

Growing Together Neighbourhood Forum

Growing Together Neighbourhood Development Plan

A Report to Northampton Borough Council of the Independent
Examination of the Growing Together Neighbourhood
Development Plan

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Overall Finding

This is the report of the Independent Examination of the Growing Together Neighbourhood Development Plan. The plan area is the entire Growing Together Neighbourhood Forum area that includes the communities of Blackthorn, Cherry Lodge, Goldings, Lings, Lumbertubs, and Overstone Lodge. The Plan period ends in 2029. The Neighbourhood Plan includes 10 policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements to proceed to a local referendum within the Neighbourhood 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 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 Growing Together Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Growing Together Neighbourhood Forum (the Forum), a qualifying body approved by Northampton Borough Council (the Borough Council) on 11 September 2013. I have read the constitution of the Forum. The Forum is able to prepare a neighbourhood plan, in respect of the Growing Together Neighbourhood Forum Neighbourhood Area which was formally designated by the Borough Council on 11 September 2013. Plan preparation has been progressed by the Forum which comprises the Growing Together Community Partnership plus a number of local stakeholders, including local residents, and also individuals from the local voluntary and public sectors.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Forum for submission of the plan and accompanying documents to Northampton Borough Council. The Borough Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² 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 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.

6. 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. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application that relates to land in the neighbourhood area, in so far as the policies in the plan are material to the application.
7. 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 as part of the Development Plan for the neighbourhood area, and subsequently over the plan period be used in the determination of planning applications and decisions on planning appeals in the plan area. 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 plan³. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted⁴.
8. I have been appointed by the Borough Council with the consent of the Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the 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 an experienced Independent Examiner of Neighbourhood Plans. 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 forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

³ Paragraph 156 Housing and Planning Act 2016

⁴ National Planning Policy Framework paragraph 198 DCLG 2012

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,⁵ 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.⁶
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁷ 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 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. In undertaking this Independent Examination, I have visited the various parts of the Plan area.

Basic conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁸ 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,

⁵ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

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

⁷ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

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

- 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.⁹

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.¹⁰ 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'.

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 2004.¹¹ 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 whole of the Growing Together Neighbourhood Forum boundary. That area was designated by the Borough Council as a neighbourhood area on 11 September 2013. A map of the Growing Together Neighbourhood Forum Neighbourhood Plan Area is included as Figure 1 of the Submission Draft Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹² and no other neighbourhood development plan has been made for the neighbourhood area.¹³ All requirements relating to the plan area have been met.

⁹ 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

¹⁰ The Convention rights has the same meaning as in the Human Rights Act 1998

¹¹ 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)).

¹² Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

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

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;¹⁴ and the Neighbourhood Plan does not include provision about excluded development.¹⁵ 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.¹⁶ The front cover of the Submission Version Plan states the plan period is 2016 to 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.¹⁷ 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.
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

¹⁴ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁵ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁷ 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

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.¹⁸

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:

- Growing Together Neighbourhood Plan Submission Version July 2016 [*In this report referred to as the Neighbourhood Plan*]
- Growing Together Neighbourhood Area Map
- Growing Together Neighbourhood Plan Basic Conditions Statement July 2016 [*In this report referred to as the Basic Conditions Statement*]
- Growing Together Neighbourhood Plan Consultation Statement July 2016 [*In this report referred to as the Consultation Statement*]
- Evidence Supporting the Plan Document 1
- Affordable Warmth Strategy 2011-2014 Evidence Document 2
- Stock Condition Survey Final Report August 2010 Evidence Document 3
- Growing Together Neighbourhood Forum Neighbourhood Plan Screening Report for Strategic Environmental Assessment and Habitats Regulation Assessment June 2015 Evidence Document 4
- SEA and HRA Determination Statement Evidence Document 7
- Review of Northampton's Development Plan Evidence Document 5
- Indices of Deprivation 2015 Statistics Evidence Document 6
- Representations received during the Regulation 16 publicity period
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014
- Northampton Local Plan 1997 (Saved Policies)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2016) [*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

¹⁸ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended)
[In this report referred to as the Regulations]

