

Great Houghton Parish Council

Great Houghton Neighbourhood Development Plan

A report to West Northamptonshire Council of the Independent
Examination of the Great Houghton Neighbourhood
Development Plan

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Summary of Main Findings

This is the report of the Independent Examination of the Great Houghton Neighbourhood Development Plan. The plan area comprises the administrative area of Great Houghton Parish Council. The plan area lies within the West Northamptonshire Council area. The plan period is 2011-2029. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities the power to develop a shared vision for their area*”.¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Great Houghton Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Great Houghton Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Great Houghton Neighbourhood Area (the Neighbourhood Area) which was formally designated by Northampton Borough Council (now subsumed in West Northamptonshire Council) on 10 June 2020. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group) made up of Parish Councillors and other volunteers from the local community.
4. In April 2021 West Northamptonshire Council was formed replacing Northampton Borough Council and other Councils. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to West Northamptonshire Council, which occurred in August 2021. West Northamptonshire Council arranged a period of publication between 13 September 2021 and 25 October 2021 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 6 January 2022.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to West

¹ Paragraph 29 National Planning Policy Framework 2021

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Northamptonshire Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. West Northamptonshire Council will decide what action to take in response to the recommendations in this report.

6. West Northamptonshire Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.³
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁴ unless West Northamptonshire Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan.⁵ The Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.⁶
8. I have been appointed by West Northamptonshire Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and West Northamptonshire Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced

³ Paragraph 48 of the National Planning Policy Framework 2021 explains full weight is not given at this stage. Also see Planning Practice Guidance paragraph: 107 Reference ID: 41-107-20200407 Revision date: 07 04 2020 for changes in response to the coronavirus (COVID-19) pandemic

⁴ Section 3 Neighbourhood Planning Act 2017

⁵ Section 156 Housing and Planning Act 2016

⁶ Paragraph 12 National Planning Policy Framework 2021

Independent Examiner of neighbourhood plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁷ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁸

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁹ The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had the opportunity to state their case. The Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. As I did not consider a hearing necessary, I proceeded on the basis of examination of the written representations and an unaccompanied visit to the Neighbourhood Plan area.

⁷ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹⁰ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹¹

14. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. As the final basic condition, on 28 December 2018, replaced a different basic condition that had previously been in place throughout the earliest part of the period of preparation of the Neighbourhood Plan there is a need to confirm the Neighbourhood Plan meets the revised basic condition.

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹² All of these matters are considered in the later sections of this report titled

¹⁰ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

¹¹ This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

¹² The Convention Rights has the same meaning as in the Human Rights Act 1998

‘The Neighbourhood Plan taken as a whole’¹³ and ‘The Neighbourhood Plan Policies’.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁴ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.
17. The Neighbourhood Plan relates to the area that was designated by Northampton Borough Council as a neighbourhood area on 10 June 2020. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Great Houghton Parish Council boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁵ and no other neighbourhood development plan has been made for the neighbourhood area.¹⁶ All requirements relating to the plan area have been met.
18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁷ and the Neighbourhood Plan does not include provision about excluded development.¹⁸ I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁹ The front cover of the Submission Version Plan clearly states the plan period is 2011–2029. Paragraph 2.4 of the Neighbourhood Plan explains the end date is the same as that for the West Northamptonshire Joint Core Strategy.

¹³ Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind

¹⁴ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹⁵ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B (2) Planning and Compulsory Purchase Act 2004

¹⁷ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁸ Principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁹ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans.²⁰ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.²¹ I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Great Houghton Neighbourhood Development Plan 2011-2029 Regulation 16 Consultation Version

²⁰ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2021

²¹ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Great Houghton Neighbourhood Development Plan Basic Conditions Statement July 2021 [*In this report referred to as the Basic Conditions Statement*]
- Great Houghton Neighbourhood Development Plan 2011-2029 Consultation Statement July 2021 [*In this report referred to as the Consultation Statement*]
- Great Houghton Neighbourhood Development Plan Screening Report for: Strategic Environmental Assessment and Habitats Regulations Assessment May 2021
- Information available on the Great Houghton Parish Council website including the Great Houghton Design Statement January 2019
- Information available on the West Northamptonshire Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and West Northamptonshire Council and the Parish Council including: the initial letter of the Independent Examiner dated 6 January 2022; the letter of the Independent Examiner seeking clarification of various matters dated 20 January 2022; and the joint response of the Parish Council and West Northamptonshire Council which I received on 31 January 2022
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2011-2031 adopted December 2014 [*In this report referred to as the Core Strategy*]
- Northampton Local Plan 1997 Saved Policies
- Northampton Local Plan (Part 2) submitted to the Secretary of State in February 2021 and examined in November 2021 [*In this report referred to as the emerging Local Plan (Part 2), or emerging LPP2*]
- National Planning Policy Framework (2021) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018

- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
26. The preparation of the Great Houghton Village Design Statement published in 2019 was based on considerable public consultation that included a village survey questionnaire that was sent to all households in the parish, public meetings, and use of the Parish Magazine. The Design Statement and information surfaced through the consultation undertaken provided a sound base for further engagement specifically directed to preparation of the Neighbourhood Plan.
27. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 9 April 2021 and 28 May 2021. The consultation on the pre-submission draft Plan and supporting documents was publicised through an article in the Parish Magazine and through use of the notice boards throughout the parish. Copies of the Neighbourhood Plan and supporting documents were published online and hard copies were available on request. Interested parties were able to request a telephone call or electronic conference discussion with the Neighbourhood Plan lead Councillor. Direct contact with stakeholders was achieved by letter or email. Contacts included: West

Northamptonshire Council; individuals and businesses (including landowners and developers); local groups and interest bodies; adjoining parishes; the Environment Agency; and local ward and county councillors. Emails were also sent to local individuals and groups on the Parish Council mailing list. Tables 1 and 2 of the Consultation Statement present details of the representations received and set out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to West Northamptonshire Council.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 13 September 2021 and 25 October 2021. Five representations were submitted in total. The Planning Policy Service of West Northamptonshire Council submitted representations relating to several general matters, and in relation to Policies GHNDP1; GHNDP3; GHHNDP4; and GHNDP6.
29. The Environment Agency state *“Having reviewed the plan it may be that I have missed the part of the plan which states that all future development must be located within the village curtilage which is in Flood Zone 1. If this has not been stated in the plan, we recommend the inclusion of relevant policies to cover the management of flood risk as the boundary does extend into areas of flood zones 2 and 3 of the River Nene. The Great Houghton neighbourhood plan mentions the SPA (section 3.1) but this is also the Northampton Washlands which is an Environment Agency operated Flood Storage Reservoir. The Washlands has designated flood defences surrounding it. The storage area and flood defences fall under the Reservoir’ s Act (1975). This should be referenced in the plan for completeness.”* It is not necessary for the Neighbourhood Plan to refer to these matters in order to meet the Basic Conditions.
30. A representation on behalf of Homes England refers to Policies GHNDP1; GHNDP4; and GHNDP6. This representation also states paragraph 3.5 of the Habitats Regulations Assessment Screening Report requires amendment. I refer to this latter element of the representation in the Annex to my report.
31. The Sport England representation draws attention to provisions of the Framework and offers general advice. This representation does not

necessitate any modification of the Neighbourhood Plan to meet the Basic Conditions.

