

# **The Duston Neighbourhood Plan**

## **Report of Examination**

**Report to Northampton Borough Council**

by the Independent Examiner:

John Parmiter FRICS FRSA MRTPI



May 2015

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## Summary

1. From my examination of the submitted Duston Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the plan will meet the Basic Conditions. In summary they are that it must:
  - Have due regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union obligations and the European Convention on Human Rights.
2. I have also concluded that:
  - The plan has been prepared and submitted for examination by a qualifying body - the Duston Parish Council;
  - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
  - The plan does not relate to “excluded development”;
  - The plan specifies the period to which it has effect – to 2029; and
  - The policies relate to the development and use of land for a designated neighbourhood area.
3. I recommend that, once modified to meet all the requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.
4. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the Neighbourhood Plan Area.

## 1. Introduction

- 1.1 I am appointed by Northampton Borough Council, with the support of Duston Parish Council (the Qualifying Body – hereafter referred to as “the Parish Council”), to undertake an independent examination of the Duston Neighbourhood Plan, as submitted for examination.
- 1.2 I am a planning and development professional of 40 years standing and a member of NPIERS’ Panel of Independent Examiners. I am an independent practitioner and free of any local connections and I have no conflicts of interests.

### **The Scope of the Examination**

- 1.3 It is the role of the Independent Examiner to consider whether making a neighbourhood plan meets the “Basic Conditions.” These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of the Neighbourhood Plan must:
  - have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
  - not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.
- 1.5 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
  - The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body;
  - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
  - The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (ie. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.

- 1.6 Finally, as Independent Examiner, I must make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or
  - c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of my Report.

### **The Examination process**

- 1.8 The plan was submitted for examination in February 2015. I commenced preparations for examination of the plan in March 2015, following my appointment, by briefing myself and becoming familiar with the submitted documents. Once the consultation period concluded, on 14<sup>th</sup> April, I continued the examination. The default position is that neighbourhood plan examinations are conducted by written representations and I concluded that no public hearing was necessary. I carried out unaccompanied site visits in late April.

### **The Examination documents**

- 1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan (see later), the relevant documents that were furnished to me, and were identified on the Parish Council's and Council's websites as the Neighbourhood Plan and its supporting documentation for examination, were:
- Duston Neighbourhood Plan – Examination version and Proposals Map (and covering letter)
  - Neighbourhood Area application with map
  - Basic Conditions Statement
  - Statement of Community Involvement, together with
    - Duston NP consultation June 2013
    - Duston Future's Consultation – all responses May/June 2014
    - Pre-submission consultation – all responses Nov 2014-Jan 2015
  - Duston's Future Issues & Options Report
  - Townscape Report
  - Provision of employment land

- Duston Open Space typologies Report
- Map of community facilities
- Duston Conservation Area Appraisal and Management Plan
- SEA and HRA Screening Report and Update Statement
- SEA and HRA Determination Statement

### **The Qualifying Body and the Designated Area**

1.10 Duston Parish Council is the designated qualifying body for the geographical area which is the neighbourhood plan area. Northampton Borough Council designated the Parish Council and Neighbourhood Area, under S.61G of the Town & Country Planning Act 1990, in September 2013. The designated area corresponds to the parish, which includes the borough wards of New Duston and Old Duston. The designated plan area is shown in section 1 of the Neighbourhood Plan. There is no other neighbourhood development plan for this area.

### **The Neighbourhood Plan area**

- 1.11 The parish is located in the west of the borough – the western boundary is open country - with a population of nearly 15,500 people, in some 6,800 households, the majority living in owner occupied homes (82%). The area is characterised by suburban semi-detached and bungalow housing. There are some notable areas of open space. On a range of indicators, the parish population is slightly above average. There are six local centres, of which the old village centre is the largest.
- 1.12 The plan area profile indicates that the population is ageing, with a need for more housing choice for older people and couples. The profile indicates the relative prosperity of the parish, though there are some skills issues, partly due to its historic major employer, British Timken having closed; the area is now mainly residential.
- 1.13 With the exception of the balance of the British Timken site, there are few opportunities for large-scale development. However, Duston adjoins two areas of considerable change: land to the west is allocated to deliver a major urban extension, while Upton parish, to the south, is an active location for major expansion of the borough. To the north-east lies the major employment areas of Lodge Farm and, to the south-east, Sixfields, which includes a range of industrial, warehousing, retail and leisure operations.