Consultation

24. The submitted Neighbourhood Plan includes at Section 2 a summary of community engagement that has been undertaken, and the Consultation Statement and its appendices provide further detail. It is evident consultation has been thorough and undertaken in a way that is appropriate to the neighbourhood area.
25. It is a strength of the plan preparation process that consultation methods have been adopted that are known to be most effective in the plan area. In particular consultation in the summer of 2014 involved staffing of stalls at key local venues at times of high footfall, where possible to coincide with popular local events.
26. Pre-submission consultation on a draft Plan in accordance with Regulation 14 was undertaken in the period 15 June to 27 July 2015. Consultation involved use of websites; production of a summary booklet and questionnaire that was sent to every household in the Plan area; and placing printed copies of the Plan in local community buildings. Provision was made for the option of submitting a questionnaire online. A series of public events were also held at which people could ask questions and submit completed questionnaires. These public events were held at Blackthorn Community Centre, Lings Primary School, Lumbertubs Primary School, and Weston Favell Centre thus achieving good geographical coverage across the Plan area. Statutory consultees and relevant local organisations were consulted by email. This consultation resulted in 56 responses, of which 45 were from local residents, and 11 from statutory consultees. The presentation of analysis of Regulation 14 representations and responses and changes to the Plan is exemplary. Responses resulted in adjustment of the Draft Neighbourhood Plan prior to approval by the Forum and submission to the Borough Council.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 28 July and 22 September 2016. A total of 8 representations were submitted during the publicity period which I have taken into consideration in preparing

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

28. Northamptonshire Police state they are happy with the Plan, and two individuals offer comments of general support. The Marine Management Organisation confirms no comments. These representations do not necessitate modification of the Neighbourhood Plan to meet the basic conditions. One representation states Southfields should be included in the Plan and another asks why the Plan does not include Thorplands. It is beyond my role to recommend extension of the Plan area.
29. Another representation states the plan should make provision for a traveller's site and asks what is provided for horse owners, for example bridleways. It is beyond my role to recommend inclusion of additional policies in the Neighbourhood Plan. The representations of Anglian Water relate to Policy DEV1 only. I have considered the matters raised in that representation when examining the policy in question later in my report.
30. 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.¹⁹
31. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met.

The Neighbourhood Plan taken as a whole

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

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

33. The Basic Conditions Statement, in paragraph 6.7 confirms 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).²⁰ I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

34. The objective of EU Directive 2001/42²¹ 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’²² as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²³

35. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Forum to submit to the Borough Council either an

²⁰ 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.

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²² Defined in Article 2(a) of Directive 2001/42

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

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.

36.A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report (2015) (EVD4) was issued by the Borough Council in June 2015. I have noted consultation with the Consultation Bodies has been undertaken. The Screening Report was followed by the production of a Determination Statement (2016) (EVD7) which concluded that implementation of the Neighbourhood Plan is not likely to result in significant negative effects on the environment and therefore does not require a full SEA.

37.The Screening Report also concludes a full Habitats Regulation Assessment is not required. I have noted the consideration of effect on the Upper Nene Valley Gravel Pits Special Protection Area and the conclusion that the Neighbourhood Plan is not expected to result in likely effects on designated sites in respect of the three vulnerabilities of increased visitor disturbance, altered water levels, and water quality and pollution. I have also noted the necessary statutory consultation has been undertaken.

38.I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met. I also conclude the requirements of the EU Habitats Regulations have been met. 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 Guidance²⁴ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature

²⁴ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

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).

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 Plans²⁵ which requires plans to be “*consistent with national policy*”.

43. Lord Goldsmith has provided guidance²⁶ 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 includes a positive Vision seeking to “*encourage development that contributes to making the area a better place in which to live and work for all residents and businesses*” and “*encouraging development which brings forward quality housing that responds to local need, increased employment opportunities, and a wider range of recreation, retail and community facilities.*” The Vision

²⁵ 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

²⁶ 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)

also “*supports development that will enhance the area’s reputation and improve links with the wider community of Northampton and beyond.*”

45. The Vision is supported by seven objectives. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework. The Policies of the Neighbourhood Plan flow from the Vision and identified objectives.
46. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. Section 3 of the Basic Conditions Statement sets out a comprehensive explanation of how the Neighbourhood Plan has regard to national policies and advice contained in Guidance issued by the Secretary of State. In particular, the statement presented refers to those aspects of national policy relating to building a strong, competitive economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change; conserving and enhancing the natural environment; and the making of Neighbourhood Plans. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
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.²⁷ 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*

²⁷ Paragraph 14 National Planning Policy Framework 2012

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”²⁸.