32. Little Houghton Parish Council supports all areas of the Neighbourhood Plan and state *“As a neighbouring village we support the villages mission statement and feel the policies reflect the same potential impacts as us being neighbours.”* This representation also states *“as a neighbouring village we too have grave concerns over the traffic management around the two villages and especially along the A428. We agree that the policy will assist in ensuring that traffic management and road safety will be considered for all future developments”*.
33. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.²²
34. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did not submit additional comments in this respect.
35. One of the Regulation 16 representations expresses a view regarding an absence of engagement with specific landowners but accepts this does not amount to a basis for the Neighbourhood Plan failing to meet

²² Bewley Homes Plc v Waverley District Council [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6)

the Basic Conditions. The Parish Council has provided details of engagement. I am satisfied appropriate consultation has been undertaken in plan preparation. If any grievance remains, that is not a matter for my determination but can be taken up with the relevant Council.

36. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.²³
37. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

38. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the

²³ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

39. Paragraph 3.27 of the Basic Conditions Statement states “*The Submission GHNDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The GHNDP has been produced in full consultation with the local community. The GHNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below*”. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁴ Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. An Equality Screening Assessment has concluded that the Neighbourhood Plan will have an overall positive impact on protected groups and therefore an Equality Impact Assessment of the Neighbourhood Plan is not required. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

40. The objective of EU Directive 2001/42²⁵ is “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an*

²⁴ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁵ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁶ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁷

41. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to West Northamptonshire Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
42. The Screening Report for Strategic Environmental Assessment and Habitats Regulations Assessment of the Neighbourhood Plan prepared in May 2021 concluded *“A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken and can be found in section 4 of this report. The assessment finds that no significant effects will occur as a result of the implementation of the Great Houghton Neighbourhood Plan. The assessment also finds that the policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy and the Submitted Northampton Local Plan Part 2, both of which have been subject to a full SA/SEA and no significant effects were identified. Consequently, from the findings of the screening assessment it is recommended that a full SEA does not need to be undertaken for the Great Houghton Neighbourhood Plan.”* Appendix E of the assessment report confirms Natural England, the Environment Agency, and Historic England agreed with the findings. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
43. The Screening Report for Strategic Environmental Assessment and Habitats Regulations Assessment of the Neighbourhood Plan prepared in May 2021 also concluded *“A screening assessment to determine the need for HRA in line with regulations and guidance was undertaken and is set out in Appendix A of this report and summarised in response to question 4 in table 1. The Screening has found that the Draft Great Houghton Neighbourhood Plan policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy and the Submitted Northampton Local Plan Part 2, which were both*

²⁶ Defined in Article 2(a) of Directive 2001/42

²⁷ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

subject to full HRA which found no significant or in combination effects. It is considered that due to the plan demonstrating conformity with the West Northamptonshire Joint Core Strategy and the Submitted Northampton Local Plan Part 2 it will not result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits SPA and Ramsar or the Rutland Water SPA and Ramsar sites. Consequently, from the findings of the screening assessment it is recommended that a full HRA does not need to be undertaken for the Great Houghton Neighbourhood Plan.” Appendix E of the assessment report confirms Natural England was consulted and on 16 April 2021 confirmed no specific comments.

44. The current examination of the submitted LPP2 includes consideration of that Plan in respect of the Upper Nene Valley Gravel Pits SPA and the findings of the Habitats Regulations Assessment submitted with the LPP2, alongside the concerns raised by Natural England in that respect. Later in my report I refer to the relationship between the Neighbourhood Plan and the emerging LPP2 and explain the requirement for general conformity with strategic policies does not apply in the case of an emerging plan. My consideration of general conformity with strategic policies, later in my report, is limited to strategic policies within the Development Plan. With respect to the Neighbourhood Plan as a whole and with respect to individual policies of the Neighbourhood Plan, I later find general conformity with the strategic policies of the Development Plan. As the Neighbourhood Plan does not allocate any land for development, and I later find the policies of the Neighbourhood Plan are in general conformity with the West Northamptonshire Joint Core Strategy, I am content to rely on the fact the Screening Report relating to HRA, referred to above, recommended that a full HRA does not need to be undertaken for the Great Houghton Neighbourhood Plan. In Footnote 11 of my report, I referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout the early period of preparation of the Neighbourhood Plan. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
45. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

46. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

47. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. West Northamptonshire Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁸

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

48. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans²⁹ which requires plans to be “*consistent with national policy*”.

49. Lord Goldsmith has provided guidance³⁰ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in

²⁸ Planning Practice Guidance paragraph 031 Reference ID: 11-031-20150209 revision 09 02 2015

²⁹ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

³⁰ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

50. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 24 June 2021. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Guidance was updated on 24 May 2021 with respect to First Homes. Transitional arrangements in this respect apply in the case of the Neighbourhood Plan as publication stage in accordance with Regulation 14 had been reached by 28 June 2021, and the Neighbourhood Plan was submitted for independent examination in August 2021.
51. Paragraph 3.1 to 3.14 of the Basic Conditions Statement sets out an explanation how the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework and Guidance.
52. The Neighbourhood Plan includes in Sections 2.4 and 2.5, a positive vision for Great Houghton up to 2029 and six objectives that help support its delivery. The objectives, which provide a framework for the policies that have been developed, include economic dimensions (“*appropriate transport infrastructure*”), and social components (“*protect and enhance community and recreation facilities*”), whilst also referring to environmental considerations (“*conserve and enhance the character of the natural environment*”, “*ensure a net gain in biodiversity*”).
53. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having*

regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

54. At the heart of the Framework is a presumption in favour of sustainable development³¹ which should be applied in both plan-making and decision-taking.³² The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”*³³.
55. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
56. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Table 1 of the Basic Conditions Statement demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
57. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the

³¹ Paragraph 10 National Planning Policy Framework 2021

³² Paragraph 11 National Planning Policy Framework 2021

³³ Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Protect village character and the rural environment;
- Establish criteria to ensure development retains the character and identity of the Conservation Area;
- Establish design criteria for all development;
- Designate Local Green Spaces;
- Establish criteria for support of development proposals resulting in loss of other public green space;
- Ensure development conserves and enhances the local landscape;
- Protect and enhance community facilities;
- Protect and enhance the Playing Field and the Cemetery; and
- Support proposals to improve road safety and traffic management.

58. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

59. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.³⁴ Plans should make explicit which policies are strategic policies.³⁵ “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*”³⁶. “*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies*”.³⁷

³⁴ Paragraph 13 National Planning Policy Framework 2021

³⁵ Paragraph 21 National Planning Policy Framework 2021

³⁶ Footnote 18 National Planning Policy Framework 2021

³⁷ Paragraph 29 National Planning Policy Framework 2021

60. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³⁸ West Northamptonshire Council has informed me that the Development Plan applying in the Great Houghton Parish Neighbourhood Area and relevant to the Neighbourhood Plan is the West Northamptonshire Joint Core Strategy 2011-2031 and the Northampton Local Plan 1997 (Saved Policies).

61. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. West Northamptonshire Council has advised me that all of the policies of the Core Strategy are regarded by the Local Planning Authority as strategic policies applying in the Neighbourhood Area. West Northamptonshire Council states “*Specific policies relating to the Draft GHNP are:*

SA – Presumption in favour of sustainable development

S10 – Sustainable development principles

S11 – Low carbon and renewable energy

C5 – Enhancing local and neighbourhood connections

RC2 – Community needs

E1 – Existing employment areas

H3 – Rural exception sites (although the GHNP does not allocate any sites, any sites that did come forward would need to adhere to this policy).

BN1 – Green infrastructure connections

BN2 – Biodiversity

BN4 – Upper Nene Valley Gravel Pits Special Protection Area

BN5 – The historic environment and landscape

BN8 – The River Nene strategic river corridor.”

West Northamptonshire Council also states all saved policies of the Northampton Local Plan (1997) are strategic policies applying to the Great Houghton Neighbourhood Area.

62. A Northampton Local Plan Part 2 (LPP2) is currently being prepared and was examined in November 2021. West Northamptonshire Council has published a Policies and weightings for the Northampton Local Plan Part 2 document. West Northamptonshire Council has

³⁸ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

identified the following LPP2 policies as applying specifically to the Great Houghton Neighbourhood Area: Policies 1; 2; 3; 4; 5; 6; 7; 13; 15; 17; 23; 24; 27; 28; 29; 30; 31; 32; 33; 38; and 41.

63. The Neighbourhood Plan can proceed ahead of adoption of the Northampton Local Plan Part 2. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*
- the emerging neighbourhood plan;*
 - the emerging Local Plan;*
 - the adopted development plan;*
- with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help*

*minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.*³⁹

64. The approach of West Northamptonshire Council and the Parish Council has been consistent with that stated in the Guidance *“It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.”* I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the LPP2 when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan unless the later plan states otherwise.
65. In order to satisfy the Basic Conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging LPP2 is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*⁴⁰. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
66. In considering a now-repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”*⁴¹ The use of *‘general’* allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.
67. The Guidance states, *“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

³⁹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009- 20190509 Revision 09 05 2019

⁴⁰ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

⁴¹ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*⁴²

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

68. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the Table 3 presented below paragraph 3.18 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

69. The Neighbourhood Plan includes 9 policies as follows:

Policy GHNDP1 – Protecting Village Character and the Rural Environment

Policy GHNDP2 – Great Houghton Conservation Area

Policy GHNDP3 – Sustainable Design and Construction

Policy GHNDP4 – Protecting Local Green Space

Policy GHNDP5 – Protecting Other Open Spaces

Policy GHNDP6 – Conserving and Enhancing the Landscape

Policy GHNDP7 – Protection of Existing Community Facilities

Policy GHNDP8 – Sport, Recreation and Leisure Facilities

Policy GHNDP9 – Traffic Management and Transport.

⁴² Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014

70. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*
71. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
72. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*
73. The Guidance states *“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.”⁴³*

⁴³ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

74. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*⁴⁴
75. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*⁴⁵
76. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”*⁴⁶ *“A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”*⁴⁷
77. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit. I have considered the issue of meeting housing needs initially as this issue is relevant to more than one policy of the Neighbourhood Plan.

⁴⁴ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

⁴⁵ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019

⁴⁶ Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

⁴⁷ Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

Meeting Housing Needs

78. The Guidance states *“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in paragraph 11, footnote 6), which may restrict the scale, type or distribution of development in a neighbourhood plan area.”*⁴⁸
79. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”*⁴⁹
80. *“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale. Where neighbourhood planning bodies intend to exceed their housing requirement figure, proactive engagement with their local planning authority can help to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies. For example, whether the scale of proposed increase has a detrimental impact on the*

⁴⁸Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

⁴⁹ Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

strategic spatial strategy, or whether sufficient infrastructure is proposed to support the scale of development and whether it has a realistic prospect of being delivered in accordance with development plan policies on viability. Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.”⁵⁰

81. *“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.”⁵¹*

82. *“Where an indicative housing requirement figure is requested by a neighbourhood planning body, the local planning authority can follow a similar process to that for providing a housing requirement figure. They can use the authority’s local housing need as a starting point, taking into consideration relevant policies such as an existing or emerging spatial strategy, alongside the characteristics of the neighbourhood plan area. Proactive engagement with neighbourhood plan-making bodies is important as part of this process, in order for them to understand how the figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when new strategic policies are adopted”.⁵²*

83. *“Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to*

⁵⁰ Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

⁵¹ Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019

⁵² Planning Practice Guidance Paragraph: 102 Reference ID: 41-102-20190509 Revision date: 09 05 2019

be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the basic conditions.”⁵³

84. *“If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”⁵⁴*

85. *“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging local plan (or spatial development strategy)*
- the adopted development plan*

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly

⁵³ Planning Practice Guidance Paragraph: 105 Reference ID: 41-105-20190509 Revision date: 09 05 2019

⁵⁴ Planning Practice Guidance Paragraph: 043 Reference ID: 41-043-20140306 Revision date: 06 03 2014

sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”⁵⁵

86. *“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”⁵⁶ and “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not*

⁵⁵ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

⁵⁶ Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy. Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”⁵⁷

87. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance.
88. Policies GHNDP1, GHNDP4, GHNDP5, and GHNDP6 of the Neighbourhood Plan, are relevant to housing supply. Part 4 of the Neighbourhood Plan sets out key elements of strategic spatial planning policy. Core Strategy Policy N6 is identified as making provision for a Northampton South of Brackmills Sustainable Urban Extension making provision for approximately 1,300 dwellings. Policy 41 The Green, Great Houghton LAA1098 of the merging LPP2 is identified as providing for an additional approximately 800 dwellings on land that would extend the Sustainable Urban Extension further eastwards towards the village of Great Houghton. I estimate more than half of the land identified for housing development by Policy 41 lies within the Neighbourhood Area. This would represent a significant boost to the supply of homes within the Neighbourhood Area. In this context I consider it is not necessary for West Northamptonshire Council to provide a housing target at neighbourhood area level, nor is it necessary for the Parish Council to request an indicative housing requirement figure.
89. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the Conservation Area, or the wider built framework of Great Houghton village, nor beyond that framework outside the settlement where the proposal is accepted in terms of

⁵⁷ Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509 Revision date: 09 05 2019

relevant Neighbourhood Plan policies. In this policy context it is reasonable to assume there will be some windfall supply of homes during the Plan period up to 2029, in addition to any extant permissions, which will boost the supply of homes in the Neighbourhood Area. I am satisfied there is evidence West Northamptonshire Council and the Parish Council have worked collaboratively sharing evidence and seeking to resolve any issues so that complementary emerging neighbourhood and local plan policies are produced, including in respect to housing supply. I am satisfied the approach adopted to address housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for Great Houghton parish and provides the necessary justification that those policies that are relevant to housing supply, as recommended to be modified, will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

Policy GHNDP1 – Protecting Village Character and the Rural Environment

90. This policy seeks to establish criteria that will ensure development proposals will retain the character and identity of Great Houghton village and the rural character of the area.
91. In a representation West Northamptonshire Council state *“Policy GHNDP1 a) refers to a ‘green buffer shown on Figure 20’... of the Northampton LPP2, but Policy 41 of the submitted Northampton LPP2 identifies this area as an area of ecological enhancement. It would be useful, for consistency, if Policy GHNDP1 a) could be re-worded: ‘Retain the area shaded in green as shown on Figure 20 of Northampton LPP2 (page 21 of this document) for ecological enhancement, accessibility for recreation and to provide a clear separation between the proposed Northampton LPP2 allocation and the existing village of Great Houghton.’*
92. A representation on behalf of Homes England states *“We note the amended wording now proposed under Policy GHNDP1 and broadly welcome those changes as seeking to accord with emerging policy. Our concerns remain, however. Should the Northampton Local Plan Part 2 (NLPP2) not progress to adoption but the GHNDP progresses to be ‘made’, the effect of GHNDP1 bullet (a) would be to impose new obligations on the land to retain it as a green buffer and to provide*

recreational access into it. No such obligations should be established by the Neighbourhood Plan, and to do so would not accord with strategic policies, since no obligation for recreational access or ecological protection would exist absent the NLPP2. It is Homes England's intention to meet the requirements of the NLPP2 to provide an ecological buffer and, as part of SANG provision, to make that area publicly accessible. However, those are detailed considerations to be agreed pursuant to the NLPP2. In particular, access routes between Great Houghton village and the SANG are not required for the purposes of development and to meet HRA regulations, but are an additional and positive benefit which Homes England would seek to achieve, subject to such routes being technically feasible and deliverable. We do not therefore object to the principle established by GHNDP1(a), only to the circumstances in which it would apply. The obligation can and should only be established if the NLPP2 policy requiring the green buffer is retained within an adopted Plan, and then only to the extent and degree of obligation set out in the NLPP2. In order to ensure that the GHNDP achieves general conformity with the NLPP2, we recommend the following alternative wording: 'a) In the event that the Northampton LPP2 is adopted, retain the Green Buffer shown on Figure 20 of Northampton LPP2 (page 21 of this document, or as otherwise amended for adoption) for ecological enhancement and by providing opportunities for outdoor, informal recreation, such as walking;''

93. In the light of the representations referred to above I wrote to West Northamptonshire Council and the Parish Council seeking clarification of matters relating to Policy GHNDP1, including the intentions of the policy. In response, West Northamptonshire Council stated “*The Northampton Local Plan Part 2 (LPP2) was examined in November 2021 and the Council received the Post Hearings Inspectors’ letter with regards to the Plan on 27 January 2022. Matters discussed at the hearings included issues relating to the proposed allocation at The Green, Great Houghton (LAA1098) which includes the area for ecological enhancement / green buffer discussed in Policy GHNDP1.*” The response drew attention to the Post Hearings letter issued by the Inspectors appointed to examine the LPP2 which includes the following “*Policy 41, The Green, Great Houghton (LAA1098) 45. As we expressed at the hearings, we find that given the scale and complexity of the proposal, the Policy should include a requirement for the preparation of a master plan. This should set out a detailed framework of how the site should be developed having regard to its constraints. As we set out earlier, the question of whether the site involves FLL is*

unresolved at the present time. The Policy should also be amended to clarify that vehicular access would be from the south (Newport Pagnell Road) rather than the Bedford Road, to ensure that the access is not primarily from The Green. Figure 20 should be amended to show the broad location of the proposed SANG, and the Policy should require a landscape vision for the site to include how views across the site into and out of the village of Great Houghton will be managed, especially views of the Grade II listed church.”*

94. In this context West Northamptonshire Council state *“It is proposed to alter the wording of the LPP2 policy relating to The Green, Great Houghton to ensure that any development coming forward on this land takes into consideration the surrounding townscape and provides a clear separation between the developed site and Great Houghton. The area identified for ecological enhancement is expected to include, to an extent yet unidentified, a Suitable Alternative Natural Greenspace (SANG). This will include walking routes, connections to Great Houghton and neighbouring areas, an off-lead dog walking area and protection, enhancement and creation of habitats in line with other policies of the Northampton LPP2. The Council would prefer the GHNDP to use the terminology proposed within the Northampton LPP2 with regards to the area shaded green in Figure 20 of the LPP2 (Ecological Enhancement). This would ensure consistency for applicants and decisions makers.”* The Parish Council agrees to the modifications as proposed by West Northamptonshire Council. I have based my recommended modification of Policy GHNDP1 on the preferred approach of the two Councils whilst also seeking to ensure the policy meets the Basic Conditions.

