

**Flore Parish Council**

# **Flore Neighbourhood Development Plan**

A Report to Daventry District Council of the Independent  
Examination of the Flore Neighbourhood Development Plan

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## Overall Finding

This is the report of the Independent Examination of the Flore Neighbourhood Development Plan. The plan area is the entire Flore Parish area. The Plan period is 2014 to 2029. The Neighbourhood Plan includes sixteen 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 based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
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 Flore Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Flore Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Flore Neighbourhood Area which was formally designated by Daventry District Council (the District Council) on 4 June 2014. Work on the production of the plan has been progressed through a Steering Group (the Steering Group), comprising local volunteers, established by the Parish Council.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council has submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. The District 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 District 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.
7. I have been appointed by the District Council, with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District 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.
8. 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
9. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>3</sup> 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.<sup>4</sup>
10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>5</sup>

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<sup>3</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>4</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

11. 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**

12. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>6</sup> 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.<sup>7</sup>

13. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>8</sup> 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’.

14. 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

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<sup>6</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> 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

<sup>8</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

and Compulsory Purchase Act 2004.<sup>9</sup> 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.

15. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 4 June 2014. Paragraph 2.5 of the Submission Version of the Neighbourhood Plan confirms the Plan area is defined by the Flore Parish boundary which is defined on Map 1 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met.

16. 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;<sup>12</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>13</sup> I am able to confirm that I am satisfied that each of these requirements has been met.

17. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>14</sup> The front cover of the Submission Version clearly shows the plan period to be 2014 -2029.

18. 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.<sup>15</sup> 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.

19. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include

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<sup>9</sup> 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)).

<sup>10</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>13</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B (1)(b) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>15</sup> 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

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.

20. 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.
21. Apart from 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.<sup>16</sup>

## Documents

22. 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:

- Flore Neighbourhood Development Plan 2014-2029 Submission Version
- Flore Submission Neighbourhood Development Plan Basic Conditions Statement
- Flore Neighbourhood Development Plan Consultation Statement September 2015
- Flore Neighbourhood Development Plan Screening Report for Strategic Environmental Assessment and Habitats Regulations Assessment June 2015
- Representations received during the Regulation 16 publicity period
- Daventry District Local Plan 1997
- Settlements and Countryside (Part 2a) Local Plan for Daventry District Issues and Options consultation document and accompanying Sustainability Appraisal report
- West Northamptonshire Joint Core Strategy 2014
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]

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<sup>16</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- 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
- 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

23. The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members and other consultees and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

24. A launch event was held in June 2014 to provide members of the community an opportunity to discuss their initial likes and dislikes around four themes. A questionnaire was delivered to 520 households during August and September 2014 and was rewarded with a response rate of 40%. The presentation of an analysis of the returns demonstrates that policy development has a strong grounding in local opinion. Moreover, a Public Consultation Day held in October 2014 was a further indication of the steering group's commitment to engaging with the community, to ensure that they had reflected their views. The consultation day was an opportunity to present the findings to date and was attended by 86 community members. The consultation findings were used as the basis of the draft vision (publicised in a December 2014 newsletter) and objectives.

25. The community were presented with the draft plan policies at an event in February 2015 at which 112 residents were in attendance. Given a degree of confusion regarding a proposed 'boundary for development',

further consultation was undertaken with residents of Hillside Road.

26. A particular strength of the Neighbourhood Plan has been the commitment to ongoing communication and publicity. In order to keep the community up to date with progress, there was a dedicated insert in the monthly parish newsletter, delivered to all households in the parish. Regular updates were also published on the Parish Council website and Facebook page.
27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six-week period 29 April to 10 June 2015. The plan document was available on the parish website and paper copies available to view at several locations in the plan area. A summary document was delivered to all residential and commercial properties in the parish. A total of 61 comments were received from residents and others which resulted in a number of changes to the plan.
28. The latest draft of the Neighbourhood Plan has been submitted to the District Council. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 7 October and 20 November 2015. A total of 8 representations were submitted to the District Council which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.
29. All but one of the representations make comments regarding specific policies. Weedon Bec Parish Council state that they are *“happy with Flore’s proposed Neighbourhood Plan and wish them every success with it.”* A representation highlights the absence of the Daventry Development Road (Flore By-Pass) on the Proposals Map and questions whether the development implications of the new road have been appropriately considered *“...the reduction in heavy traffic from High Street will give much improved environment and safer access to property on that street. This expected improvement during the plan period should be evaluated before the plan is finalised.”* A second representation states the need to include the Link Road on the Proposals Map, and its effect on the land to the north of the settlement. *“The line of the Link Road to the north of the village does have implications for the land between Brockhall Road and Brington Road and provides the opportunity for further development ...”*. I have noted that reference is made to the construction of the Daventry Link Road in Policy F1, and to the Daventry Development Link Road in Policy F12 of the Neighbourhood Plan. It is not necessary for the Neighbourhood plan to include a map of the route of the future road in

