerley Neighbourhood Plan covers more than one local planning authority area. Rutland County Council and East Northamptonshire Council jointly approved the Neighbourhood Area designation on 27 April 2015.

2.2 The Barrowden and Wakerley Neighbourhood Plan sets out spatial planning and development management policies relating to the two parishes. This covers the period 2016-2036, which corresponds to the current period for the Rutland Local Plan Review. Notwithstanding, the Neighbourhood Plan applies strategic policies from the following Part 1 Local Plans, in a local context:

- Rutland Core Strategy Development Plan Document
- North Northamptonshire Joint Core Strategy (JCS) 2011-2031

2.3 The Neighbourhood Plan (section 4.0) sets out a distinctive local vision for Barrowden and Wakerley:

“Small, sustainable and timely developments which meet the evolving needs of residents and reinforce the unique and distinctive character of the villages. Retain and enhance the rich biodiversity of the rural landscape within the Welland Valley which unites the two communities.”

2.4 The first section of the Plan sets out site specific spatial, landscaping, green infrastructure and design policies; e.g. regarding important views, local green spaces (Barrowden) and (in the case of Wakerley) defined “sensitive areas”. It also sets out the spatial approach to development for Wakerley (BW2); i.e. the application of a restraint policy for that village. This section also sets policies regarding specific impacts of development such as surface water flooding.

2.5 The following section sets out development management policies for new residential development. This includes local standards for dwelling type and size; together with criteria for rural exceptions housing. The final suite of policies relate to the rural economy and the protection of existing community services and facilities; including homeworking, and supporting the delivery of bed and breakfast businesses and fibre broadband.

2.6 The Barrowden and Wakerley Neighbourhood Plan provides locally distinctive policies covering the two parishes. These complement and enhance existing Local Plan policies for Rutland and East Northamptonshire.

3.0 Results from the Neighbourhood Plan referendum

3.1 The Barrowden and Wakerley Neighbourhood Plan referendum on 17 October 2019 resulted in the following:

- 157 “Yes” votes to “make” (adopt) the Plan out of 180 ballot papers that were issued. This equates to 87.2% of those who voted being in favour of the Plan.
- Turnout was 39% of the electorate.

3.2 In accordance with the Regulations, where more than half of those voting in a referendum have voted in favour of the Neighbourhood Plan, the relevant local planning authorities must “make” (adopt) it part of their statutory development plans and use it when making decisions on planning applications in the Plan Area (in this case, the parishes of Barrowden and Wakerley).

3.3 For the Parish of Barrowden, Rutland County Council has already resolved to “make” the Barrowden and Wakerley Neighbourhood Plan in respect of Barrowden. This report allows East Northamptonshire Council to similarly “make” the Neighbourhood Plan, for the Parish of Wakerley.

4.0 Adopted Local Plan policies that will be superseded by the Barrowden and Wakerley Neighbourhood Plan, for the Parish of Wakerley

- 4.1 This Council is required to determine which (if any) of their non-strategic Local Plan policies should be replaced by equivalent Neighbourhood Plan policies, for the designated Neighbourhood Area in respect of Wakerley.
- 4.2 The JCS sets out the strategic Local Plan policies that the Neighbourhood 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 Barrowden and Wakerley Neighbourhood Plan, for Wakerley Parish.
- 4.3 All policies from the JCS must be regarded as “strategic”. In addition, 8 policies from the 2011 RNOTP currently remain in force for the Parish of Wakerley:
- 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 23 – Rural Buildings – General Approach; and
 - Policy 24 – Replacement Dwellings in the Open Countryside.
- 4.4 A differentiation between “strategic” and “non-strategic” Local Plan policies was agreed by the Planning Policy Committee on 16 November 2015 (Minute 234). This concluded that RNOTP policies 15, 23 and 24 should be regarded as “strategic”; while the other remaining RNOTP policies 4, 5, 6, 10 and 12 which are relevant to Wakerley are deemed non-strategic.
- 4.5 Nevertheless it is considered appropriate to reconsider the status of all 8 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 (2012; updated February 2019), it is necessary to establish which (if any) Neighbourhood Plan policy provides an equivalent replacement.
- 4.6 Officers assessed which (if any) of the remaining policies from the RNOTP has an equivalent Neighbourhood Plan policy (**Appendix 1**); such that the latter could represent a Parish-wide update. Of the 8 RNOTP that remain in force, the assessment has found that:
- Neighbourhood Plan policies **BW4, BW14 and BW15**, which include criteria relating to the protection of sensitive open spaces and community facilities, provide an appropriate replacement for RNOTP Policy 15 regarding open space, sport and recreational facilities;
 - Neighbourhood Plan Policy **BW5**, regarding Local Green Infrastructure Corridors, represents an appropriate replacement for RNOTP policies 4 and 10 (respective green infrastructure and local biodiversity policies);

- Neighbourhood Plan Policy **BW6**, which sets detailed design principles for the two villages (including regarding alterations to existing buildings), provides an appropriate Wakerley-level replacement for RNOTP Policy 23, regarding the re-use of rural buildings.

