

Spring Boroughs Neighbourhood Forum

Spring Boroughs Neighbourhood Development Plan

A Report to Northampton Borough Council of the Independent
Examination of the Spring Boroughs Neighbourhood
Development Plan

Independent Examiner Christopher Edward Collison

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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 direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”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 Spring Boroughs Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Spring Boroughs Voice (the Neighbourhood Forum), a qualifying body able to prepare a neighbourhood plan, in respect of the Spring Boroughs Neighbourhood Area which was formally designated by Northampton Borough Council (the Borough Council) on 11 December 2013.
4. Work on the production of the plan has been undertaken through a Neighbourhood Plan Steering Group (the Steering Group) that has reported regularly to the Neighbourhood Forum.
5. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Neighbourhood Forum for submission of the plan and accompanying documents to the Borough Council, which occurred on 21 July 2015. Following publication for consultation² Northampton Borough Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

6. This report sets out the findings of the independent examination into the Neighbourhood Plan.³ The report makes recommendations to the Borough Council including a recommendation as to whether or not the

¹ Paragraph 183 National Planning Policy Framework (2012)

² In accordance with Regulation 16 the Neighbourhood Planning (General) Regulations 2012 (as amended)

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan should proceed to a local referendum. The Borough Council will decide what action to take in response to the recommendations in this report.

7. The Borough 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. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the Borough Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
8. I have been appointed by the Borough Council with the consent of the Neighbourhood Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Neighbourhood Forum and the Borough 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 a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have more than thirty-five 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,⁴ 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.⁵

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

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶
12. The examiner has the ability to call a hearing for the purposes 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 opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ 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 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.⁸
14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

15. 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 2004.¹⁰ 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 which are made pursuant to the powers given in those sections.
16. The Neighbourhood Plan relates to the area that was designated by the Borough Council as a neighbourhood area on 11 December 2013. A map of the plan area at sufficient scale to identify particular streets and properties is included at page 3 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
17. 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;¹³ and the Neighbourhood Plan does not provide for the granting of planning permission for any development that is excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The introduction to the Submission Version clearly states the plan period to be 2014-2029.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

¹⁰ 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)).

¹¹ Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B(2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A(2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally winning and working of minerals and associated buildings, waste disposal, and nationally significant infrastructure projects set out in Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

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

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

20. 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 particular 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.
21. 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 are a reflection of 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.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) 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.¹⁷

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Spring Boroughs Neighbourhood Plan Submission Version July 2015
[In this report referred to as the Neighbourhood Plan]
- Spring Boroughs Neighbourhood Plan Basic Conditions Statement July 2015
[In this report referred to as the Basic Conditions Statement]
- Spring Boroughs Neighbourhood Plan Consultation Statement July 2015
[In this report referred to as the Consultation Statement]
- Spring Boroughs Neighbourhood Plan Housing Technical Paper June 2015
- Implementation of New Housing Opportunities in the Spring Boroughs Neighbourhood Plan Area July 2014
- Spring Boroughs Neighbourhood Plan Submission Employment Technical Paper June 2015

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Spring Boroughs Neighbourhood Plan Policy AB3 Background Paper June 2015
- Spring Boroughs Neighbourhood Plan Evidence Base Review of Northampton's Development Plan
- Spring Boroughs Neighbourhood Plan Screening Report for Strategic Environmental Assessment and Habitats Regulation Assessment March 2015
- Spring Boroughs Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulation Assessment Determination Statement July 2015
- Representations received during the Regulation 16 publicity period
- Northampton Central Area Action Plan, adopted January 2013
- West Northamptonshire Joint Core Strategy Local Plan (Part 1), adopted December 2014
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The 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)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]
- Audio Rap Lyrics to 'Better' (Neighbourhood Song) Kosee Great 2015

Consultation

24. The Consultation Statement demonstrates that a comprehensive and inclusive approach has been adopted in engaging stakeholders and the local community in preparation of the Neighbourhood Plan. I highlight here a number of the key components of the consultation undertaken.