95. Policy GHNDP1 refers to the Green Buffer shown on Figure 20 of Northampton LPP2 *“(page 21 of this document)”*. The text of paragraph 5.5 of the Neighbourhood Plan confirms the green shaded area on the map on page 21 (referred to in emerging LPP2 Policy 41 as an area of search for the creation of a buffer of ecological enhancement and net increase in biodiversity) is the Green Buffer referred to. I have recommended a modification of Policy GHNDP1 so that this intention is clarified. I have recommended a modification in this respect so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

96. When read in the context of the supporting text, in particular paragraph 5.5, it is evident part a) of the policy intends that planning

proposals should provide a clear separation between the developed site and Great Houghton. The emerging LPP2 supports this approach. I have recommended a modification in this respect so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework. The provision of a clear separation between any proposed development and Great Houghton by the retention of the identified Green Buffer as an area for ecological enhancement is a legitimate objective of land use policy in the context of the Neighbourhood Area, and a sustainable approach for an area where there are emerging significant strategic allocations for development. I have recommended the policy is modified so that the intention of the policy is evident and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

97. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The text in Table 1 of the Neighbourhood Plan refers to responses of local residents to the 2019 Design Statement Questionnaire. This provides evidence of the local significance of the rural landscape in the area between Great Houghton and Northampton and support for a Green Buffer. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond *“ordinary”*.⁵⁸ The Great Houghton Conservation Area Appraisal and Management Plan March 2018 identifies views from the village towards Northampton, and the *“distinct village character, detached from the built-up area of Northampton”* as key elements of the special character of Great Houghton Conservation Area. Policy S10 of the West Northamptonshire Core Strategy states development will protect, conserve and enhance the natural and built environment and heritage assets and their settings. In areas of known historic or heritage significance Policy BN5 of the West Northamptonshire Joint Core Strategy requires development to sustain and enhance the heritage and landscape features which contribute to the character of the area including conservation areas, and the skyline and landscape settings of villages. As recommended to be modified I am satisfied part a) of Policy GHNDP1 has regard for the protection and enhancement of

⁵⁸ Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)

valued landscapes set out in paragraph 174 of the Framework and is in general conformity with the strategic policies of the Development Plan.

98. I agree with the representation of Homes England which states “*The obligation can and should only be established if the NLPP2 policy requiring the green buffer is retained within an adopted Plan, and then only to the extent and degree of obligation set out in the NLPP2.*” The representation proposes alternative policy wording. Paragraph 16 of the Framework states Plans should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply in a particular area (including policies in this Framework, where relevant).*” The LPP2 is an emerging plan, subject to change, that does not currently form part of the Development Plan. It is likely the Neighbourhood Plan will become part of the Development Plan ahead of the LPP2, which it may. In this context the issue of unnecessary duplication of policies does not arise. The Guidance states “*The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.*”⁵⁹ It is evident West Northamptonshire Council and the Parish Council have worked closely together to ensure the policies of the two plans are complimentary. The Guidance states “*Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*”⁶⁰ In this context it is appropriate for the Neighbourhood Plan to establish planning policy to apply in the identified Green Buffer area, and to state the latest understanding of emerging local plan policy. As recommended to be modified I am satisfied that part a) of Policy GHNDP1 has regard for national policy; will not prevent sustainable development; and is in general conformity with the strategic policies.

99. The requirement in part c) of Policy GHNDP1 to take into consideration and be sympathetic to townscape character of existing small-scale residential development within Great Houghton would not be appropriate in respect of the proposed strategic allocation LAA1098

⁵⁹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

⁶⁰ Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509 Revision date: 09 05 2019

The Green, Great Houghton within the LPP2 should that allocation ultimately become part of the Development Plan. The term “townscape” is inappropriate. I have recommended a modification of part c) of the policy that reflects emerging LPP2 policy in this respect. Paragraph 111 of the Framework states “*development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Part d) of Policy GHNDP1 would be impractical and represent a disproportionate obligation in respect of small-scale development proposals, for example a house extension or proposal for one or two new infill dwellings. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework

100. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies S3; S10; BN4 and BN5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, building a strong competitive economy, achieving well-designed places, conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy GHNDP1

- **replace part a) with “Provide a clear separation between the development site and Great Houghton by retaining the Green Buffer area (shaded green on the map on Figure 20 of Northampton LPP2, presented on page 21 of the**

Neighbourhood Plan) for ecological enhancement. As part of an anticipated strategic allocation of the LPP2 the area identified for ecological enhancement is expected to include, to an extent yet unidentified, a Suitable Alternative Natural Greenspace (SANG). This will include walking routes, connections to Great Houghton and neighbouring areas, an off-lead dog walking area and protection, enhancement and creation of habitats in line with other policies of the Northampton LPP2.

- in part c) replace “townscape character of” with “sensitive to the”
- in part d) after “impact of” insert “any significant volume of”

Policy GHNDP2 – Great Houghton Conservation Area

102. This policy seeks to establish that development proposals should retain the character and identity of the conservation area by having regard to the conservation area appraisal and by being assessed against specified criteria.

103. It is inappropriate for one part of the policy to state “*Where consent is needed*” as all of the policies of the Neighbourhood Plan only apply where planning permission is needed. Encouragement does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

104. Paragraph 203 of the Framework states the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. I consider it is appropriate for locally valued heritage assets, referred to as buildings of local importance in the policy, to be subject to the same policy approach applying to non-designated heritage assets. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

105. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, and in particular strategic Policy BN5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy GHNDP2

- **in part c) delete “Where consent is needed, encourage the”**
- **continue part g) with “and in accordance with the scale of any harm or loss proposed”**

Policy GHNDP3 – Sustainable Design and Construction

107. This policy seeks to establish that new development should respond positively to key local attributes and features and should take account of identified criteria. The policy also refers to eco-friendly factors, and seeks to establish poor design should not be supported.

108. West Northamptonshire Council is supportive of Policy GHNDP3 c). However, it is suggested that the following amendments are made to the policy to ensure consistency with the NPPF and the emerging Northampton LPP2: *“It conserves or enhances existing wildlife habitats and incorporates new native planting (if appropriate to the site and its context) and landscaping that creates new habitats, provides nesting and foraging opportunities (e.g., for birds and bats), and encourages pollinators. Overall, a net gain in biodiversity should be demonstrated in line with the National Planning Policy Framework and emerging policy within the Northampton LPP2.”* I have recommended a modification in this respect so that the policy has sufficient regard for national policy, with the exception that in this instance it is not

necessary to rely on emerging strategic policy which, in any case, may change.

109. Paragraph 127 of the Framework states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Paragraph 130 of the Framework includes planning policies should ensure developments "*add to the overall quality of the area*", "*are visually attractive*", and "*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*". Paragraph 131 of the Framework seeks retention of existing trees wherever this is possible.