4.7 The assessment has found that the Barrowden and Wakerley Neighbourhood Plan does not set out suitable equivalent replacement policies for RNOTP policies 5 (Transport Network), 6 (Residential Parking Standards), 12 (Considerate Construction) and 24 (Replacement Dwellings in the Open Countryside), therefore these policies should be retained.

5.0 Conclusion

5.1 This report seeks Council approval to “make” (adopt) the Barrowden and Wakerley Neighbourhood 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 and superseded where the Neighbourhood Plan contains an appropriate replacement policy.

6.0 Equality and Diversity Implications

6.1 An initial Equality Impact Assessment was carried out during the Plan-making process and only neutral or positive impacts were identified. Notwithstanding, the Plan has since been reviewed through a statutory examination process and passed by the independent examiner which allowed it to proceed to referendum. The relevant legislation (Neighbourhood Planning Act 2017 and Neighbourhood Planning Regulations) requires the Council to “make” (adopt) the Neighbourhood Plan once this has been passed at referendum.

7.0 Privacy Impact Implications

7.1 There are no privacy impact implications arising from this report.

8.0 Health Impact Assessments

8.1 The Barrowden and Wakerley Neighbourhood Plan, was subject to Strategic Environmental Assessment (SEA) screening at an earlier stage in the preparation process. This entailed a screening assessment of the draft Plan against a range of environmental criteria (all of which relate to public health and/ or the natural environment), to test whether it is necessary to undertake a full SEA (including health impacts) for the Neighbourhood Plan.

9.0 Legal Implications

9.1 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 2017 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 in respect of Wakerley parish.

10.0 Risk Management

- 10.1 Once “made” (adopted), the Barrowden and Wakerley Neighbourhood 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.
- 10.2 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. If this is not properly considered there is a potential risk of confusion and inconsistency in the determination of future planning applications.

11.0 Resource and Financial Implications

- 11.1 There are no resource or financial implication arising from the proposals.

12.0 Constitutional Implications

- 12.1 There are no constitutional implications arising from this report.

13.0 Implications for our Customers

- 13.1 The development plan policy index for the Wakerley parish will need to be updated, (<http://www.eastnorthamptonshire.gov.uk/parishpolicy>).

14.0 Corporate Outcomes




- 14.1 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.

15.0 Recommendation

- 15.1 The Council is recommended to:
- (1) Adopt (“make”) the Barrowden and Wakerley Neighbourhood Plan 2016-2036 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 that the making of the Barrowden and Wakerley Neighbourhood Plan will result in the deletion of the following Rural North, Oundle and Thrapston Plan policies in respect of Wakerley parish:
 - RNOTP policies 4 and 10, replaced by Neighbourhood Plan Policy BW5;

- RNOTP Policy 15, replaced by a combination of Neighbourhood Plan policies BW4, BW14 and BW15; and
- RNOTP Policy 23, replaced by Neighbourhood Plan Policy BW6.

(Reason – To update the adopted development plan for the Parish of Wakerley in view of the making of the Barrowden and Wakerley Neighbourhood Plan)

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 2017					
	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) Barrowden and Wakerley Neighbourhood 2016-2036 – Referendum version: https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/neighbourhood-planning/barrowden-wakerley-neighbourhood-plan/ 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: 22 November 2019						
CFO 28/11/19		MO (Deputy) 28/11/19		CX 28/11/19		

Appendix 1: Assessment of policies from 2011 Rural North, Oundle and Thrapston Plan, to identify those which are to be replaced by policies in the Barrowden and Wakerley Neighbourhood Plan (B WNP) 2016-2036