25. Since 2012 weekly drop-in sessions have been held with an initial aim of establishing contacts and communications as reaching some parts of the community posed a challenge. People were signed up to become members of the emerging Neighbourhood Forum or to act as a point of contact for their block of flats. Early action and achievement relating to disability access; re-opening of the community cafe; campaigning on planning application issues; and attention to social enjoyment aspects of meetings provided impetus.
26. Throughout the summer of 2013 workshops and early meetings brought different local groups and individuals together as local planning issues began to be explored, not least through a mini-questionnaire held in June 2013. In late 2013 and early 2014 issues to be addressed through the Neighbourhood Plan started to be formulated. Issues workshops addressed topics identified through early engagement and included open space and play; movement; and draft vision and objective setting.
27. The Steering Group that had been established prepared a vision and issues consultation questionnaire that was distributed at local events and available to download in the summer of 2014. Of the 65 responses the majority supported the draft vision, and the three priorities of family housing, children's play, and provision of community facilities were strongly supported. In addition respondents raised other issues and the Steering Group considered an appropriate response.
28. Pre-submission consultation was held between 23 March and 11 May 2015. A copy of the Draft Plan with a questionnaire and covering letter was sent to all approximately 1,400 postal addresses in Spring Boroughs, including households, businesses and organisations, and made available on the Borough Council's website. Consultation events were held to coincide with local community events and an open Neighbourhood Forum meeting. A total of 58 responses from residents and businesses were received. A further 9 responses were submitted from statutory consultation bodies and technical stakeholders. A full summary of the responses is set out in the Consultation Statement. The main issues raised have been identified and changes as appropriate made to the Neighbourhood Plan.
29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 24 July 2015 and 7 September 2015. A total of eight representations were submitted all of which I have taken into consideration in preparing this report, even

though they may not be referred to in whole, or in part.

30. Natural England and the Marine Management Organisation confirmed no comments on the plan. Northamptonshire County Council has stated the Illustrative Masterplan should be re-titled as 'Key Diagram'. Such a change is not necessary to meet the basic conditions.
31. In a representation Northamptonshire Police "*Welcomes the reference to any new development being built to comply with the principles of Secured by Design and Planning Out Crime*". This representation is relevant to policies OP1, OP2 and OP5. Other general representations included positive comments supporting and complimenting the plan. Where representations relate to specific policies I consider those in the later section of my report when considering the policies concerned.
32. The need to develop a new local representative organisation in an area where community cohesion has in the past not been strong has presented a considerable challenge. A challenge that has been met. Consultation has clearly exceeded the requirements of the Regulations. Those people involved who have freely given their time and energy are to be congratulated on achieving effective and comprehensive engagement with the local community and other stakeholders who have influenced the content of the Neighbourhood Plan. The plan making process has clearly been a force in breaking down barriers between groups and been a unifying factor leading to a more cohesive community.

The Neighbourhood Plan taken as a whole

33. 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.

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 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

34. The Basic Conditions Statement states “*The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights*”. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁸ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.

35. Whilst no equalities impact assessment has been undertaken I have reached a conclusion that the Neighbourhood Plan will result in positive impacts on groups with protected characteristics. Groups including older people; young people; mothers to be and with young children; disabled people; those with limited mobility and other relevant groups will benefit from the plan policies including those relating to children’s play areas and other green spaces, and community facilities including a new healthcare and community centre. The housing related policies are designed to respond to local needs. I have not identified any negative equality impacts of the Neighbourhood Plan.

36. The objective of EU Directive 2001/42¹⁹ 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 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’²⁰ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²¹

37. A Strategic Environmental Assessment screening report has been prepared on behalf of the Neighbourhood Forum by the Borough

¹⁸ 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.

¹⁹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁰ Defined in Article 2(a) of Directive 2001/42

²¹ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Council. It is concluded that the Neighbourhood Plan does not require a full SEA to be undertaken. The screening has been subject to satisfactory consultation with the statutory consultation bodies. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

38. The Borough Council has also carried out a Habitats Regulations Screening on behalf of the Neighbourhood Forum. Applying a 15 kilometre radius the screening assessment concluded the Neighbourhood Plan would not cause any significant effects which would have a material impact on the Upper Nene Valley Gravel Pits SPA European site therefore a full Appropriate Assessment was not required. The assessment also concluded no significant effects when the Neighbourhood Plan is considered in combination with other plans and programmes. The necessary statutory consultation has been undertaken. Unsurprisingly I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

39. 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.

40. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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.

41. The Guidance²² 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. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- 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).