2. Neighbourhood Plan preparation and public consultation
  - 2.1 The Parish Council's plan grew, in part, out of local concerns about the number of planning decisions (both approvals and refusals), which went against their wishes. There was also a concern over the lack of information with applications which, it was felt, could be overcome by greater clarity through a Neighbourhood Plan (NP). It was felt that a NP would help the Parish Council to address the continuing pressure for the extension of houses, smaller scale and infill development and for changes of use in the village and local shopping centres (NP paras 3.19-20)
  - 2.2 The neighbourhood development plan's preparation was guided by a Steering Group, who identified four main stages of public consultation:
    1. Awareness raising and initial engagement
    2. Issues and Options consultation;
    3. Consultation on a draft plan; and
    4. Promotion of the final plan and awareness-raising for the local referendum.
  - 2.3 The Parish Council's engagement has been extensive from the summer of 2013 to, and including, the submission stage early this year. Some of the main stages include: an exhibition on, and meeting about, the NP in June 2013; evidence gathering, consultation and working themes, in August 2013; confirmation of themes and creative session on issues and options, in October 2013; drop in sessions in February 2014; newsletter and questionnaire on Issues and options, in June 2014; and newsletter, questionnaire, meetings and presentations on the draft plan in November 2014 to January 2015.
  - 2.4 The Statement of Community Involvement, and the plan itself (NP paras 17. ff) explain how concerns were identified and issues raised and dealt with. Engagement with the local community dominated the process but statutory consultees were contacted as well as the developers of the British Timken site. As well as the website, newsletters, questionnaires, meetings and more traditional methods were used to reach as many local people as possible.
  - 2.5 The final phase, on the draft plan, involved a series of events, with drop in sessions, group visits, and extensive publicity. The newsletter on the draft plan was distributed to some 8,500 households in the parish; 52 emails were sent to statutory and other bodies. In all 218 questionnaire responses came back on the draft plan. The Council responded with very detailed comments on policy drafting, which were very largely taken on board. All the responses are all summarised in the Consultation Statement.
  - 2.6 The Steering Group duly considered all the representations in January and revised the plan, which was approved for submission by the Parish Council on 5<sup>th</sup> February.

### **Environmental Assessment and EU Directives**

- 2.7 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC SEA is required of plans and programmes which "determine the use of small areas at a local level". Northampton Borough Council is the "responsible authority" and must determine whether the plan is likely to have significant environmental effects.

- 2.8 The Council duly considered the findings of the screening assessment and the responses from the relevant parties, and concluded that the NP was unlikely to result in significant environmental effects and did not require a Strategic Environmental Assessment (SEA). The Council published its decision and assessment in a Determination Statement.

### **European Sites and the Habitats Directive**

- 2.9 From examining the plan's context and submitted material, I have concluded that the plan would not be likely to have a significant effect on a European Site.

### **Examination version – public consultation**

- 2.10 The Parish Council submitted the final version of the neighbourhood plan to Northampton Council on 23<sup>rd</sup> February 2015, which duly proceeded to publish it for public consultation, from 26<sup>th</sup> February ending on 14<sup>th</sup> April 2015. The Council published the final version on the website, notified all statutory consultees and those who replied to the Parish Council's consultation in November 2014/January 2015. Copies of all the submitted documents were put in the Duston library, Guildhall One Stop and Northampton Central Library, for public viewing. In addition a notice was published in the local newspaper, site notices were put up in the area and people were able to make an appointment with the Parish Council to read the plan at the Duston Community Centre.
- 2.11 A total of 8 representations were made. There were virtually no substantive comments; most were very limited, or standard, responses from statutory consultees, such as The Environment Agency, Coal Authority, Natural England, the Police and Sport England. Only one individual commented, on local parking pressures. Anglian Water responded on Policy H2 (British Timken site) in relation to the potential impact on the local used water network, and reducing flood risk.
- 2.12 The Borough Council's planning policy team had prepared a detailed critique of the pre-submission version of the NP, including setting out for the Parish Council their understanding of the planning context. But they did not respond on the submitted version.