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 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 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 sets out in Section 4 a clear explanation how the Neighbourhood Plan, and specific policies within it, contribute to sustainable development.
51. 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 seeking to establish development principles so that new development appropriate to the social context is encouraged whilst safeguarding aspects of the built and natural environment that are highly valued by residents and people working the area. In particular, I consider the Neighbourhood Plan contributes to the achievement of sustainable development in that it seeks to:
- identify suitable previously developed sites for mixed use redevelopment;
 - support the vitality and viability of local retail and service centres;
 - plan for additional housing to meet local needs;
 - supports local provision of services and facilities;
 - promote improvement and expansion of pedestrian and cycle networks;
 - promotes good design of new development; and

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

- designates Local Green Spaces.

52. I have found the Neighbourhood Plan to be both ambitious in character and grounded in the reality of challenges facing the neighbourhood area. The Plan has been precisely tailored so as to effectively address those key success issues relating to the development and use of land that will contribute to the positive transformation of the area over the Plan period. 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)

53. The Framework states that the ambition of a neighbourhood plan should "*support the strategic development needs set out in Local Plans*".²⁹ "*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*".³⁰

54. 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.*"³¹ 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).

²⁹ Paragraph 16 National Planning Policy Framework 2012

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance (ID: 41-04720 140306)

55. The Borough Council has informed me that the Development Plan applying in the Growing Together Neighbourhood Area and relevant to the Neighbourhood Plan is:
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted 15 December 2014; and
 - Northampton Local Plan 1997 (Saved Policies).
56. The Borough Council is preparing the Northampton Local Plan (Part 2). That Plan will provide detailed planning policies to manage and guide development across the Borough. It will replace the remaining saved policies from the Northampton Local Plan (adopted 1997), and supersede the policies of the Northampton Central Area Action Plan, although this latter Plan does not include any part of the neighbourhood area. Preparation of the Northampton Local Plan (Part 2) is progressing well but does not yet form part of the Development Plan for the neighbourhood area.
57. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Borough Council has set out a clear statement of which policies are considered to be strategic. These are 42 identified policies of the Joint Core Strategy. Due to the diminished status of the Northampton Local Plan 1997 Saved Policies, not least through the passage of time, and dating from before the publication of the Framework, these are regarded as “non-strategic”. 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.
58. 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.”*³² 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.
59. 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:*

³² 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.*³³

60. 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.³⁴

61. 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. 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

62. The Neighbourhood Plan includes 10 policies:

DES1: High quality design

H1: Housing mix

H2: Small-scale housing development

DEV1: Priority development areas

³³ National Planning Practice Guidance (ID ref: 41-074 201 40306)

³⁴ Section 38(5) Planning and Compulsory Purchase Act 2004

CO1: Provision of community facilities

CO2: Loss of community facilities

RE1: Neighbourhood centres

OS1: Local green spaces

OS2: Outdoor amenity space

T1: Pedestrian and cycle network

63. The Framework 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.”*³⁵

64. 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.”*

65. *“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”.*

66. *“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*

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

*accordance with the development plan, unless material considerations indicate otherwise.*³⁶

67. 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.

Policy DES1: High quality design

68. This policy seeks to establish design principles that new development should meet.

69. It is unnecessary and confusing for one policy to state “*within the Growing Together area*” as all the policies of the Neighbourhood Plan apply in all the neighbourhood area, unless a part of the area is specified. The policy includes the term “*should be designed to*” but the implications of meeting, or not meeting the principles, is not stated. I have recommended modification in these respects so that the policy will provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework.