²² National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

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

42. 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 test of soundness provided for in respect of examinations of Local Plans²³ which requires plans to be “*consistent with national policy*”.
43. Lord Goldsmith has provided guidance²⁴ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in 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.*”
44. The Neighbourhood Plan evidence base includes a document “Review of Northampton’s Development Plan”. This document demonstrates that plan preparation has been undertaken with regard to the Framework. References are made to several relevant elements of the Framework with paragraphs 14 and 184 specifically referenced and the core planning principles are listed.
45. The Neighbourhood Plan states a vision that has been developed by the Steering Group and refined through consultation with the community. The vision is aspirational and comprises many components that are positively phrased including: “*push Spring Boroughs up the league of desirable neighbourhoods*”; “*vibrant neighbourhood with a balanced and diverse community*”; “*a great place to live and work*”; and “*become known as one of the best parts of the town.*” The vision is appropriate for a neighbourhood plan and has regard for national planning policy and in particular reflects the

²³ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁴ the Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s 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)

components of the Framework relating to high quality homes; sustainable transport; good design; and healthy communities.

46. The seven objectives of the Neighbourhood Plan relating to housing; play space and youth facilities; community facilities; heritage gateway; transport; community safety; and environment are clearly stated and all are consistent with components of the Framework and in particular those aspects relating to building a strong, competitive economy, ensuring the vitality of town centres; delivering a wide choice of high quality homes; conserving and enhancing the historic environment; requiring good design; promoting healthy communities; and promoting sustainable transport.
47. 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 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.*"
48. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁵ 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.*"
49. 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

²⁵ Paragraph 14 National Planning Policy Framework 2012

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.

50. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a table that seeks to demonstrate the economic, social and environmental attributes of each of the Neighbourhood Plan policies. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. In particular I consider the Neighbourhood Plan seeks to:

- Support proposals for new housing that meets local needs
- Support proposals for new and enhanced children’s play areas and youth facilities
- Encourages environmental improvements
- Supports new community facilities and infrastructure including a new community centre with healthcare facility
- Supports proposals that improve connectivity and sustainable movement within and beyond the area
- Supports the creation of a gateway that rejoices the rich heritage of the area

51. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and 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)

52. The Framework states that the ambition of the neighbourhood should “support the strategic development needs set out in Local Plans”.²⁶

²⁶ Paragraph 16 National Planning Policy Framework 2012

*“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*²⁷

53. The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*

54. 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). Some saved policies of the Northampton Local Plan adopted in 1997 remain live. The review of the saved policies by the Borough Council’s Planning Committee on 10 June 2014 found some of the saved policies may not be compliant with the Framework; others have been superseded by more up to date policy or evidence; and others are no longer required. The Review of Northampton’s Development Plan evidence base document states all saved policies are “non-strategic”. The Borough Council has informed me that the Development Plan applying in the Spring Boroughs neighbourhood area and relevant to the Neighbourhood Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 15 December 2014, and the Northampton Central Area Action Plan adopted January 2013.

55. Both the West Northamptonshire Joint Core Strategy (JCS) and the Northampton Central Area Action Plan (CAAP) have been adopted after the Framework has been established. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.

56. In order to satisfy the basic conditions the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Review of Northampton’s Development Plan evidence base document sets out which policies of the Development Plan are

²⁷ Paragraph 184 National Planning Policy Framework 2012

considered to be strategic. Whilst the review document does not undertake an assessment of general conformity, not least because it was clearly prepared before the Neighbourhood Plan policies were known, it does identify opportunities and implications for the emerging Neighbourhood Plan. The review document was based on a tracked change version including proposed modifications of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) that has presented me with an additional complication however the statements included in the review document have assisted me in determining whether the basic conditions have been met.

57. 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:*

- *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.”*

58. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.²⁸ The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan, the Northampton Local Plan Part 2, in this respect.²⁹

59. 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) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general

²⁸ Section 38(5) Planning and Compulsory Purchase Act 2004

²⁹ See paragraph 103 of the Judgement in *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC 1470 (Admin)

conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

60. The Neighbourhood Plan includes 5 plan wide policies and 3 area based policies:

Plan Wide Policies

OP1: Sustainable Development Principles

OP2: Family Housing

OP3: Children's Play Space and Other Green Spaces

OP4: Community Facilities

OP5: Streets, Movement and Parking

Area Based Policies

AB Policy 1: North West Spring Boroughs

AB Policy 2: Central Spring Boroughs

AB Policy 3: South Spring Boroughs

61. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*

62. *“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.”*

63. *“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”.*

64. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”³⁰*

65. 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.