### **Human Rights**

- 2.13 I have no reason to believe that making the plan breaches or is incompatible with the European Convention on Human Rights.

### **Plan period**

- 2.14 The neighbourhood plan clearly states in the Introduction (para 1.2) that the plan covers the period 2014-2029. This is co-terminus with the West Northamptonshire Joint Core Strategy, which has recently been adopted.

### **3. The Neighbourhood Plan in its planning and local context**

#### **National policies and advice**

- 3.1 The Neighbourhood Plan (NP) must have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development (the first two basic Conditions). Paragraph 16 of the National Planning Policy Framework (the Framework) is concerned with neighbourhood planning: “The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:
- “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]
  - plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”
- 3.2 The Basic Conditions Statement sets out how the Parish Council considers that the plan meets the relevant Framework policies; though it does not seem to address the National Planning Practice Guidance (the Guidance). While I am satisfied that the making of the plan supports the achievement of sustainable development I found that in a number of instances it has not had sufficient regard to the Framework or current Guidance, especially in relation to clarity. I pick up these instances as I report on each part of the plan.

#### **Development Plan - strategic policies**

- 3.3 The neighbourhood plan must be in general conformity with the strategic policies of the development plan for the area. The Development Plan for the plan area comprises the West Northamptonshire Joint Core Strategy (WNJCS) adopted in December 2014, together with the Saved Policies of the Northampton Local Plan 1997.
- 3.4 The Basic Conditions Statement sets out what the Parish Council considers to be the relevant strategic policies, at the table following NP para 5.2; in practice this appears to be those suggested by the Borough Council officers. The Statement makes reference to a range of Supplementary Planning Documents and other Borough Council policy statements; and state in NP para 5.19 that while the plan relies mainly on the strategic policies in the WNJCS, and gives little weight to the Local Plan’s saved policies it has considered “other supplementary planning documents and related strategies”. I have, however, not taken into account any of the SPDs or emerging policy.

#### **The Neighbourhood Plan, its vision and objectives**

- 3.5 The NP is not an ambitious plan; it does not address large scale development issues and is therefore more focused on, and mainly seeks to regulate and guide – in a manner more closely aligned to the wishes of the local community – the ongoing changes that arise from (often routine) planning applications in the plan area. The plan’s vision is expressed at NP para 4.2. This includes “to have made Duston to be an even better place to live, with a stronger sense of village identity and community spirit”.

3.6 The vision is to be achieved through the delivery of Five Objectives, each with four or five components, dealing with:

- Housing and the built environment [this is then split into two policy groups];
- Transport and movement: to seek solutions for problems linked to new development;
- Business, the village centre and local shopping;
- Open space and recreation; and
- Community facilities and schools.

### **Policies and Proposals**

3.7 One of the issues raised by the plan is the presence among the policy sections of *Proposals* which are not land use policies but are concerned with related actions that the plan advocates be taken, or views that parties should take on board, often by the local planning authority. The Guidance suggests that all non-land-use proposals or recommendations be clearly separate from the policies themselves and should be placed in an appendix, or a separate document.

3.8 On balance, I find that the *Proposals* do not undermine the plan's conformity with the Basic Conditions and represent an important part of the expression of the local community's views. So, provided their status is set out clearly, I conclude that they should remain within the main body of the plan.

3.9 **I recommend** that they be referred to as "*Community Proposals*" to distinguish them from NP proposals and that a sentence be added to para 5.3, as follows: "For the avoidance of doubt, it is emphasised that these are local aspirations and do not constitute or suggest agreement with Northampton Borough Council or other relevant bodies to fund or act on them."

### **Policy drafting – general comment**

3.10 The drafting of some policies raise issues around a need for greater clarity. In a number of instances there is insufficient clarity to enable the policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, para 042 of the Guidance explains that:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."