2011 Rural North, Oundle and Thrapston Plan (RNOTP) Policy	Policy Name	Commentary	Replacement Neighbourhood Plan Policy
4	Green Infrastructure	<p>RNOTP Policy 4 is in 2 parts. The first specifies linear green infrastructure projects, including a connection between Wakerley and Peterborough (4(2)), predominantly utilising the former Rugby/ Peterborough railway line. The second part includes development management criteria for delivering green infrastructure as part of new developments. B&WNP Policy BW5 sets overall criteria for the protection and enhancement of the defined Local Green Infrastructure (GI) Corridors (Joint Core Strategy, Figure 17, 19a and 20). RNOTP Policy 4 goes further than the Neighbourhood Plan, through defining a specific Wakerley/ Peterborough route through the village. This latter sets a linear route that may be deemed to be too inflexible; such that the B&WNP is better aligned to the Joint Core Strategy than the RNOTP.</p> <p>Policy BW5 also updates the second part of RNOTP Policy 4; by setting local development criteria for enhancing the defined GI corridors. Therefore, BW5 is considered to represent a Wakerley-specific replacement for RNOTP Policy 4.</p>	BW5
5	Transport Network	<p>Policy 5 includes two parts; a spatial direction regarding improving feeder services from rural areas to service centres, plus more specific threshold criteria for delivering improved walking and cycling routes. The more strategic elements of Policy 5 are addressed through relevant criteria in North Northamptonshire Joint Core Strategy (JCS) 2011-2031 (Local Plan Part 1) policies 8 and 15. The B&WNP, while including references to local infrastructure priorities (specifically fibre broadband - Policy BW16), does not set specific policies regarding transport infrastructure. Therefore, on this basis RNOTP Policy 5 ought to be retained.</p>	Retain/ review as part of Local Plan Part 2

Appendix 1: Assessment of policies from 2011 Rural North, Oundle and Thrapston Plan, to identify those which are to be replaced by policies in the Barrowden and Wakerley Neighbourhood Plan (B WNP) 2016-2036

2011 Rural North, Oundle and Thrapston Plan (RNOTP) Policy	Policy Name	Commentary	Replacement Neighbourhood Plan Policy
6	Residential Parking Standards	RNOTP Policy 6 sets out a maximum car parking standard for the rural areas (2 spaces per dwelling). This was based on former national policy (Planning Policy Statement 3/ Guidance 13), which set maximum residential parking standards. Given that the NPPF does not require the setting of maximum parking standards, it may be questioned whether Policy 6 complies with current national policy. Nevertheless, the B&WNP does not set out an appropriate replacement policy or standard for Wakerley, so on this basis RNOTP Policy 6 ought to be retained.	Retain/ review as part of Local Plan Part 2
10	Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves	RNOTP Policy 10 relates to designated local wildlife sites, as shown on the adopted Policies Map. The RNOTP includes a number of such sites within the parish of Wakerley. However, these have been comprehensively reviewed for the B&WNP, so Figure 7/ Policy BW5 represent an appropriate review to RNOTP Policy 10; therefore a "like for like" replacement.	BW5
12	Considerate Construction	Policy 12 sets additional local development management criteria for managing the construction phase of building. The submission B&WNP proposed a "like for like" replacement, but the Examiner concluded that this should be deleted. Accordingly, RNOTP Policy 12 should be retained.	Retain/ review as part of Local Plan Part 2
15	Open Space, Sport and Recreational Facilities	RNOTP Policy 15 is in two parts. The first sets local thresholds for the provision of open space, sport and recreation facilities in association with new development. The second part relates to the retention and enhancement of existing spaces. The B&WNP sets policies for the protection of "Sensitive Areas important to the character of Wakerley" (BW4) and the protection of existing/ provision of new community facilities (BW14 and BW15, respectively). The latter policies are considered to represent an updated replacement to the 2nd part of RNOTP Policy 15; while the thresholds for new open space provision (15 dwellings/ 0.42ha +) are not appropriate/ meaningful in the case of Wakerley, with its development restraint policy (BW2). Overall, policies BW4, BW14 and BW15 are concluded, in combination, to represent an appropriate replacement for RNOTP Policy 15.	BW4, BW14 and BW15

Appendix 1: Assessment of policies from 2011 Rural North, Oundle and Thrapston Plan, to identify those which are to be replaced by policies in the Barrowden and Wakerley Neighbourhood Plan (B WNP) 2016-2036

2011 Rural North, Oundle and Thrapston Plan (RNOTP) Policy	Policy Name	Commentary	Replacement Neighbourhood Plan Policy
23	Rural Buildings - General Approach	RNOTP Policy 23 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 B&WNP does not contain a "like for like" replacement policy relating to conversions. However, it does contain detailed local design standards, relating to new build developments and alterations (BW6). BW6 is therefore considered to be an appropriate replacement for Policy 23.	BW6
24	Replacement Dwellings in the Open Countryside	RNOTP Policy 24 sets development management criteria regarding a particular type of scheme; namely "1 for 1" dwelling replacement in the open countryside. B&WNP, while setting detailed design policies (BW6) does not include reference to replacement dwellings. Accordingly, it is considered appropriate to retain Policy 24 for the open countryside, beyond the built up area of Wakerley.	Retain/ review as part of Local Plan Part 2