order to meet the basic conditions.

30. Where other detailed representations relate to the Neighbourhood Plan as a whole I deal with them in the next section of my report and where they relate to specific policies I deal with them in the later section of my report when considering the policies concerned.
31. Community engagement undertaken in the preparation of the Neighbourhood Plan has clearly been extensive and effective. The Steering Group has demonstrated a strong commitment to wide and intensive engagement with stakeholders who have influenced the content of the Neighbourhood Plan. The Steering Group are to be congratulated for their efforts. Consultation has clearly exceeded the requirements of the Regulations.

## **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 requirements; whether it is appropriate the Plan should be made having 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 states *“The Submission Neighbourhood Development Plan is fully compatible with 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).<sup>17</sup> I have seen nothing in the submission version of the

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<sup>17</sup> 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.

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 District Council issued a Screening Opinion in June 2015 concluding that a full Strategic Environmental Assessment (SEA) is not required. The Basic Conditions Statement states *“The assessment finds that no significant effects will occur as a result of the implementation of the Flore Neighbourhood Plan. The assessment also finds that many of the policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy which have been subject to a full SA/SEA where no significant effects were identified.”*
35. The Screening Opinion has been subject to consultation with the statutory consultees. The Basic Conditions Statement states that both Historic England and Natural England confirmed support to the conclusion of the Screening Opinion and that no comments were received from the Environment Agency. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
36. In assessing the need for a Habitats Regulations Assessment, the Screening Opinion has taken into account two sites; the Upper Nene Valley Gravel Pits pSPA/pRAMSAR and the Rutland Water SPA/RAMSAR site, located 10.8km and 47.2km respectively from the Neighbourhood Plan area. The Basic Conditions Statement states that given the conformity of the Neighbourhood Plan with that of the West Northamptonshire Joint Core Strategy, notably support of development within the development boundary and the inclusion of policies specifically aimed at preserving the River Nene, the Neighbourhood Plan *“...will not result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits pSPA/pRAMSAR or the Rutland Water SPA/RAMSAR sites.”* Natural England is satisfied with the conclusion that the Neighbourhood Plan will not require a Habitats Regulations Assessment on account of the location and scale of development. I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.
37. 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.

38. 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

39. The Guidance<sup>18</sup> 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).

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

40. 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 Plans<sup>19</sup> which requires plans to be “*consistent with national policy*”.

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<sup>18</sup> National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

<sup>19</sup> 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

41. Lord Goldsmith has provided guidance<sup>20</sup> 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."*
42. 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. In summary, it is outlined how the Neighbourhood Plan has specific regard for paragraph 184 of the Framework by supporting policies for development outlined by the Joint Planning Authority and the District Council. An overview of how the Neighbourhood Plan has shown regard for the Core Planning Principles of the Framework is also provided.
43. The Neighbourhood Plan includes a Vision and Objectives that are positively focused towards sustainable development. In particular, objectives 1 and 2, relating to housing are consistent with the Framework's aim to deliver a wide choice of high quality homes. Good design is highlighted as a key aspect in the Framework and this is reflected in the third objective. Objectives 8 and 10 which support recreational facilities, and promote safe walking and cycling, are consistent with the components of the Framework relating to promoting healthy communities and promoting sustainable transport. Finally, objective 9 which seeks to support services, shops and other businesses is consistent with the components of the Framework relating to supporting a prosperous rural economy and promoting healthy communities. 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.
44. 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

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<sup>20</sup> 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 March 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 March 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)

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.*”

45. 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.<sup>21</sup> 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*”<sup>22</sup>.

46. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

47. 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 the Neighbourhood Plan. 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:

- Provide for some housing growth, and ensure proposals contribute to meeting local housing needs including affordable homes;
- Ensure new development is of good quality design and sustainability and reflects the local character;

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<sup>21</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>22</sup> National Planning Practice Guidance (Ref ID:41-072-20140306)

- Protect open spaces within the village for social and environmental outcomes;
- Support recreational facilities that meet community need;
- Support local services, businesses and other employment opportunities;
- Promote physical activity through safe walking and cycling routes; and
- Promote sustainable modes of transport.

48. 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)

49. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.<sup>23</sup> “*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*”.<sup>24</sup>

50. 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.*”<sup>25</sup>

51. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the

<sup>23</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>24</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>25</sup> National Planning Practice Guidance (ID: 41-04720 140306)

strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Flore Neighbourhood Plan area and relevant to the Neighbourhood Plan and which are strategic comprises; the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict.

52. 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.
53. A representation seeks amendment of paragraphs 2.10 to 2.14 of the Neighbourhood Plan to clarify what constitutes the Development Plan for the area and that reference should be made to the Daventry Settlement and Countryside Local Plan. It would appear evident in reviewing the Neighbourhood Plan, and in particular paragraph 2.14, that the West Northamptonshire Joint Core Strategy is considered a strategic document to which the Neighbourhood Plan seeks to be in general conformity stating *“the Neighbourhood Plan has been prepared to be in “general conformity” with the West Northamptonshire Joint Core Strategy and the saved policies of the Daventry District Local Plan.”* This is further supported by inclusion of a list of all the strategic policies contained within the afore-mentioned documents at Appendix B of the Neighbourhood Plan. A matrix outlining how each of the Neighbourhood Plan policies generally conform with the strategic policies in the Joint Core Strategy and Local Plan is also provided in the Basic Conditions Statement. Reference is made to the Daventry Settlements and Countryside Local Plan in the Neighbourhood Plan.
54. The Settlements and Countryside Local Plan (Part 2a) Issues and Options Consultation Report has been subject to consultation between 29 January and 11 March 2016 and the responses are being considered. A Sustainability Appraisal for the Settlements and Countryside Local Plan (Part 2a) Issues and Options document is open to consultation between 14 March and 29 April 2016. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local*

*planning authority is producing its Local Plan*". 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. I conclude the Neighbourhood Plan can proceed in advance of the Settlements and Countryside Local Plan (Part 2a) and that in order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that.

55. 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.'*"<sup>26</sup> 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.
56. 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.*"<sup>27</sup>
57. 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

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<sup>26</sup> *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P & CR 31

<sup>27</sup> National Planning Policy Guidance (ID ref: 41-074 201 40306)

contained in the last of those plans to become part of the Development Plan.<sup>28</sup> The Neighbourhood Plan cannot therefore prejudice the emerging Local Plan in this respect.<sup>29</sup>

58. 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

59. The Neighbourhood Plan includes 16 policies:

- Policy F1 General development principles
- Policy F2 Scale and type of new residential development
- Policy F3 Ensuring an appropriate mix of tenure, type and size of houses
- Policy F4 Affordable housing and rural exception sites
- Policy F5 Design of development
- Policy F6 Residential extensions
- Policy F7 Protecting and enhancing local views, landscape character
- Policy F8 Water management and surface water run-off
- Policy F9 Protection of local green spaces
- Policy F10 Protection of local community facilities
- Policy F11 Community facilities and community infrastructure levy
- Policy F12 The new linear village green
- Policy F13 Traffic management and transport improvements
- Policy F14 Footpaths/cycleways/connectivity
- Policy F15 Supporting existing local employment
- Policy F16 New local employment opportunities

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<sup>28</sup> Section 38(5) Planning and Compulsory Purchase Act 2004

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

60. 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.”*<sup>30</sup>
61. 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.”*
62. *“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”.*
63. *“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.”*<sup>31</sup>
64. 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.
65. Several policies include the phrases *“will be permitted”* or *“will not be permitted or “will not be granted”*. With regard to the issue of decision

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<sup>30</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

<sup>31</sup> See section 38(6) of the Planning and Compulsory Purchase Act 2004.