### **Plan usage**

3.11 Finally, the plan's general use could benefit from some improvements and I set out suggestions for this and other aspects of the plan in an annex, which does not form

part of my formal recommendations.

### **Overall Policy**

3.12 The plan has an overall policy, OP1: Sustainable Development Principles. This is an overarching policy that applies to all development. This is a reasonable policy. However, to achieve clarity, **I recommend** the following modifications:

- A, third line – delete “support the community” and replace with “meet the plan’s vision and objectives”
- B first line, delete “principles” and replace with “plan’s vision and objectives”

### **Plan Structure**

3.13 The plan’s polices are set out chapter 5, under six sections, following the order of the objectives (with the first spilt into two). There is then a policy summary at the end of the chapter. Chapter 6 is concerned with Implementation. I now examine each of these in turn.

3.14 I set out where **I recommend** modifications in bold.

## 4. Housing

4.1 Policy section 1 of the plan deals with five housing policies:

4.2 **Policy H1** deals with housing development on previously used land, though there is a hint of ambiguity in its focus, which seems to be solely employment land. I have clarified and qualified aspects of the policy, to meet the Basic Conditions. I **recommend** that Policy H1 be modified as follows:

- In the policy heading: delete “Used” and replace with “Developed”, to accord with the Framework definition.
- First line, insert “other” after “industrial premises and”
- First bullet: delete the words “commercially or technically” viable, which is potentially ambiguous (the Council made the same point on the pre-submission version).
- Fourth bullet: delete as this has no relevance to the policy which is not concerned with retail development

4.3 **Policy H2** is concerned with the future of the former Timken site. This policy is the expression of a clear preference of the local community for the remainder of this site to be developed for housing, rather than employment, which its current allocation in the Core Strategy. What is odd, given that this plan, once made, will be the more recent statutory plan, is that it does not actually allocate the site for housing. But that is a choice for the Parish Council; and they set out an enabling policy.

4.4 In the modifications I recommend, I have clarified and qualified aspects of the policy, to meet the Basic Conditions. I **recommend** that Policy H2 be modified as follows:

- In the second limb of the policy (The development of housing ...), which should be numbered 2, delete “welcomed” and insert “supported”
- In the third limb (Other uses), which again needs to be numbered, delete “package” and insert “housing development”. This is to ensure consistency with the policy, which seeks to secure the future of the site as housing not some alternative set of uses.

**Policy H3** is concerned with meeting the housing needs of all sectors and seeks to bring forward a wider range of house types in the parish, as identified in the consultation process.

4.5 **Policy H4** concerns smaller infill sites. This policy seeks to clarify what types of development – infill being a reasonably common type of application in the area – will be supported. However, it is not clear what evidence is relied on to support the threshold of 5 units. Nevertheless, I consider that the consultation responses give reasonable support to the approach being taken. For clarity, I recommend some changes:

- Definitions of Backland and Tandem development should be given in the Glossary, to aid application of the policy

- Delete “In principle” at the start of the policy.
- In ii, delete the word “frontage”
- In iii, delete “requirements are met” and insert before the words “Conservation Area” the words “It must have due regard to the need to preserve or enhance the”

4.6 The final policy in this section is **Policy H5**, which is concerned with the design of residential conversions and extensions. This applies to the most common form of development in the area and reflects local concerns that are at the heart of the NP.

## 5. Built Environment

- 5.1 Policy section 2 of the plan deals with two design polices:
- 5.2 **Policy BE1** concerns controls in the six local character areas, also identified on the Proposals Map. However, the mapping does not delineate boundaries of the areas and **I recommend** that the boundaries be defined on the Proposals Map.
- 5.3 **Policy BE2** is concerned with guiding and controlling development within Duston Conservation Area, which is already covered by a Conservation Area Management Plan (CAMP). Again, the policy seeks to give expression to the views of the local community, in a way that complements the CAMP.
- 5.4 This policy section also includes a *Proposal (BEP1)*. I have already concluded, see 3.10, earlier, that such recommendations can remain in the body of the plan, provided their status is made clear and they are distinct from the land-use policies of the plan. **I recommend** that the Proposal is renamed “Community Proposal” and it, together with the supporting Justification, are all placed in a box or other graphic device to distinguish it from the policies.

