Planning Policy Committee – 17th December 2019

“Making” (adoption) of the Warmington Neighbourhood Development Plan for the timescale up to 2031

**Purpose of report**

Approval is sought for the Committee to “make” (adopt) the Warmington Neighbourhood Development Plan, which was passed at referendum on 24th October 2019, for the timescale up to 2031 and to accept which Policies from the Council’s Rural North, Oundle and Thrapston Plan are superseded by ones in the Neighbourhood Plan.

1.0 **Background**

1.1 In June 2017 Warmington Parish Council applied for the Parish area of Warmington 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 Warmington.

1.2 Over the past two 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 in the Council’s Neighbourhood Planning web page:


1.3 The plan making process for the Warmington Neighbourhood Development Plan culminated in the acceptance of this Plan at a referendum. The referendum was held on 24th October 2019.

1.4 This report considers:

- The main features of the Warmington Neighbourhood Development Plan;
- Current adopted Local Plan Policies that will be superseded by the Warmington Neighbourhood Development Plan within the Plan area.

2.0 **Main features of the Warmington Neighbourhood Development Plan**

2.1 The Warmington Neighbourhood Development Plan contains a variety of spatial planning and development management policies relating to the Parish, for the period up to 2031, corresponding with the current Local Plan period. 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 (page 10) sets out a distinctive local vision for Warmington in 2031. This seeks to ensure Warmington will retain its character as a rural parish and a thriving village with an historic core set in open countryside and makes the following points:

- The diverse open spaces that are essential to the character of the village will be preserved and maintained.
Organic growth through small scale housing developments will be welcomed where they meet an evidenced local need and are of a design that preserves and enhances the existing natural and built environment in a sustainable manner.

Economic development that makes use of existing underused commercial sites within the parish will be encouraged where it improves the surrounding environment and offers sustainable local employment.

Improvements to local infrastructure and community facilities will be encouraged and supported where they improve sustainability, improve renewable energy production and use, and reduce dependence on fossil fuels.

By 2031 facilities will be more closely matched to the community needs; residents will be able to walk, cycle and drive safely on properly maintained paths, tracks and roads both locally and to neighbouring villages and towns and visitors will be attracted to ‘Destination Warmington’.

2.3 The Neighbourhood Plan sets 12 separate policies which are a combination of site specific and development management ones.

2.4 The Plan makes provision for the development of housing for Warmington to 2031 through a combination of an allocated site, infill development within the defined settlement boundary and, providing various criteria are met, housing adjacent to or outside the settlement boundary. Other site specific policies include ones relating to design, preventing inappropriate tandem and backland development, Local Green Spaces, Other Local Spaces, landscape character, traffic management and transport improvements, sustainable transport, support for business, sustainable recreational and tourism activities and developer contributions.

2.5 Overall, the Warmington 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 outcome of the Warmington Neighbourhood Development Plan referendum, 24th October 2019 was as follows:

- 354 “Yes” votes, to “make” (adopt) the Warmington Neighbourhood Development Plan out of 384 issued – 92% in favour;
- Turnout 48% of those on the electoral roll.

In accordance with the Regulations, and as has occurred in this case, if more than half of those voting in a referendum have voted in favour of the Neighbourhood Development Plan, the Local Planning Authority must “make” (adopt) it as 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 Warmington).

4.0 Consideration of current adopted Local Plan policies that will be superseded by the Warmington Neighbourhood Development Plan within the Plan area (the Parish of Warmington)

4.1 The JCS sets out the strategic Local Plan policies that the Warmington 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 Warmington Neighbourhood Development Plan for the Parish area.

4.2 All policies from the JCS must be regarded as “strategic”. In addition, 10 Policies from the 2011 RNOTP currently remain in force for the Parish of Warmington. These are:
- 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 23 – Rural Buildings – General Approach;
- Policy 24 – Replacement Dwellings in the Open Countryside; and
- WAR 1 – Eaglethorpe Barn.

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 RNOTP Policies 15, 23 and 24 should be regarded as “strategic”; while the other remaining RNOTP Policies 2, 4, 5, 6, 10, 12 and WAR 1 which are relevant to the village are non-strategic.