70. Provision g of the Policy refers to the principles of “Secured by Design”. The Secured by Design approach is a hugely valuable initiative that has delivered countless successes in improving security in developments across the country. The Secured by Design principles when implemented have proven successful in reducing crime, and in reducing the fear of crime. Consultation has shown these are important considerations in the plan area. The Secured by Design Homes 2016 Version 1 (February 2016) is a comprehensive document of 69 pages that includes gold, silver and bronze graded security levels. The Secured by Design website includes a series of other documents relating to different types of developments and advice. Reference to an entire document, or a suite of documents, does not provide a practical framework within which decisions on planning applications can be made as required by paragraph 17 of the Framework. A practical approach is achieved where specific elements of the Secured by Design approach are identified in a policy. Provision d of Policy DES1 does in fact include relevant Secured by Design

³⁶ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

principles, as do other policies of the Neighbourhood Plan, in particular Policy OS2, and Policy T1. In this way, specific Secured by Design principles are able to be taken into consideration in the determination of planning applications. The Guidance states “*Mandatory Building Regulations covering the physical security of new dwellings came into force on 1 October 2015 and planning authorities should no longer seek to impose any additional requirements for security of individual dwellings through plan policies, though designing for security of site layout remains a valid planning consideration.*” I recommend a modification so that the general reference to Secured by Design contained in provision g of the Policy is deleted, and instead is given increased prominence in the supporting text taking into account the Guidance.

71. The first part of provision j relates to environmental performance and energy efficiency of developments and seeks to minimise reliance on fossil fuels. This element of the Policy raises several difficulties of application of the Policy through inclusion of imprecise terms of “*high levels*” and “*minimising*”. The first part of provision j of the Policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
72. 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*”. Whilst the Ministerial Statement only applies to new dwellings I have taken it into consideration in recommending a modification of the Policy.
73. The aspect of provision j of the Policy that relates to environmental performance and energy efficiency of developments, and seeks to minimise reliance on fossil fuels, does not meet the basic conditions and should be deleted. Given the particular importance of the environmental performance and energy efficiency of dwellings in the plan area arising from Stock Condition considerations, and the particular incidence of fuel poverty in the neighbourhood area, an appropriate statement could be included in the ‘Next Steps and Implementation’ section of the Plan as a community aspiration. Given

the clarity of the Ministerial Statement identified I do not consider the flexibility of “*having regard to*” that I have identified earlier in my report, could realistically be applied in this instance. A statement of community aspiration in the ‘Next Steps and Implementation’ section could not and would not form part of the Statutory Plan.

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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies SA, S10, S11 and N11 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; promoting healthy communities; meeting the challenge of climate change in terms of energy generation; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 1:

In Policy DES1

- **commence the Policy with “To be supported”**
- **delete “within the Growing Together area”**
- **delete provision g and transfer to supporting text**
- **delete provision j and present the second sentence of provision j as a free-standing sentence after provision i**

The first sentence of provision j could be included in the Next Steps and Implementation section of the Plan as a non-statutory community aspiration

Policy H1: Housing mix

75. This policy seeks to establish that proposals for new residential development should provide a mix of homes, and maximise the proportion of affordable housing provision. The Policy also states smaller affordable homes will be particularly welcome.

76. The term “*taking into account identified housing needs and changes in population profile*” is imprecise in several respects. To take into account does not necessarily have any effect. It is unclear which housing needs and which changes in population profile are referred to. I have recommended use of the term “that reflects the latest assessment of local housing needs” so that the Policy provides a

practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

77. The second and third sentences of the Policy refer to affordable housing. The policy refers to “house” but no justification is given to exclude other types of accommodation. I recommend a modification to use the term “homes”. Policy H1 reflects the recognition of the need to consider viability but that requirement is already established in both Policy H2 of the JCS, and in paragraph 173 of the Framework. There is however a need to consider other aspects of national policy and advice, and other aspects of Local Plan policy.
78. There are specific circumstances where contributions for affordable housing should not be sought. On 19 May 2016 following the Order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 Government renewed the Guidance which states “contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres.” Policy H2 of the Joint Core Strategy establishes, with respect to the ‘Northampton related development area’ in which the Neighbourhood Area lies, a 35% proportion of affordable housing percentage requirement, and a 15 or more dwellings site size threshold for on-site provision of affordable housing. There is no conflict between the national and Local Plan policies. These policies together establish a practical framework for decision taking in respect of planning applications. If a neighbourhood plan policy is to serve a purpose it must provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
79. Policy H1 includes the term “Local Plan policy”. This term is imprecise and cross-referencing to other policies is unnecessary. The term “seek to maximise” is also imprecise. These terms and the term “particularly welcome” do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in these respects that would be appropriate having regard for national policy and advice; and that is in general conformity with the strategic policies contained in the Development Plan; and which represents an additional level of policy providing a distinct local approach. The Policy as recommended to be modified will continue to inform the preparation of development proposals. This will be of importance in the Neighbourhood Area. The