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 inclusion of an introductory statement, and policies should use the term “will be supported” or “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 be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

**Recommended modification 1: The basis of decision making on planning applications should be clarified as indicated**

**Policy F1 General development principles**

66. This policy seeks to establish criteria by which all new development or changes to existing buildings will be assessed and seeks to define a village development area. Reference is also made to appropriate infill development.
67. A representation states “*The latter sections of criteria 1, and 7 are considered to be overly prescriptive.*” The test of structural soundness is imprecise and does not offer a practical framework for decision taking in respect of development proposals. I have recommended modification of the policy in the interest of clarity and to remove elements of unnecessary prescription from criterion 1 and criterion 7 in accordance with paragraph 59 of the Framework.
68. The representation considers criterion 9 to be also overly prescriptive and given its aims are covered in the remaining criteria, should be deleted. Although referring to the role of Local Planning Authorities paragraph 53 of the Framework does provide a context for a local policy that shapes and directs development so as to avoid development affecting private gardens or orchards where they contribute significantly to the character of a locality. I recommend a modification in order to reflect this approach and to remove the lack of clarity caused by the inconsistency between the two parts of criterion 9.

69. Criterion 6 is imprecise and does not offer a practical framework for decision taking in respect of development proposals. I recommend this criterion should be deleted. Part F1.3 of the Policy is presented as an item of information and does not provide a practical framework for decision taking and should also be deleted.
70. Another representation seeks amendment of criterion 5 to exclude local facilities that are no longer viable or sustainable. Whilst I agree with the approach suggested in the representation I have recommended deletion of the criterion in question in order to remove the uncertainty arising from the relationship of this criterion and the provisions of Policy F10. This recommended modification is also in accordance with the requirement of paragraph 17 of the Framework to achieve a practical framework for decision taking on planning proposals.
71. A further representation states the Policy should “*refer to the opportunity for some additional limited development on land to the east of Brockhall Road, between the existing built-up area and the line of the Daventry Development Link Road.*” It is not within my role to determine whether or not the land in question is suitable for development.
72. The Neighbourhood Plan relates to the plan area. In the interests of clarity there is no need to refer to the Policy applying “within the Parish”. The policies of the Neighbourhood Plan should be self-contained. It is inappropriate to refer to a target set elsewhere. It is also unnecessary to refer to other policies of the Neighbourhood Plan. In order to achieve a practical framework for decision taking as required by paragraph 17 of the Framework the reference to “other policies set down in this Plan” should be deleted and the way that priority will be given to making the best use of previously developed land and vacant and under-used buildings should be clarified.
73. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
74. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the historic environment; and conserving and enhancing the natural environment. I have, earlier in my report, recommended a modification to use the

term “supported” rather than “permitted”. Subject to the recommended modification the Policy meets the Basic Conditions.

### **Recommended modification 2:**

#### **In Policy F1**

- **Replace “permitted” with “supported”**
- **Delete “within the Parish” and delete “and other policies set down in this Plan”**
- **Replace the second paragraph with “1. Proposals for development should utilise previously developed land or vacant and under used buildings in sustainable locations unless it can be demonstrated that availability or viability considerations would preclude this” and renumber the remaining criteria**
- **Delete “by reason of noise or other nuisance”**
- **Delete “5. Not have a detrimental impact on local services.”**
- **Delete “6. Be economically, socially and environmentally sustainable.”**
- **In point 7 delete “structurally sound and”**
- **Replace criterion 9 with “Not result in loss or detriment to private gardens and orchards which make a significant contribution to the character of a locality”**
- **Delete F1.3**

### **Policy F2 Scale and type of new residential development**

75. This policy seeks to establish that small-scale development not exceeding 10 dwellings within the village development area will, subject to specified criteria, be permitted. I have, earlier in my report, recommended a modification of the Neighbourhood Plan to use the term ‘supported’ rather than ‘permitted’ throughout the Plan.

76. The policy also states proposals for new housing outside the village development area will only be supported in specified circumstances, other than development of “97 dwellings which have already been applied for as at 1 September 2015”. Two sites where planning permission exists (DA/2013/0703 and DA/2014/0454) are shown on Map 2 and the Proposals Map of the Neighbourhood Plan. Reference is made to these sites in paragraph 4.1.10 and fuller details set out in paragraph 1.23. The term of “other than the 97 dwellings which have already been applied for as at 1 September 2015” is not sufficiently precise and will raise issues of interpretation should proposals in the future adjust the number of dwellings to be accommodated on the sites

in question. I recommend that in the interests of clarity the policy should refer to the sites rather than dwelling numbers and should confirm support for housing development. A representation states the recently consented residential schemes should be included within the Village Development Area. Such an adjustment is not necessary to meet the Basic Conditions.