110. In response to my request for clarification West Northamptonshire Council state "*the emerging LPP2 contains a policy relating to Green Infrastructure which refers to the Green Infrastructure Plan for Northampton. The Northampton Green Infrastructure Plan identifies specific projects and it is expected that through emerging policy that major residential and commercial development will either deliver and/or contribute to those GI projects.*" West Northamptonshire Council suggest the following alternative text for part v) of the policy: "*Applicants will be required to demonstrate how green infrastructure is integrated into the development in accordance with the Northampton Green Infrastructure Plan. Applications should demonstrate how the development links to the existing green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.*" The Parish Council agrees to the wording of part v) of the policy as proposed by West Northamptonshire Council. I have recommended a modification in this respect as the term "*where relevant*" introduces uncertainty, and a requirement for a green infrastructure plan would not be proportionate and would represent a burdensome obligation in the case of small scale or minor development.

111. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: "*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*". The opening statement of the second paragraph of the policy is seeking to establish technical requirements, although it is not clear which minimum standards for

energy efficiency and resource use are to be exceeded. Part n) of the policy also seeks to introduce technical requirements, which are in any case imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy.

112. The term “*highways for hedgehogs*” is imprecise. The terms “*key attributes of the neighbourhood area*” and “*light pollution*” are imprecise. The term “*will be expected to*” and “*respond positively to*” do not provide a basis for the determination of development proposals. The term “*of the village in which it is situated*” is confusing. The final sentence of the policy is confusing in that it repeats part of the earlier policy text. The requirement that housing developments will generally be expected to be no more than two storeys has not been adequately justified. The requirement to ensure no loss of existing trees is inconsistent with the policy content relating to replacement of trees, and does not have sufficient regard for national policy. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

113. Paragraph 112 of the Framework provides that, in the stated context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. It is appropriate that Policy GHNDP3 should seek to establish support for development proposals designed to enable vehicle charging, and seek to establish a minimum requirement for vehicle charging infrastructure although the requirements for larger homes, and for wall-mounted charging points have not been sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy.

114. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies S10 and S11. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

115. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable

development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well-designed places, promoting sustainable transport, and meeting the challenge of climate change and flooding the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy GHNDP3

- **replace the first paragraph with “All new development should be sympathetic to local design features.”**
- **delete the first sentence of the second paragraph**
- **replace part c) after “new habitats,” with “provides nesting and foraging opportunities (e.g., for birds and bats), and encourages pollinators. Overall, a net gain in biodiversity should be demonstrated in line with the National Planning Policy Framework;”**
- **replace the second sentence of part f) with “It provides for access through boundary walls and fences by hedgehogs.”**
- **delete the second sentence of part k)**
- **delete part n)**
- **in part p) replace “pollution” with “spillage beyond the development site”**
- **replace part t) with “it is designed to enable the charging of electric vehicles in safe, accessible and convenient locations. As a minimum:**
 - **every new dwelling with an associated dedicated car parking space within its curtilage must include ducting to facilitate the future installation of a vehicle chargepoint; and**
 - **residential development with communal parking areas, should include ducting to facilitate the future installation of vehicle chargepoints.”**
- **in part u) replace “ensures there is no” with “avoids unnecessary”**
- **replace part v) with “Applicants will be required to demonstrate how green infrastructure is integrated into the development in accordance with the Northampton Green Infrastructure Plan. Applications should demonstrate how the development links to the existing**

green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.”

- **delete the final sentence**

Policy GHNDP4 – Protecting Local Green Space

116. This policy seeks to designate five Local Green Spaces where development will only be permitted when consistent with national planning policy for Green Belt.
117. In a representation West Northamptonshire Council state *“Policy GHNDP4 / 5 proposes local green space at Brackmills Employment Estate Buffer Zone. A substantial part of this proposed local green space is allocated within the Submitted Northampton LPP2 as safeguarded employment land. As such the policy is in conflict with the evidence that supports the LPP2 which requires employment land to be safeguarded to ensure the economic prosperity of Northampton⁶¹. Allocating this whole area as Local Green Space would be in conflict with Paragraph 101 of the NPPF (2021) which states that: ‘designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential service’. It has also not been shown that the site now meets the criterion set out in paragraph 102 of the National Planning Policy Framework of being demonstrably special. The proposed local green space at Brackmills Employment Estate Buffer Zone should be removed from the plan and from Figure 5, where it conflicts with the employment designation in the Part 2 plan, and the remainder should only remain in the plan if it can be demonstrated that it meets the NPPF tests.”*
118. A representation on behalf of Homes England supports the deletion of a sixth Local Green Space proposal that was included in an earlier version of the Neighbourhood Plan.
119. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figure 5 of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land

⁶¹ <https://www.northampton.gov.uk/downloads/file/12125/02-northampton-employment-land-assessment-2018>

in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified, however when viewed in hard copy format the boundaries of the proposed Local Green Spaces cannot be clearly identified. I have recommended a modification in this respect so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

120. Paragraph 103 of the Framework states *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”*. Paragraphs 147 to 151 of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not.⁶² Whilst the final sentence of the policy merely confirms national policy will apply, which is not within the spirit of Paragraph 16 f) of the Framework, this may assist users of the Neighbourhood Plan. The main purpose of the policy is to designate areas of land as Local Green Space.
121. Paragraph 101 of the Framework states *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*
122. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared. Whilst I am satisfied the proposed Local Green Spaces reference numbers GHNDP4/1 to 4/4 meet the other requirements of paragraph 101, the representation of West Northamptonshire Council calls into question whether one of the proposed designations, that relating to Brackmills Employment Estate Buffer Zone reference GHNDP4/5, may not be capable of enduring beyond the end of the plan period, and may not

⁶² R on the Application of Lochoilort Investments Limited v Mendip District Council. Case Number: C1/2020/0812

have regard to the local planning of sustainable development by complementing investment in sufficient jobs as set out in paragraph 101 of the Framework. Earlier in my report I have drawn attention to the part of the Guidance that states “*Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested*” and “*It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan...*” In this context it is inappropriate for the Neighbourhood Plan to seek to designate site GHNDP4/5 as Local Green Space when the emerging LPP2 allocates the substantial part of that land for employment development. I have given consideration to the possibility of LGS designation of that part of proposed area reference GHNDP4/5 that is not in conflict with the emerging employment allocation of the LPP2 but find there is insufficient evidence that land is demonstrably special to a local community and holds a particular local significance which is one of the tests that I apply to the other proposed LGS designations below. I have recommended a modification to delete proposed Local Green Space GHNDP4/5 from Policy GHNDP4 and do not test that site further in respect of other criteria for designation.