JCS anticipates that within the Northampton Related Development Area less than 6% of housing provision will be on sites providing 15 or less dwellings. The Neighbourhood Plan however, covering an area that has substantially been previously developed, identifies potential for a number of small-scale housing development proposals on under-utilised sites, including garage sites, that would be below the JCS Policy H2 threshold of 15 dwellings.

80. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S3, H1 and H2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 2:

Replace Policy H1 with “Proposals for new residential development should provide a mix of types of homes that reflects the latest assessment of local housing needs. Proposals that will deliver affordable homes, particularly 1 and 2 bedroom units, will be supported”

Policy H2: Small-scale housing development

81. This policy seeks to establish conditional support for proposals for small-scale housing development of 1 to 9 dwellings.
82. Use of the term “*may*” introduces uncertainty into the Policy. I have recommended deletion of that word. Provisions b and c of the Policy refer to other policies of the Neighbourhood Plan. Cross-referencing of policies is unnecessary. I have recommended deletion of that cross-referencing. These modifications are recommended so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
83. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S3, and N1 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide

choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 3:

In Policy H2

- **combine the introductory statement and the text of provision a to form a single sentence**
- **delete provisions b and c**
- **delete “may”**

Policy DEV1: Priority development areas

84. This policy seeks to establish conditional support for proposals for mixed use development of 3 previously developed sites. Proposals must meet the needs of the local community, and uses that would do so are specified.

85. Anglian Water has in a representation stated “*All brownfield sites which are identified for redevelopment must take the opportunity to remove any surface water flows found to be currently discharging to the foul or combined sewerage network. The demolished site should be, where practical, treated as if it was greenfield. Brownfield sites must still follow the surface water management hierarchy to determine whether infiltration techniques or a connection to a watercourse can be utilised prior to the consideration of a connection to a dedicated public surface water sewer where capacity is available. This ensures there is a sustainable drainage strategy for the lifetime of the development and reduces the risk of pollution and flood risk.*” Anglian Water has also stated that as the precise mix of uses is unknown they would wish to comment further as part of the planning application process. I have recommended a modification so that the requirement for a sustainable drainage strategy as part of development proposals is included in the Policy.

86. Use of the term “*include*” introduces uncertainty into the Policy however I am satisfied that proposals including uses other than those listed would need to demonstrate those other uses will meet the needs of the local community. Provision c of the Policy refers to another policy of the Neighbourhood Plan. Cross-referencing of policies is unnecessary. I have recommended deletion of that cross-referencing so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

87. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies S1, S4, RC1, E6 and N11 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with building a strong, competitive economy, delivering a wide choice of high quality homes, and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 4:

In Policy DEV1 replace provision c with “include a sustainable drainage strategy for the lifetime of the development”

Policy CO1: Provision of community facilities

88. This policy seeks to establish conditional support for proposals for new or improved community facilities. Specified types of facilities are particularly welcomed.

89. The term “*particularly welcome*” does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect.

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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policy RC2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 5:

In Policy CO1 after “welcome” insert “and supported”

Policy CO2: Loss of community facilities

91. This policy seeks to establish that loss of community facilities will not be permitted except in specified circumstances.

92. The Policy includes the phrase *“will not be permitted”*. 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. The Policy should use the term *“will not 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 development will not be permitted. I have recommended a modification to the Policy so that the basis of decision making on planning applications should be clarified.
93. The term *“the proposed alternative use”* is imprecise. A wide range of uses could be seen as providing equal or greater benefits to the local community. I have recommended a modification to clarify that the alternative use should be a community facility of equal or greater benefit to the local community. I have recommended a modification to correct the section number of the ‘Next Steps and Implementation’ section of the submission draft.
94. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policy RC2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 6:

In Policy CO2

- **delete “permitted” and insert “supported”**
- **after “alternative” insert “community facility”**
- **delete “Section 8” and insert “Section 7”**

Policy RE1: Neighbourhood centres

95. This policy seeks to establish support for proposals that contribute to the vitality and viability of 3 named neighbourhood centres. Loss of existing retail floorspace will be resisted unless specified circumstances exist. Proposals for retail development outside the neighbourhood centres will only be supported where it can be clearly

demonstrated that these would not harm the vitality or viability of these centres.