66. Prior to consideration of each policy individually I draw attention to issues relating to description of housing provision that are relevant to policies OP1; OP2; AB1; AB2; and AB3. These policies include reference to:

OP1 size, design, tenure, affordability

OP2 types, sizes, tenures, affordable family housing with private outdoor space, housing management

AB1 types, tenure, 3 bedroom affordable family homes

AB2 affordable housing suitable for families, affordable family housing with gardens, family housing, types, tenures, three bedroom family homes

AB3 affordable family housing

So that the Neighbourhood Plan provides clarity for decision makers consistent terminology should be used. The Framework refers to size, type, tenure, and affordable as terms used to describe local housing demand in a particular location. Use of the term type, which I consider

³⁰ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

includes the concept of design for these purposes, instead of design in policy OP1 would achieve consistency in this respect.

67. A family can comprise a variety of memberships and a family home can reflect this. The use of the term three bedroom family home offers clarity to decision makers. A garden can include shared space whereas private outdoor space is less ambiguous. Consistent use of the term 'affordable three bedroom family homes with private outdoor space' will offer decision makers clarity.

68. I have given particular consideration to the use of the term "appropriate provision of housing management" in policy OP2. Generally land use policy does not distinguish between forms of management, for example a private or public company, or independent or multiple retailers. I have however noted paragraph 50 of the Framework does refer to a "range" of housing, and Annex 2 to the Framework does identify "*social rented, affordable rented and intermediate affordable housing*". Additionally CAAP Policy 24 Spring Boroughs that has been subject to rigorous examination of soundness and legal compliance, and adopted in January 2013 after the Framework was published, includes reference to "*appropriate provision of housing management*". In that the Development Plan currently includes that element it would not be conducive to the achievement of clarity for decision makers for this element to be excluded from the Neighbourhood Plan. I have also taken into account the high quality of the Neighbourhood Plan evidence base in exploring housing ownership and management options. I do not recommend any modification in this respect.

Recommended modification 1:

In Policies OP1, OP2, AB1, AB2 and AB3

Housing needs and provision should be described consistently

OP1: Sustainable Development Principles

69. This policy seeks to establish, subject to conditions, that planning permission will be granted for development that supports the local community by providing suitable family housing related to local demand and need; a high quality environment; infrastructure to support improved leisure, recreational and social facilities; defined better connections; and designs that provide security. The policy also requires development to protect and enhance residential amenity; local character and appearance; and social, built, historic, cultural and

natural heritage assets, especially linked to the Castle sites and surroundings.

70. Part A of the policy sets out 5 aspects and elements of development schemes that if present in a proposal would lead to a grant of planning permission. This raises two issues, firstly regarding the basis of decision making, and secondly regarding obligations.

71. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear through use of the term “proposals will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states planning permission will be granted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

72. With regard to the issue of obligations the Guidance states “*If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*”. Part A of the policy sets out 5 aspects and elements of development schemes including affordable homes; a high quality environment; infrastructure; better connections, and security that if present in a proposal would attract support. In this way the policy offers clear guidance for decision makers within the circumstances covered. The elements listed are not expressed as representing obligations. The policy is silent as to how proposals that do not include the aspects and elements listed are to be considered. On this basis the policy meets the basic conditions.

73. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 3 Public Realm; 4 Green Infrastructure; 6 Inner Ring Road; 9 Pedestrian and Cycle Movement Framework; 16 Central Area Living; 19 Castle Station; 24 Spring Boroughs; and 36 Infrastructure Delivery, and West

Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S1 The Distribution of Development; S3 Scale and Distribution of Housing Development; S4 Northampton Related Development Area; S10 Sustainable Development Principles; C1 Changing Behaviour and Achieving Modal Shift; C2 New Developments; C5 Enhancing Local and Neighbourhood Connections; RC1 Delivering Community Regeneration; RC2 Community Needs; H1 Housing Density and Mix and Type of Dwellings; H2 Affordable Housing; H6 Managing the Existing Housing Stock; BN1 Green Infrastructure Connections; BN5 The Historic Environment; INF2 Contributions to Infrastructure Requirements; N1 The Regeneration of Northampton; N2 Northampton Central Area; N11 Supporting Areas of Community Regeneration; N12 Northampton's Transport Network Improvements.

74. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to modification, including recommended modification 1 above, this policy meets the basic conditions.

Recommended Modification 2:

In policy OP1

Delete "Planning permission will be granted" and insert "Proposals will be supported"

OP2: Family Housing

75. Part A of this policy seeks to establish support for housing developments that contribute towards rebalancing types, sizes and tenures to meet local housing needs and achieve referenced design principles. It is stated that proposals for affordable family housing with private outdoor space will be particularly encouraged.

76. The policy raises the question how local housing needs are to be assessed throughout the plan period. The proposer of a scheme may provide their own assessment of local housing needs that may not reflect the assessment from within the local community. The scale of development proposed in a scheme may not always reasonably justify an obligation to undertake a local housing needs assessment. I therefore recommend a modification of the policy in this respect.

77. A representation supports the emphasis on providing family housing but recognises that the predominance of flat living will continue for some years.
78. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 16 Central Area Living; and 24 Spring Boroughs, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S1 The Distribution of Development; S3 Scale and Distribution of Housing Development; S4 Northampton Related Development Area; S10 Sustainable Development Principles; C2 New Developments; RC1 Delivering Community Regeneration; RC2 Community Needs; H1 Housing Density and Mix and Type of Dwellings; H2 Affordable Housing; H6 Managing the Existing Housing Stock; N1 The Regeneration of Northampton; N2 Northampton Central Area; and N11 Supporting Areas of Community Regeneration.
79. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; and requiring good design. Subject to modification, including recommended modification 1 above, this policy meets the basic conditions.

Recommended Modification 3:

In policy OP2

After “needs” continue “as most recently assessed”

OP3: Children’s Play Space and Other Green Spaces

80. This policy seeks to establish support and encouragement of new and enhanced children’s play areas and youth facilities. The policy also encourages opportunities for improving the environment through community gardening, particularly in the gateways between Spring Boroughs and other areas.
81. One representation commented on the lack of space in an area dominated by flats and where large numbers of children are without access to greenspace stating provision of play space is a very high priority.

82. A policy should offer sufficient clarity to guide decision makers when assessing a development proposal. Whilst the term 'safe' is able to be verified the term 'fun' whilst able to be observed once a facility is in place presents a challenge when assessing a proposal. Clearly facilities that are high quality, innovative, challenging, and exciting environments in which children can undertake recreational and learning activities are likely to attract children and sustain engagement over time. If use of a facility is not fun then it is likely to be little used. In assessing proposals it would be possible to observe facilities of a similar nature already in place elsewhere and take a view on the likelihood of fun being experienced in the new facility. Despite the difficulty of assessment for decision makers I am content that fun and safe are desirable characteristics and are expressed to reflect views within the community. I do not therefore propose any modification of the wording of this element of the policy.
83. The second element of the policy relates to encouragement of community gardening. Community gardening has a long history and several successful schemes are in place in a number of localities. It would be helpful to include in the justification of the policy some text that would enhance understanding of the type of scheme envisaged and the undoubted social, health and environmental benefits. I have not recommended a modification in respect of this adjustment on this basis it is not necessary to meet the basic conditions.
84. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 3 Public Realm; 4 Green Infrastructure; 6 Inner Ring Road; and 24 Spring Boroughs, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies S10 Sustainable Development Principles; RC1 Delivering Community Regeneration; RC2 Community Needs; BN1 Green Infrastructure Connections; N1 The Regeneration of Northampton; N2 Northampton Central Area; and N11 Supporting Areas of Community Regeneration.
85. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; promoting healthy communities; and conserving and enhancing the natural environment. This policy meets the basic conditions.