77. A representation states *“we considered that the Neighbourhood Plan as currently framed is not in general conformity with the strategic policies of the Core Strategy as it unnecessarily seeks to restrict development in what is a sustainable settlement capable of accommodating some further limited growth.”* It is also stated future development requirements *“might be identified through the Daventry Settlement and Countryside Local Plan.”* I have earlier in my report found the Local Plan is partly in place (the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014), and partly remains to be prepared (the Settlements and Countryside Local Plan (Part 2a)). I have concluded that the Neighbourhood Plan can proceed in advance of the emerging Local Plan (Part 2a). The Guidance has on 11 February 2016 been revised in respect of a situation such as this.<sup>32</sup> Stakeholders may question whether this revision to the Guidance should be considered in that the Flore Neighbourhood Development Plan has reached a very advanced stage of preparation. Indeed, the Regulation 16 period for representations had closed before the revised Guidance was published. A neighbourhood plan meets the basic conditions if (inter alia) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan. In this respect I have concluded the Basic Conditions require my consideration of all Guidance that has been issued by the Secretary of State up to the time of me issuing my report of Independent Examination.

78. The Guidance, as revised on 11 February 2016, states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against*

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<sup>32</sup> National Planning Practice Guidance Paragraph:009 Reference ID: 41-009-20160211

*which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

*with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”<sup>33</sup>*

79. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan. The Neighbourhood Plan is silent regarding any approach to future monitoring should the Plan be made.

80. The Neighbourhood Plan does not allocate sites for housing development. It does however identify two sites outside the village development area where planning permission exists, that are excluded from the elements of Policy F2 that apply criteria based restriction on development outside the village development area. On the basis there

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<sup>33</sup> Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance

are no allocated sites it would not appear possible for there to be an indicative delivery timetable referred to in the Guidance.

81. Policy F2 should be considered as a relevant policy for the supply of housing in so much as it supports development proposals within the defined village development area and because of its approach to development proposals beyond that defined boundary (with the exception of two sites where planning permission exists for housing development) and in open countryside.<sup>34</sup> The Guidance states *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”*<sup>35</sup>

82. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area<sup>36</sup>. The District Council has provided a strategic context and the latest and up-to-date evidence of housing needs through the publication of The Settlements and Countryside Local Plan (Part 2a) Issues and Options Consultation Report. This report states *“As set out in the quarterly monitoring report the requirement for the rural areas<sup>37</sup> has been exceeded, as at 30 September 2015 by 95 dwellings with over 13 years of the plan period remaining.”* The report also states *“However, if the current spatial distribution of permissions (ie heavily focused in the rural areas rather than the town) were to continue it would significantly undermine the Joint Core Strategy. Therefore, managing any further development in the rural areas is clearly an important issue.”* The Consultation Report recognises *“some smaller settlements may benefit from some development to help meet local housing need and help sustain services and facilities. Consequently, it is important for the plan to explore the issue of where any further development should take place in the rural areas.”*

83. It is necessary to consider whether or not Policy F2 which is relevant to housing supply demonstrates that it has taken account of latest and

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<sup>34</sup> The Court of Appeal judgment [2016] EWCA Civ 168 17 March 2016 concerning the meaning and effect of government policy in paragraph 49 of the Framework. A relevant policy for the supply of housing includes both policies providing positively for the supply of new housing and other policies (counterpart policies) whose effect is to restrain the supply by restricting housing development in certain parts of the authority's area.

<sup>35</sup> Paragraph: 040 Reference ID: 41-040-20160211 Planning Practice Guidance

<sup>36</sup> Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

<sup>37</sup> Flore is located within the rural areas as defined in the Local Plan (Part 2a)

up-to-date evidence of housing need. The Neighbourhood Plan does include in Section 4.1 a demonstration of having considered the latest up to date housing needs information available at June 2015 at the time of plan preparation. I am satisfied it is appropriate that the Neighbourhood Plan should be made having regard to the Guidance issued by the Secretary of State with respect to taking account of latest and up-to-date evidence of housing need when seeking to introduce a policy relevant to housing supply.