## **6. Transport and Movement**

- 6.1 Policy Section 3 deals with two transport and movement policies:
- 6.2 **Policy T1** commits the Parish Council to work with others to develop a long-term sustainable strategy for transport improvements.
- 6.3 **Policy T2** is concerned with linking the area's transport needs to adjoining and nearby major developments and commits the Parish Council to work with others to agree sustainable transport measures that are related to the major schemes on their boundary.

## 7. Business, the village centre and local shopping

- 7.1 Policy Section 4 of the plan deals with four local policy issues:
- 7.2 **Policy B1** is concerned with the future of employment and similar sites and premises that are no longer viable in that use and could therefore be developed for housing. This is very similar to the aims of Policy H1, which approaches the issue from a housing perspective; indeed it is so similar that it is effectively a repetition. **I recommend** that the policy be deleted.
- 7.3 **Policy B2** concerns making provision for self-employment and home working, a need identified in the consultation process.
- 7.4 **Policy B3** is concerned with protecting and enhancing local services and shopping in the defined centres, which are identified on the Proposals Map. For clarity, in the first part of the policy **I recommend** that, in the third line, the words “will be” are inserted between “services” and “resisted”.
- 7.5 The second part of the policy (A multi-agency approach...) is not currently expressed as a land-use policy, or in similar terms to the transport policies, where the Parish Council is committing itself to relevant actions. **I recommend** that the words “Duston Parish Council will develop” are inserted at the beginning of the sentence; and that the words “will be developed” are deleted.
- 7.6 **Policy B4** is concerned with protecting and enhancing the role of the local shopping centres, in response to concerns raised as part of the consultation process. The local centres, listed in the policy, are identified on the Proposals Map. While the sentiment is to protect shops that are local, the ability to be so specific is very limited. That they are shops (land use) and local (within a local centre) is sufficient definition, in my view. **I recommend** two modifications:
- In the second line of the first limb, delete the word “local”; and
  - In the third line of the first limb, delete the word “commercially”.
- 7.7 The section also includes a *Proposal (BP1)*: **I recommend** the same modification as for BEP1.

## 8. Open Space and Recreation

8.1 Policy Section 5 of the plan deals with two policies:

8.2 **Policy OS1** is concerned with protecting and improving existing open spaces. It is not immediately clear which spaces the policy applies to. On the face it the policy applies to all existing open spaces; open space had been identified as important to local people. These spaces are supposed to be defined in the second limb of the policy but the references (A table after paragraph 3.55 and to Map 1) are not evident within the plan. The definition and references need clarifying, and **I recommend** that the title “Map 1” be added to the Open Spaces map.

8.3 The policy relates to, and relies on the evidence in, the Borough Council’s Open Spaces studies of 2009 and 2013. And, the NP is accompanied by a number of detailed Open Spaces maps, which are clear. However, the WNJCS does not identify specific local sites and the relevant old Local Plan policies are not saved. Also, the NP does not take advantage of the use of Local Green Space designation, from the Framework.

8.4 The policy, as drafted, requires minor modification to improve clarity. **I recommend** that the policy be modified as follows:

- In the opening sentence a clear reference to the sites needs to be inserted after the words “Existing open spaces in Duston”.
- In (a), third line, delete “the community will gain” and substitute “there is”.
- The whole of the second limb (The open spaces covered...) should be removed from the policy and transferred to the supporting text; and in doing so clear cross references need to be substituted for those in the text. This will aid clarity; also the last sentence is too vaguely expressed to enable clear application, even if it was sufficiently evidenced.

8.5 **Policy OS2** is concerned with the provision of public open space and applies to major developments of 10 units, or 1000 sqm. The policy is referenced to the Borough Council’s current standards, so it is not clear what this adds to Development Plan policy, a point made by the Council themselves, who also point out that their current standard applies to developments of 15 or more units. So, it is ambiguous and confusing. **I recommend** it be deleted.