96. The requirement for a proposal to contribute to all 3 neighbourhood centres is not sufficiently justified. I have recommended a modification to clarify a proposal need only contribute to the vitality or viability of any one of the neighbourhood centres. The term “*there*” is imprecise and introduces uncertainty into the Policy. I have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
97. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policy S2 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 7:
In Policy RE1**

- after “viability of” insert “any of”
- delete “there” and insert “proposals”
- before “key” insert “a”

Policy OS1: Local green spaces

98. This policy seeks to designate 11 Local Green Spaces shown on Figure 14. Appendix 1 to the Neighbourhood Plan includes details of each area proposed for designation including a map at sufficient scale to identify the precise boundaries of the land proposed for designation. I have visited each of the areas proposed for designation.
99. The Framework states “*Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore 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 reviewed, and be capable of enduring beyond the end of the plan period.”

100. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I consider the submission draft Neighbourhood Plan is consistent with provision for sufficient land to meet development needs.

101. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I have given careful consideration to the fact that Lings Wood, which is a designated Local Nature Reserve managed on behalf of the Borough Council by the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire, is 22 hectares in area. Whilst this is a large area it is linear in form and well-integrated with the surrounding residential areas. The Lings Wood proposed designated area is made up of distinct parts. It cannot be viewed as a single entity. I found the area proposed for designation offers an episodic experience. I do not regard the area in question as an extensive tract of land in its particular geographic context. The area in question functions and is perceived as a green space surrounded by extensive residential development and performing the important role of breaking

the otherwise continuity of built development. I find the 11 intended Local Green Space designations relate to green space that is in reasonably close proximity to the community it serves; and the green areas are local in character and are not an extensive tract of land.

102. Appendix 1 of the submission draft Neighbourhood Plan includes a statement why each of the sites proposed for designation as Local Green Space is demonstrably special to the local community with a particular significance. The statements offer sufficient evidence for me to conclude the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

103. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies RC2, BN2 and BN3 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting healthy communities, and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy OS2: Outdoor amenity space

104. This policy seeks to establish that new residential development should provide good quality outdoor amenity space as either private gardens, terraces or balconies, or a shared private communal amenity space that meets specified conditions. The Policy also states areas of existing amenity space that provide opportunities for leisure and recreation should be retained and enhanced.

105. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policy H4 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy T1: Pedestrian and cycle network

106. This policy seeks to establish support for proposals that would add to or improve the existing network of cycle routes and footpaths shown on Figure 15. Loss of footpaths and cycle routes will be resisted unless specified circumstances exist. The Policy also requires new development to be designed to create natural surveillance of footpaths and cycle ways and states such routes should benefit from satisfactory lighting to ensure they feel safe and secure.
107. I have recommended modification of the final sentence of the Policy in order to improve the clarity of meaning and provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
108. 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 is in general conformity with the strategic policies contained in the Development Plan and in particular Policies C1, C5 and N12 of the Joint Core Strategy. The policy has regard to the components of the Framework concerned with promoting sustainable transport, requiring good design, and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions

Recommended modification 8:

In Policy T1 after “routes should” replace the text with “include sufficient lighting to make users feel safe and secure”

Summary and Referendum

109. I have recommended 8 modifications to the Submission Version Plan. I have also made a recommendation for modification of the Neighbourhood Plan in the Annex below.
110. I am satisfied that the Neighbourhood Plan³⁷:
- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and

³⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- 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;
 - 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.³⁸

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

111. 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.³⁹ 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 September 2013.

³⁸ 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

³⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁰ 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 9:
Modification of general text will be necessary to achieve consistency with the modified policies.**

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9 November 2016

REPORT ENDS

⁴⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990