84. The Framework states “*all plans should be based upon and reflect the presumption in favour of sustainable development*”<sup>38</sup> and critically it will mean that neighbourhoods should “*plan positively to support local development*”<sup>39</sup>. It is necessary to consider whether or not Policy F2 has sufficient regard to these components of the Framework and the component relating to the need to “*boost significantly the supply of housing*”<sup>40</sup>.
85. The Neighbourhood Plan includes a tightly drawn village development area boundary. A village development area boundary tightly drawn around the existing built form of a settlement is rarely likely to be acceptable in the absence of identification of sites to accommodate new housing development to meet local needs. The Flore Housing Needs Survey carried out in April 2013 during the Neighbourhood Plan preparation process revealed very limited local needs, stated in the Neighbourhood Plan to be “*2 potential households in need of affordable housing and 1 potential household in need of market housing*”. Policy F2 of the Neighbourhood Plan provides conditional opportunity for new homes within the village development area boundary and conditional opportunity for new homes beyond the village development area boundary, and in particular recognises that two sites predicted to accommodate 97 dwellings will not be subject to restrictions on development outside the village development area. I consider Policy F2 does plan positively to support local development.
86. Policy F2 does not limit or cap the amount of development that can occur within or outside the village development boundary. The recognition of two sites for new development outside the existing settlement, setting a direction for growth of the settlement, is consistent with the role for Neighbourhood Plans identified in the

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<sup>38</sup> Paragraph 15 National Planning Policy Framework 2012

<sup>39</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>40</sup> Paragraph 47 National Planning Policy Framework 2012

Framework to shape and direct development in their area, and is consistent with the presumption in favour of sustainable development.

87. The sites referred to in the Neighbourhood Plan where planning permission exists are stated in Policy F2 to be predicted to accommodate 97 dwellings. This level of development will boost significantly the supply of housing in the Neighbourhood Area which at the time of the last census included 521 dwellings. Development on the two sites referred to does not represent all the development of homes that the Neighbourhood Plan envisages. Policy F2 does not place any cap on the number of dwellings that can be built as part of small scale development not exceeding 10 dwellings within the defined village development area. The Neighbourhood Plan also envisages some residential development will occur outside the village development area subject to limiting criteria, and through Policy F4 provides a positive policy context for additional development outside the settlement boundary, but adjacent to and connected to the existing village, to enable small-scale affordable housing developments.
88. Representations identify land that it is stated should be additional allocation or reserve sites. It is suggested the latter could come forward should a housing supply shortage emerge<sup>41</sup>. Whilst representations have been put forward to incorporate additional development sites within the Neighbourhood Plan I find that the village development area defined in policies F1 and F2 meets the Basic Conditions and the existence of any sites outside that boundary, whether they are suitable for development or not, as additional or reserve sites, is not a matter against which the Neighbourhood Plan is to be examined.
89. A representation states that limiting development to that which is small scale is an “*overly restrictive approach.*” Consultation has revealed strong community support for smaller scale development (81% questionnaire respondents stating a preference for developments of 10 properties or fewer). Policy F2 explicitly provides for the development of 97 dwellings outside the village development area on two identified sites. Policy F2 does not place any cap on the amount of development that can occur during the plan period nor does it impose any phasing requirement. The policy does however restrict the type of development occurring in any one scheme within the village development area to not be more than small scale, defined as “not exceeding 10 dwellings.”

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<sup>41</sup> The latest calculation (August 2015 update) confirms the District Council can demonstrate more than a five-year supply of housing land

This policy is in general conformity with the Daventry District Local Plan 1997 and in particular Policy HS22 Restricted Infill Villages, which states that planning permission will normally be granted for residential development that is of a 'small scale' and is within the 'existing confines of the village'. Whilst small scale is not defined in the Local Plan policy it is stated that each application will be based on its merits with regard to the scale of the proposal in relation to the; character of the immediate area; the size of the village as a whole; relative to other current and recent infill proposals; and the impact of the proposal on local services.

90. I have considered the nature of the settlement which has a character resulting from incremental change arising through development of individual buildings and small-scale developments. The Policy seeks to continue this historic progression and form of growth. There is no evidence that sustainable housing delivery cannot occur in the context of a limit of 10 dwellings on the size of development scheme that can occur within the village development area. Restricting the size of individual housing development schemes is an appropriate policy mechanism to conserve the general form and distinct character of a small settlement. The policy approach is grounded in the local distinctiveness of Flore which the Framework, at paragraph 60, states it is proper to seek to promote or reinforce.