OP4: Community Facilities

86. This policy seeks to establish support for the delivery of community facilities and other infrastructure projects.
87. The inclusion in the policy of the term “using sources of funds as appropriate” does not assist decision makers and relates to a non-land use matter. I recommend its deletion. The term “infrastructure projects” is imprecise and could include a range of types that may not serve the needs of the local community. I recommend a clarification.
88. National land use policy does not distinguish between types of community buildings on the basis of linkage or association with faith groups. I recommend use of a descriptive phrase that makes it clear the facility should be a place provided for the people, groups and organisations in the Spring Boroughs area where they can meet one another and undertake activities, and is open for the whole community rather than any specialised or designated group. Activities can include social events, education classes or recreational activities.
89. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 16 Central Area Living; 24 Spring Boroughs; and 36 Infrastructure Delivery, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies S1 The Distribution of Development; S10 Sustainable Development Principles; RC1 Delivering Community Regeneration; RC2 Community Needs; INF2 Contributions to Infrastructure Requirements; N1 The Regeneration of Northampton; N2 Northampton Central Area; and N11 Supporting Areas of Community Regeneration.
90. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to modification this policy meets the basic conditions.

Recommended Modification 3

In policy OP4

- **Delete “using sources of funds as appropriate”**
- **After “infrastructure projects” insert “demonstrably serving the needs of the local community”**
- **Delete “non-faith based” and after “integrated community building” insert “open to use by all members of the community”**

OP5: Streets, Movement and Parking

91. This policy seeks to establish support for proposals that increase connectivity with reference to key destinations. The policy addresses the need for safe movement and also includes provisions relating to non-car movement as well as supporting an increase in kerbside parking facilities.
92. Part B of the policy supports the identification of residential streets to create 'home zones'. This aspect of the policy does not relate to the development and use of land and therefore cannot form part of a neighbourhood development plan. The Guidance states "*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.*" I recommend part B of the policy should be deleted and should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan.
93. A representation asks why increase kerbside parking and not overall parking. In this respect it is not within my role to produce an alternative plan and no modification is necessary to meet the basic conditions.
94. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 3 Public Realm; 6 Inner Ring Road; 9 Pedestrian and Cycle Movement Framework; 10 Parking; 16 Central Area Living; 19 Castle Station; 24 Spring Boroughs; and 36 Infrastructure Delivery, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S4 Northampton Related Development Area; S10 Sustainable Development Principles; C1 Changing Behaviour and Achieving Modal Shift; C5 Enhancing Local and Neighbourhood Connections; RC1 Delivering Community Regeneration; RC2 Community Needs; BN1 Green Infrastructure Connections; N1 The Regeneration of Northampton; N2 Northampton Central Area; N11 Supporting Areas of Community Regeneration; and N12 Northampton's Transport Network Improvements.
95. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

community. The policy has regard to the components of the Framework concerned with requiring good design and promoting sustainable transport. Subject to modification this policy meets the basic conditions.

Recommended Modification 4:

In policy OP5

Part B of the policy should be deleted and should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan

AB Policy 1: North West Spring Boroughs

96. This policy seeks to establish conditional support for proposals for housing development in north-west Spring Boroughs.
97. In a representation Anglian Water stated the policy “*does not identify the proposed scale of housing development which may come forward on these sites. Development will have an impact on Great Billing Water Recycling Centre. The used water flows would also have an impact on the existing used water network. All sites will require a local connection to existing sewer network which may include network upgrades. Anglian Water wish to comment further on these issues as part of the planning application process. We encourage prospective developers to contact us at the earliest convenience to discuss proposals including drainage solutions*”.
98. The West Northamptonshire Joint Core Strategy Local Plan (Part 1) Policy E1 Existing Employment Areas seeks to retain existing employment areas in employment uses. That policy does set out circumstances where a change of use to non employment use would not be resisted. One of those circumstances is where the change would offer significant benefits to the local area. Clear evidence has been put forward of the strong preference for and benefits of provision of family housing in the Neighbourhood Plan area.
99. The Northampton Central Area Action Plan (CAAP) Policy 24, Spring Boroughs, recognises the potential of Spring Boroughs to incorporate increased employment opportunities. CAAP Policy 15, Office and Business Use, identifies Spring Boroughs as a location for office and business development and the CAAP Proposals Map identifies land in north-west Spring Boroughs as safeguarded employment sites. The policy enables alternative uses to be permitted where it can be demonstrated that the loss of employment floorspace will be