4.4 Nevertheless it is considered appropriate to reconsider the status of all 10 remaining policies from the 2011 RNOTP, 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 Neighbourhood Plan at referendum. Given that the RNOTP pre-dates the National Planning Policy Framework (2012; updated July 2018 and February 2019), it is necessary to establish which (if any) Neighbourhood Plan Policies provides an equivalent replacement.

4.5 The situation in relation to each of the 10 RNOTP Policies that remain in force is as follows:

- Policy 2 – (Windfall Development in Settlements). This specifies the criteria whereby development will be allowed within settlement boundaries. Whilst Policy W1 of the Neighbourhood Plan has a plan related to it which defines the settlement boundary, it concentrates on the circumstances whereby development will be allowed outside it. Accordingly, Policy 2 of the RNOTP should remain in force.

- Policy 4 – (Green infrastructure). This Policy lists a number of green infrastructure projects which will be designed in consultation with Natural England (including one from Oundle to Peterborough which will pass through Warmington Parish). In addition, it states other routes, utilising and enhancing the existing network, will be established in order to promote and diversify green infrastructure. The Policy also requires new development to provide improved connectivity through the provision of foot and cycle routes, create space for nature conservation and green education plus providing green economic uses and imaginative recreational facilities. Finally, it also states that, for large sites, the masterplan should set out how green infrastructure will be delivered. Whilst Policies W5, W6 and W7 of the Neighbourhood Plan seek the protection and enhancement of the natural environment and Policy W9 seeks to protect and secure foot and cycle routes plus the provision of planting along them to improve biodiversity, these do not cover all the criteria that Policy 4 of the RNOTP is seeking. Accordingly, Policy 4 should remain in force.

- Policy 5 – (Transport network). Identifies that improvements to the bus and transport network should concentrate on links between the rural area and service centres and requires new developments over 10 dwellings or 0.5Ha commercial uses to include attractive and direct walking and cycling routes connecting into the existing and planned network. Whilst Policies W8 and W9 of the Neighbourhood Plan seek improvements relating to the safety of
pedestrians and cyclists, improvements to public transport are only listed as a Parish aspiration (number 13) rather than a Policy. Accordingly, Policy 5 of the RNOTP should be retained because of the element relating to bus services.

- **Policy 6** – (Residential parking standards). This states, in relation to locations such as Warmington, that an average maximum residential parking standard of 2 spaces per dwelling will apply. There is no Policy in the Neighbourhood Plan which specifies parking standards and therefore this RNOTP one will remain in force. However, it is effectively superseded by the 2016 Countywide parking standards which have been adopted by the County Council and which are used in considering Planning Applications.

- **Policy 10** – (Protection of local sites of conservation interest and designation of Local Nature Reserves). This Policy seeks to protect Local Sites of Conservation Interest and Local Nature Reserves. In addition, the Policy identifies three sites to be designated as Local Nature Reserves (none are in Warmington Parish). It is noted that paragraph 7.2 of the Neighbourhood Plan states the Parish has no statutory nature conservation designations. There is, however, a Local Wildlife Site (regarded as a Local Site of Conservation Interest) shown on both the inset map for Warmington and the proposals map in the RNOTP. This is not included in the areas of Local Green Space, Important Local Open Space and Important Local Functional Space which Policies W5 and W6 of the Neighbourhood Plan seeks to protect. In addition, whilst this site falls within important views to and from the village which Policy W7 of the Neighbourhood Plan (landscape character) seeks to protect, this is not considered to give this area as much protection as Policy 10 of the RNOTP offers. Accordingly, Policy 10 should be retained in relation to Warmington Parish.

- **Policy 12** – (Considerate construction). This states that the Council will encourage developers to require their builders and construction contractors to sign up to the Industry Code of Considerate Practice in order to mitigate the short term impact of development whilst construction is underway. There is no equivalent Policy in the Neighbourhood Plan and so this will remain in force.

- **Policy 15** – (Open space, sport and recreational facilities). This requires all new housing developments of 15 dwellings or more or 0.42Ha or larger to provide new open space, sport and recreation facilities and/or to contribute to the improvement of existing off site facilities. However, Policy W12 of the Neighbourhood Plan seeks to ensure adequate community infrastructure on sites where appropriate. It also has a more comprehensive and more specific list of items that off site developer contributions will be sought within the Parish including the play park. In addition, this Policy gives scope for the contributions to be sought on developments of less than 15 dwellings or smaller sites. It is therefore more likely to achieve contributions in a village of the size of Warmington where developments of 15 dwellings are unlikely. Accordingly, Neighbourhood Plan Policy W12 is considered suitable to replace Policy 15 of the RNOTP for the Parish of Warmington.