91. A representation questions the community consultation that underpins the decision to exclude 1 High Street from the Village Development Area and "*the absence of clear planning definition for and justification for including or excluding property in the VDA makes this proposal unsound*". The role of the independent examiner is to consider whether the Neighbourhood Plan meets the basic conditions and other requirements. I have explained earlier in my report this role does not include the test of soundness provided for in respect of examinations of Local Plans.<sup>42</sup> A Consultation Statement has been submitted in accordance with the Regulations and the consultation and publicity requirements have been met. I am satisfied stakeholders have had full opportunity to make representations on the emerging Neighbourhood Plan.

92. A representation states criterion 1 should make provision for cases where a local facility is no longer viable. I recommend impact on shops and services should be dealt with in Policy F10 only, so that the

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<sup>42</sup> 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

Neighbourhood Plan provides a practical framework for decision making on planning applications as required by paragraph 17 of the Framework. Criterion 1 is imprecise as to what would constitute loss of open space and similarly, the contribution to village amenity in Criterion 3 is imprecise. The cross reference to Policies F5 and F7 in the linked pair of criterion 4 and 5 is unnecessary and also fails to provide a practical framework for decision taking. Linked criteria 4 and 5 would suggest support for a scheme on previously developed land that would lead to a detrimental impact on the character of the village. This would not have sufficient regard for the Framework. I have recommended modification of the Policy in these respects.

93. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

94. The policy has regard to the components of the Framework concerned with requiring good design and delivering a wide choice of high quality homes. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modifications recommended this policy meets the basic conditions.

### **Recommended modification 3:**

#### **In Policy F2**

- **after “10 dwellings” replace the text of F2.1 with “will be supported where:**
  - 1. the scheme will not lead to a detrimental impact on the character of the village;**
  - 2. appropriate access can be achieved; and**
  - 3. subject to viability, the scheme includes local open space.**

**The development of previously developed land or conversion/reuse of a building will be encouraged.”**

- **In F2.2 delete the text in brackets and insert “(with the exception of the two cross hatched sites identified on the Proposals Map and on Map 2 as DA/2014/0454 and DA/2013/0703 where housing development will be supported)”**

### **Policy F3 Ensuring an appropriate mix of tenure, type and size of houses**

95. This policy seeks to provide for a mix of tenure, type and size of houses by giving priority to smaller dwellings, and those suitable for retired villagers. The policy also seeks to ensure integration of affordable and market housing across a site.
96. The policy is imprecise in explaining how priority is to be given to particular types of dwelling. The policy should be self-contained so as to provide a practical framework for decision taking as required by paragraph 17 of the Framework. I have recommended a modification in these respects.
97. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
98. The policy has regard to the component of the Framework concerned with delivering a wide choice of high quality homes and in particular the creation of sustainable, inclusive and mixed communities. Subject to the recommended modification the policy meets the Basic conditions.

#### **Recommended modification 4: In Policy F3**

- In the second sentence replace “As there is a” with “Proposals must demonstrate how they respond to the”
- In F3.1 delete the text after “villagers”
- In F3.2 delete the text after “across a site”

### **Policy F4 Affordable housing and rural exception sites**

99. This policy establishes criteria based support for affordable housing developments of up to 10 dwellings outside the village settlement boundary but adjacent to and connected to the existing village.
100. The Neighbourhood Plan states a finding that more than two-thirds of respondents to the Flore Housing Needs Survey 2013 were, in principle, in favour of small scale housing development for local people with a proven need. The Flore Housing Needs Survey 2013 has revealed a limited local requirement. Policy F4 has regard to national policy relating to requirements for affordable housing provision

on small sites.<sup>43</sup>. The policy is consistent with the role for neighbourhood plans stated in the Framework in directing and shaping development. The policy also has regard to the component of the Framework concerned with delivering a wide choice of high quality homes.

101. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

102. I have, earlier in my report, recommended a modification of the Neighbourhood Plan to use the term 'supported' rather than 'permitted'. Subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 5:**

**In Policy F4**

**In F4.2 after "Open market housing" delete "will only be permitted" and insert "must only be included in a development"**

**Policy F5 Design of development**

103. This policy seeks to shape the design of development by providing ten design principles and stating that planning permission will not be granted for development of poor design. I have earlier in my report made a recommendation relating to the use of the term 'supported' rather than 'granted'.