outweighed by meeting the strategic objectives or that any office floorspace is replaced as part of a mixed use proposal. Figure 6.7 referred to in CAAP Policy 24 identifies land in north-west Spring Boroughs as an “*employment area to be retained or reprovided elsewhere within the regeneration site*”. The Neighbourhood Plan Policy AB1 clearly would contribute to the advancement of CAAP Strategic Objective SO7 ‘Repopulate the Central Area’ in that it would lead to an increase in the resident population through the regeneration of Spring Boroughs. Whilst the Business Survey and Employment Technical Paper does not demonstrate the identified sites are redundant it does demonstrate limited potential for future employment development and states they are considered to be no longer economically viable for employment purposes. Additionally the merits of alternative employment sites in the locality are highlighted and it is demonstrated the Super Sausage site provides a realistic alternative for employment land.

100. 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. 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.”*³¹ 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. Whilst flexibility is not unlimited I consider the Policy AB1 is in general conformity with the strategic employment policies of the Development Plan.

101. The policy is also in general conformity with the other strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 16 Central Area Living; and those elements of 24 Spring Boroughs not considered above, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S1 The Distribution of Development; S3 Scale and Distribution of Housing Development; S4 Northampton Related Development Area; S10 Sustainable Development Principles; C2 New Developments; RC1 Delivering Community Regeneration; RC2 Community Needs; H1 Housing Density and Mix and Type of

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

Dwellings; H2 Affordable Housing; H6 Managing the Existing Housing Stock; N1 The Regeneration of Northampton; N2 Northampton Central Area; and N11 Supporting Areas of Community Regeneration.

102. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to recommended modification 1 above this policy meets the basic conditions.

AB Policy 2: Central Spring Boroughs

103. This policy seeks to establish support for proposals that remodel the central Spring Boroughs area to rebalance the housing stock by providing more family housing and support for proposals to redevelop individual sites or collections of sites to provide more family housing. Part B of the policy states support for redevelopment proposals would be subject to fulfilling the criteria in policies OP1 and OP2 and providing a range of housing types and tenures including three bedroom family homes with private outside space.

104. In a representation Anglian Water stated the policy “*does not identify the proposed scale of housing development which may come forward on these sites. Development will have an impact on Great Billing Water Recycling Centre. The used water flows would also have an impact on the existing used water network. All sites will require a local connection to existing sewer network which may include network upgrades. Anglian Water wish to comment further on these issues as part of the planning application process. We encourage prospective developers to contact us at the earliest convenience to discuss proposals including drainage solutions*”.

105. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 16 Central Area Living; and 24 Spring Boroughs, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S1 The Distribution of Development; S3 Scale and Distribution of Housing Development; S4 Northampton Related Development Area; S10 Sustainable Development Principles; C1 Changing Behaviour and Achieving Modal Shift; C2 New Developments; C5 Enhancing Local

and Neighbourhood Connections; RC1 Delivering Community Regeneration; RC2 Community Needs; H1 Housing Density and Mix and Type of Dwellings; H2 Affordable Housing; H6 Managing the Existing Housing Stock; BN1 Green Infrastructure Connections; N1 The Regeneration of Northampton; N2 Northampton Central Area; N11 Supporting Areas of Community Regeneration; and N12 Northampton's Transport Network Improvements.

106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; and promoting healthy communities. Subject to recommended modification 1 above this policy meets the basic conditions.

AB Policy 3: South Spring Boroughs

107. This policy seeks to encourage proposals of seven specified types that would contribute to the creation of a heritage gateway in the south of Spring Boroughs.

108. The policy also states support for the creation of a Conservation Area. This aspect of the policy relates to a statutory designation procedure and does not relate to the development and use of land and therefore cannot form part of a neighbourhood development plan. The Guidance states "*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.*" I recommend the final paragraph of the policy should be deleted and should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan.

109. One representation expressed particular pleasure with the recognition of heritage and the potential for more public open space as part of the heritage proposals. Another representation expressed support for the inclusion of heritage space and the ambition of a conservation area.