- **Policy 23** – (Rural buildings – general approach). This specifies the circumstances when the conversion of buildings in the open countryside to other uses will be allowed. Policy W1 of the Neighbourhood Plan gives scope for housing in the open countryside and includes the re-use of redundant and disused buildings. However, it does not go as far as to specify the circumstances when this should occur. Accordingly, Policy 23 of the RNOTP should be retained for Warmington Parish.

- **Policy 24** – (Replacement dwellings in the open countryside). This details when permission will be granted for dwellings to be replaced by others in the open countryside. Policy W1 of the Neighbourhood Plan gives scope for
housing in the open countryside and does specifically refer to replacement dwellings. However, it then goes on to say the proposal should be in accordance with Policy 24 of the RNOTP. Accordingly, Policy 24 of the RNOTP should be retained for Warmington Parish.

- Neighbourhood Plan Policy W2 allocates a site split between two parcels of land for a minimum of 12 dwellings and 0.38Ha of B1 Use. RNOTP Policy WAR 1 also identifies the same land as being appropriate for the same mixed use. The RNOTP Policy adds planning permission will be granted subject to a legal agreement to secure developer contributions for affordable housing and open space. However, the paragraph 5.22 of the text associated with Neighbourhood Plan Policy W2 makes it clear that the development of the site should be subject to an appropriate package of developer contributions. This gives more flexibility than the RNOTP Policy and this approach has the support of Policy W12 of the Neighbourhood Plan which deals with the topic of developer contributions. Accordingly, it is considered appropriate for RNOTP Policy WAR1 to be replaced by Neighbourhood Plan Policies W2 and W12.

5.0 Conclusions

5.1 This report seeks Council approval to “make” (adopt) the Warmington Neighbourhood Development Plan, recently passed at referendum, 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 Warmington Parish) and superseded where the Neighbourhood Plan contains an appropriate replacement policy.

5.2 The assessment of RNOTP Policies 2, 4, 5, 6, 10, 12, 15, 23, 24 and WAR 1 has identified the following changes that need to be made to the adopted development plan, for the Parish of Warmington (the defined Neighbourhood Area) that should accompany the “making” (adoption) of the Neighbourhood Plan:

- Neighbourhood Plan Policy W12 is considered suitable to replace Policy 15 of the RNOTP.
- RNOTP Policy WAR 1 is replaced by Neighbourhood Plan Policies W2 and W12.

6.0 Equality and Diversity Implications

6.1 There are no equality and diversity implications arising from the proposals at this stage. The Warmington Neighbourhood Plan was supported by an Equalities Impact Assessment, which considered potential equality or diversity implications arising from the Plan.

7.0 Privacy Implications

7.1 There are no privacy implications arising from this report.

8.0 Health Impact Implications

8.1 There are no need to prepare a health impact assessment relating to this report as the purpose of it is just to make Members aware of the referendum result and ask for the Plan to be ‘made’ in the light of it.

8.2 The Warmington 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 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 (Warmington Parish).

10.0 Risk Management

10.1 Once “made” (adopted), the Warmington 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.

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 (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).

11.0 Resource and Financial Implications

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

12.0 Constitutional Implications

12.1 There are no constitutional implications arising from this report.

13.0 Customer Service Implications

13.1 The development plan policy index for the Parish of Warmington 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).

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 For the Parish of Warmington, the Committee is recommended to:

(1) Adopt ("make") the Warmington Neighbourhood Development Plan for the period up to 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.
Agree the replacement of Policies 15 and WAR1 of the Rural North, Oundle and Thrapston Plan by Neighbourhood Plan Policies W2 and W12.

(Reason – To update the adopted development plan for the Parish of Warmington 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

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)
- Warmington Neighbourhood Development Plan for the period up to 2031 – Referendum
- Version: https://drive.google.com/file/d/1J7rnSrdx9HfYwuWUsOHhW4jj8ATUzYCH/view
- Planning Policy Committee, 16 November 2015 (Minute 234)

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