123. Paragraph 102 of the Framework states “*The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.*” I find that in respect of each of proposed Local Green Spaces GHNDP4/1 to 4/4 the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

124. The submission Neighbourhood Plan includes ‘Table 2 Local Green Space Assessment’ which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of the proposed Local Green Spaces reference numbers GHNDP4/1 to 4/4, including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. Table 2 of the

Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas GHNDP4/1 to 4/4 proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

125. I find that the areas with reference numbers GHNDP4/1 to 4/4 proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.

126. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies BN1 and BN5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities and conserving and enhancing the natural environment the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy GHNDP4 delete proposed designation GHNDP4/5 - Brackmills Employment Estate Buffer Zone

Present Figure 5 at a greater scale so that the precise boundaries of the designations can be clearly identified, and delete proposed designation GHNDP4/5 from Figure 5

Policy GHNDP5 – Protecting Other Open Spaces

128. This policy seeks to establish criteria for support of loss of open spaces within the village confines.

129. Paragraph 99 of the Framework states existing open space, sports and recreation buildings and land, including playing fields

should not be built on unless specified circumstances exist. Paragraph 124 of the Framework states planning policies and decisions should support development that makes efficient use of land, taking into account identified factors including *“the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change.”*

130. It is inappropriate that understanding of the term *“other”* used in the policy text and title relies on supporting text paragraph 5.30 for explanation. In response to my request for clarification of the terms *“the Village Confines”* and *“the same Village Confines boundary”* the Parish Council accept that this term is imprecise and state *“the intention is to refer to existing open spaces (see below) within the existing built form of the village”*. The Parish Council suggests *“the Village Confines”* is replaced by *“the existing built-up area of the village”* and the word *“same”* should be deleted. In response to my request for clarification regarding the term *“smaller, often quite incidental open spaces”* and whether the term *“other open spaces”* includes residential gardens the Parish Council state *“Policy GHNDP5 seeks to protect smaller open spaces within the existing built form of the village. These include areas such as grass verges and other incidental green spaces. Policy GHNDP5 aims to protect such spaces within the public realm. Policy GHNDP5 does not include private residential gardens.”* I have recommended a modification in these respects so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

131. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies BN1 and BN5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities and conserving and enhancing the natural environment the policy is appropriate to be

included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy GHNDP5

- **replace “other open spaces within the Village Confines” with “incidental public green spaces within the existing built-up area of the village”**
- **in part a) replace “within the same Village Confines boundary” with “in the built-up area of the village”**
- **in part b) replace “open” with “green” on both occasions**

Amend the Policy title to “Policy GHNDP – Protecting Incidental Public Green Spaces”

Policy GHNDP6 – Conserving and Enhancing the Landscape

133. This policy seeks to establish that new development should conserve or enhance the local landscape by specified means.

134. In a representation West Northamptonshire Council state “*The Plan seeks to encourage tree planting (and new planting and landscaping as set out in Policy GHNDP6 (d)), however, the requirement to plant native trees and species is restrictive, especially when considering climate change. The Parish Council is directed to Planning Practice Guidance for the Natural Environment⁶³ for guidance on trees and species which stipulates trees of the right species and age profile are essential. Further guidance can be found in the newly published England Trees Action Plan (2021 – 2024)⁶⁴. Policy GHNDP6 (d) requires new planting and landscaping to use native species. It is suggested that the following wording change to the policy would allow for flexibility including climate change. ‘New planting and landscaping should use native and other suitable species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and provides stepping-stones or links to existing woodland and hedgerows.’”*

135. The restriction to use of only native species has not been adequately justified and does not have sufficient regard for paragraph

⁶³ <https://www.gov.uk/guidance/natural-environment>

⁶⁴ <https://www.gov.uk/government/publications/england-trees-action-plan-2021-to-2024>

174 of the Framework that seeks enhancement of the natural and local environment. I agree with the representation of West Northamptonshire Council regarding part d) of the policy and have adopted the suggested alternative wording in my recommended modification. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

136. A representation on behalf of Homes England states *“Clause (b) of Policy GHNDP6 establishes that 'in situ' conservation of heritage assets, including ridge and furrow, should be sought. That approach is not consistent with the NPPF (2021) which draws a distinction between designated and non-designated assets. Ridge and furrow is a non-designated asset and should therefore be treated in accordance with paragraph 203 of the NPPF, requiring a balanced judgment (distinct from the requirements for designated assets). Paragraph 205 of the NPPF makes provision for the loss of heritage assets and sets out the approach required for preservation by record assets in such circumstances - the presumption in Policy GHNDP6 that preservation 'in situ' is required is therefore inconsistent with national policy and thus fails the basic conditions. In order to ensure that Policy GHNDP6 accords with national policy, the wording of clause (b) should be amended to read: (b) seeking to conserve in situ or by record known heritage assets of archaeological value, including ridge and furrow.”*

137. Paragraph 194 of the Framework states *“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*. Paragraph 203 of the Framework states *“the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset”*. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is *“clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework. I am satisfied part h) of

the policy has sufficient regard for national policy relating to the conservation and enhancement of the historic environment.

138. Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary”.⁶⁵ It is inappropriate for part a) of Policy GHNDP6 to include the term “maintaining”. I have recommended a modification to clarify the policy is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environment by respecting and enhancing the landscape setting, landscape features, field and settlement patterns. I have recommended this modification so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

139. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states existing trees should be retained wherever possible. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Paragraph 180 of the Framework also states that if significant harm cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

⁶⁵ Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)

140. I am satisfied part c) of the policy recognises that features of the natural environment may, unavoidably be affected by development proposals, for example to achieve safe vehicular access, and provides for offsetting replacement. The term *“reflects local vernacular building styles, layouts and materials”* in part e) of the policy is inappropriate in the context of paragraph 130 of the Framework which states development should be *“sympathetic to local character and history...while not preventing or discouraging appropriate innovation or change”*. Paragraph 16 of the Framework states plans should be deliverable. In order to ensure implementation of the policy is not reliant upon third parties, which it may not be, it should be made clear that the reference in part g) of the policy to *“improvement of access to the countryside”* should be limited to circumstances where this is practical. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

141. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies BN1; BN2; BN3; BN5 and BN8. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy GHNDP6

- **in part a) replace “Maintaining” with “Respecting”**
- **replace part b) with “Having regard to the scale of any harm or loss and the significance of the heritage asset, seeking**