110. In a representation Northamptonshire County Council (the County Council) objects to how the policy is identified on the Illustrative Masterplan presented at page 22 of the submission plan. Whilst I would have no objection to the choice of an alternative colour to identify the policy area I have not made a recommendation of modification as this is not necessary to meet the basic conditions.
111. The County Council also objects to the local artist's vision for the heritage gateway site included at page 34 of the plan stating this location has not been agreed as a greenspace. I consider the use of images in the plan document to be beneficial in making the document reader friendly. The illustration in question has a clear caption informing a reader of the plan that the illustration is a local artist's vision. The policy seeks to encourage proposals which create a heritage and green space without specifying a precise location. Modification is not necessary to meet the basic conditions.
112. The County Council also objects to the fifth criterion of the policy stating it neglects the other aspirations of the Neighbourhood Plan in respect of housing; and covers a matter already dealt with in the West Northamptonshire Joint Core Strategy and the Neighbourhood Plan Policy OP2. The fifth criterion would require modification as unlike the other criterion it does not relate to the text before the bullet point list. In order to achieve clarity for decision makers I recommend a modification so that the criterion relates to policy OP2.
113. The policy is in general conformity with the strategic policies contained in the Development Plan and in particular Northampton Central Area Action Plan policies: 1 Promoting Design Excellence; 3 Public Realm; 4 Green Infrastructure; 6 Inner Ring Road; 9 Pedestrian and Cycle Movement Framework; 16 Central Area Living; and 24 Spring Boroughs, and West Northamptonshire Joint Core Strategy Local Plan (Part 1) policies SA Presumption in Favour of Sustainable Development; S10 Sustainable Development Principles; C1 Changing Behaviour and Achieving Modal Shift; C5 Enhancing Local and Neighbourhood Connections; RC1 Delivering Community Regeneration; RC2 Community Needs; BN1 Green Infrastructure Connections; BN5 The Historic Environment; N1 The Regeneration of Northampton; N2 Northampton Central Area; N11 Supporting Areas of Community Regeneration; and N12 Northampton's Transport Network Improvements.

114. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities; delivering a wide choice of high quality homes; requiring good design; promoting sustainable transport; and conserving and enhancing the historic environment. Subject to modification, including recommended modification 1 above, this policy meets the basic conditions.

Recommended Modification 5:

In AB Policy 3: South Spring Boroughs

- **Delete the fifth criterion and insert “fulfil the criteria in ‘Policy OP2 Family Housing’ should any housing be provided”**
- **Delete the final paragraph relating to support for the creation of a Conservation Area which should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan**

Summary and Referendum

115. I have recommended the following modifications to the Submission Version Plan:

Recommended modification 1:

In Policies OP1, OP2, AB1, AB2 and AB3

Housing needs and provision should be described consistently

Recommended Modification 2:

In policy OP1

Delete “Planning permission will be granted” and insert “Proposals will be supported”

Recommended Modification 3

In policy OP4

- **Delete “using sources of funds as appropriate”**
- **After “infrastructure projects” insert “demonstrably serving the needs of the local community”**
- **Delete “non-faith based” and after “integrated community building” insert “open to use by all members of the community”**

Recommended Modification 4:

In policy OP5

Part B of the policy should be deleted and should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan

Recommended Modification 5:

In AB Policy 3: South Spring Boroughs

- **Delete the fifth criterion and insert “fulfil the criteria in ‘Policy OP2 Family Housing’ should any housing be provided”**
- **Delete the final paragraph relating to support for the creation of a Conservation Area which should be registered as a community aspiration of significance through inclusion in a non-statutory annex to the Neighbourhood Plan**

116. I also make the following recommendation in the Annex below.

Recommended modification 6:

Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies

117. I am satisfied that the Neighbourhood Plan³²:

- 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:
 - 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;

³² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- 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 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.³³

I recommend to Northampton Borough Council that the Spring Boroughs Neighbourhood Development Plan for the plan period up to 2029 should, subject to the modifications I have put forward, be submitted to referendum.

118. 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.³⁴ I have seen nothing to suggest the referendum area should 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 the Borough Council as a Neighbourhood Area on 11 December 2013.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.³⁵ The Neighbourhood Plan has been produced to a high standard of accuracy and presentation however it includes a small number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

The caption for the image on page 27 should read OP3 not OP1

On page 33 the reference to policy OP1 should read (Sustainable Development Principles) and reference to OP2 should read (Family Housing)

On page 37 delete the second bullet point as the text is part of the first bullet point

³³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

³⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

On page 37 the first bullet point under Priority Projects should be text before the list

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 6:
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison
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18 September 2015
REPORT ENDS