8.6 There are three Proposals in this section (*Proposal OS1,2 and 3*). **I recommend** the same modification as BEP1.

## 9. Community Facilities and Education

9.1 Policy Section 6 of the NP has one policy concerned with local community facilities and buildings:

9.2 **Policy CFE1** deals with a range of issues; it is partly an advocacy policy (on three different points), partly designed to support new facilities; and partly to protect existing ones. It is also not clear what is within the ambit of the policy, as it is not cross-referenced to the unnumbered plan - Duston Neighbourhood Plan: Facilities. This plan identifies facilities of three types:

- Open public facilities that are open to all, such as places of worship, community halls;
- Limited public facilities such as schools; and
- Open facilities used by some other groups, such as pubs, surgeries.

9.3 It is not evident if these subdivisions are significant other than for mapping purposes. **I recommend** that the map be numbered and that it be renamed Community Facilities and Education, not simply Facilities; also that the map is clearly integrated into the NP and used to identify the facilities concerned in the policy, so it can be applied properly – see below.

9.4 The policy contains three, essentially, advocacy points, which should be removed to the supporting text or made into a *Proposal*. There are also two points of clarity. **I recommend** that the policy be modified as follows:

- In the opening sentence delete “believed” and replace with “considered”
- In the opening sentence add a reference to the (to be numbered) Map of Facilities, after the words “in Duston”
- The second limb (If a proposal comes forward ...) is not a land use policy and should be removed to form a Proposal
- The fourth limb (In addition...) is also not a land use policy and should be removed to form a Proposal
- The final limb (The Parish Council...) is also not a land use policy and should be removed to form a Proposal.

## **10. Implementation**

- 10.1 The final chapter of the plan outlines the approach to the implementation of the NP. It covers “working in partnership, funding mechanisms, priority projects and monitoring and review”. This section should prove useful to the Borough Council and other agencies, particularly in understanding local priorities, as they interact with the policies and proposals in the NP.
  
- 10.2 I note in paragraph 6.4 that the NP refers to a combination of funding from S106 and CIL. This is misleading and I recommend that the words “a combination of S106 Agreements and” be replaced with “either S106 obligations or”.

## 11. Conclusions and recommendations

- 11.1 The Neighbourhood Plan is a commendable document that will help to guide growth and sustainable development in this part of Northampton. It is a credit to all those who have worked hard to produce such a readable and well-presented plan in such a short period of time. The plan's strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of an extensive engagement process. Where there has been lack of clarity it has been possible to recommend modifications.
- 11.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including all the representations made, I have **concluded** that, subject to the policy modifications I have recommended, making of the plan will meet the Basic Conditions and legal requirements.
- 11.3 I have also **concluded** that:
- The plan has been prepared and submitted for examination by a qualifying body - the Duston Parish Council;
  - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
  - The plan does not relate to "excluded development";
  - The plan specifies the period to which it has effect – to 2029; and
  - The policies relate to the development and use of land for a designated neighbourhood area.
- 11.4. I **recommend** that, once modified to meet all relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions and legal requirements.
- 11.5. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have **concluded** that it should not; I **recommend** that the Referendum Area should be the same as the Neighbourhood Plan Area.

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Independent Examiner

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26<sup>th</sup> May 2015

## **Annex**

It is not my role to improve what is already a well-presented document. The recommended modifications in my report are made in the context of the NP meeting the Basic Conditions and legal requirements. However, it may well help the finalisation of the plan if I offer my suggestions as to how it's usability can be improved further:

1. The whole document needs to be paginated; also the use of the document would be greatly aided by the use of paragraph numbering throughout. At present most paragraphs are left without numbers.
2. The Contents should note the page numbers for the different policy sections, to make them more accessible.
3. The mapping is generally well presented; though each needs a unique number. Those that are part of the plan need to be clearly integrated into the final printed document.
4. The tables, plans/maps and figures within the NP all need a reference (Table x, Fig y etc).
5. I am not sure that any of the appendices are necessary to be included; they don't add anything