- to conserve in situ or by record known heritage assets of archaeological value, including ridge and furrow.”
- replace part d) with “New planting and landscaping should use native and other suitable species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and provides stepping-stones or links to existing woodland and hedgerows.”
 - in part e) replace “reflects” with “is sympathetic to”
 - in part g) after “Maintaining and” insert “, where practical,”

Policy GHNDP7 – Protection of Existing Community Facilities

143. This policy seeks to establish criteria for support of change of use or redevelopment of five identified community facilities. The policy also seeks to establish support for specified improvements of these facilities.
144. Paragraph 93a) of the Framework states planning policies should plan positively for the provision of community facilities including meeting places. Paragraph 93c) of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services. The policy has sufficient regard for national policy in these respects.
145. It is confusing and unnecessary for the policy to state “*where permission is required*” as all of the policies of the Neighbourhood Plan only apply in respect of development proposals requiring planning permission. It is also confusing and unnecessary for the policy to state “*when they are in accordance with other development plan policies and the policies of the GHNDP*” firstly as it is intended the Neighbourhood Plan will become part of the Development Plan and secondly because it is necessary to consider the Development Plan as a whole. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The term “*permitted*” is inappropriate as material considerations will not be known until the time of determination of a proposal. The policy indicates the relevant community facilities are identified on Figure 6, however, ‘The Cemetery’ is not identified. The Parish Council has advised me this is a drafting error. I have recommended a modification in these respects to correct this error and so that the policy has sufficient regard for national policy and “*is clearly*

written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

146. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policies S2 and RC2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy GHNDP7

- **delete “Where permission is required”**
- **replace “permitted” with “supported”**
- **delete “when they are in accordance with other development plan polices and the policies of the GHNDP”**

Modify Figure 6 to identify “The Cemetery” referred to in Policy GHNDP7

Policy GHNDP8 – Sport, Recreation and Leisure Facilities

148. This policy seeks to establish criteria for the loss of the playing field or the cemetery and establish support for their enhancement as sport and recreation facilities.

149. The policy has sufficient regard for paragraph 98 of the Framework which states *“access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.”* The

policy also has sufficient regard for paragraph 99 of the Framework which states existing open space, sports and recreation buildings and land, including playing fields, should not be built on except in specified circumstances.

150. Whilst the term “*protected*” is imprecise the second and third paragraphs of the policy provide sufficient basis for the determination of development proposals. The policy indicates the relevant facilities are identified on Figure 7, however, ‘The Cemetery’ is not identified. The Parish Council has advised me that this is a drafting error. I have recommended a modification in this respect to correct this error.

151. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policy RC2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities conserving and enhancing the natural environment the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

Modify Figure 7 to identify “The Cemetery” referred to in Policy GHNDP8

Policy GHNDP9 – Traffic Management and Transport

153. This policy seeks to establish support for proposals to improve road safety and traffic management including specified schemes.

154. The Neighbourhood Plan preparation process has highlighted concerns within the local community relating to traffic movement. Paragraph 111 of the Framework requires that “*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a*

transport statement or assessment so that likely impacts of the proposal can be assessed.” The Guidance states “Transport Assessments and Transport Statements primarily focus on evaluating the potential transport impacts of a development proposal. (They may consider those impacts net of any reductions likely to arise from the implementation of a Travel Plan, though producing a Travel Plan is not always required.) The Transport Assessment or Transport Statement may propose mitigation measures where these are necessary to avoid unacceptable or “severe” impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to on-going occupation and operation of the development. Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be “severe”, which may be a reason for refusal, in accordance with the National Planning Policy Framework.”⁶⁶

155. It is not possible to demonstrate that proposals are “fully” supported when determining development proposals. The term “eg.” introduces uncertainty. The terms “*minimizing impact*”, “and “*improving ... traffic flow*” are imprecise and do not provide a basis for the determination of development proposals. Part b) of the policy also refers to “*reducing congestion*”. This term is also imprecise and paragraph 109 of the Framework states “*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” I have recommended a modification to part b) so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

156. Paragraph 104 of the Framework states transport issues should be considered from the earliest stages of plan making so that ... opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks. The references to active travel and public transport in part c) of the policy have sufficient regard for national policy in these respects.

⁶⁶ Planning Policy Guidance Paragraph: 005 Reference ID: 42-005-20140306 Revision date: 06 03 2014

157. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan that are relevant to the Neighbourhood Plan, in particular strategic Policy C5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

158. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:
In Policy GHNDP9**

- delete “fully”
- replace “Minimising impact, reducing congestion and improving traffic flow and” with “Improving”
- replace “eg” with “in particular”

Conclusion and Referendum

159. I have recommended 9 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report.

160. I am satisfied that the Neighbourhood Plan⁶⁷:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:

⁶⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁶⁸

I recommend to West Northamptonshire Council that the Great Houghton Parish Neighbourhood Development Plan for the plan period up to 2029 should, subject to the modifications I have put forward, be submitted to referendum.

161. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁶⁹ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”⁷⁰. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Northampton Borough Council (now subsumed in West Northamptonshire Council) as a Neighbourhood Area on 10 June 2020.

⁶⁸ This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁶⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁷⁰ Planning Practice Guidance Paragraph 059 Reference ID: 41-059-20140306 Revision 06 03 2014

Annex: Minor Corrections to the Neighbourhood Plan

162. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.⁷¹ If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

163. West Northamptonshire Council recommend:

- the designated area on Figure 1 should be outlined in red rather than blue. In the context of statutory development procedures, it is accepted normal practice to use a red outline to identify land;
- “The Northampton” should be inserted before “LPP2” in the second sentence of paragraph 4.5;
- Paragraph 4.6 should be updated. The following text would be appropriate “The West Northamptonshire Joint Core Strategy was adopted in 2014 and the policies underwent a review in December 2019. An Options Consultation on the West Northamptonshire Strategic Plan closed on 6 December 2021. <https://westnorthantsplan.inconsult.uk/WNSPOptions/consultationHome>

I recommend these modifications are made so that the Neighbourhood Plan is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

164. A representation on behalf of Homes England states “*We anticipate that the reference in paragraph 3.5 to Policy GHNDP4, site GHNDP4/6 (The Green Ecological Buffer Zone) is an error, given that site GHNDP4/6 is now deleted from the Neighbourhood Plan. We agree with the deletion of GHNDP4/6 and elsewhere support that. For reasons of consistency, the HRA should be amended.*” I am able to recommend corrections are made. I agree this correction should be made.

Recommended modification 10:

⁷¹ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.

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8 February 2022
REPORT END