104. A representation states that "*Criterion 2 is unnecessary as its intended aims are covered by criterion 1. The latter half of criterion 4 is also considered to be overly prescriptive with no clear justification provided for the stated 5 metre restriction on development heights.*"

105. I consider the second principle does serve a purpose in making it clear contemporary design will be encouraged as well as traditional design. In this way the policy encourages innovation, originality, or initiative in line with paragraph 60 of the Framework. The Guidance states "*Proportionate, robust evidence should support the choices made and the approach taken*". The latter part of principle 4 is not supported by any evidence and is overly prescriptive. In order to offer a practical framework for decision taking policies should be self-

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<sup>43</sup> Following the Declaration Order issued 4 August 2015

contained. It is unnecessary to include the reference to Policy F7 which is incorrectly described as Policy F8. Guidance issued by the Secretary of State states neighbourhood plans should not include local standards relating to the technical performance of new dwellings<sup>44</sup>. I recommend a modification in these respects.

106. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
107. The policy has regard to the components of the Framework concerned with requiring good design and meeting the challenge of climate change, and flooding. The policy seeks to ensure development makes a positive contribution to the area through high quality and sustainable design that responds to local character.
108. Subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 6:  
In Policy F5**

- **replace principle 4 with “Ensuring the scale of infill development does not adversely affect the character of the immediate locality or the residential amenities of nearby occupiers.”**
- **Delete principle 6**
- **Delete principle 9**
- **In F5.2 delete “Planning permission will not be granted for development” and insert “Development proposals will not be supported where they are”**

**Policy F6 Residential extensions**

109. This policy seeks to establish criteria relating to size, spacing, views, materials, boundary treatment and privacy against which house extensions will be assessed. I have, earlier in my report, referred to the need to use the term ‘supported’ rather than ‘granted’. The term “*Where planning permission is required*” is unnecessary. If a scheme can proceed as ‘permitted development’ the Neighbourhood Plan will have no effect on that situation. No evidence is provided why the policy should only apply to houses and not to other dwellings. The

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<sup>44</sup> Energy efficiency in buildings and the Planning system. Announcement of the SoS CLG 25 March 2015

policy should utilise the term “extensions to dwellings” in order to offer a practical framework for decision taking.

110. A representation recommends deletion of criterion 3 and replacement with “*The scale, siting and design of proposals respect the character of the surrounding countryside and safeguard important views out of the village*”; and amendment to criterion 6 to read “*The residential amenities of adjoining occupiers are safeguarded.*” I agree that these modifications should be made. The maintenance of all gaps providing views out of the village to surrounding countryside is not sufficiently aligned to the presumption in favour of sustainable development in the Framework. The maintenance of locally significant views is achieved through Policy F7. The introduction of a policy approach relating to views in Policy F6 in addition to that in Policy F7 fails to achieve a practical framework for decision taking as required by paragraph 17 of the Framework. Criterion 6 is imprecise and does not offer 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. The word “*usually*” introduces uncertainty and also does not meet the requirement for a practical decision making framework as just described.
111. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
112. The policy has regard to the components of the Framework concerned with requiring good design. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 7:  
In Policy F6**

- **Delete “Where planning permission is required”**
- **Delete “permitted” insert “supported”**
- **Delete “usually”**
- **Delete criterion 3**
- **Delete criterion 6 and insert “The residential amenities of adjoining occupiers are safeguarded.”**

## **Policy F7 Protecting and enhancing local views, landscape character**

113. This policy seeks to: protect locally significant views; ensure development conserves the local landscape character; preserve local habitats and wildlife corridors; deliver high quality green infrastructure; and enhance and preserve the Nene Valley Nature Improvement Area.
114. Protected views within and close to Flore are identified on Map 3. The inclusion of photographs taken from viewpoints is a helpful feature of the Submission Plan providing additional clarity to assist decision making. As Planning policy needs to serve the public interest I recommend a modification to clarify important views to be protected are restricted to those visible from locations that are freely accessible to the general public. In the context of a view, and in particular a wide view, the use of the word “*protected*” does not establish a practical framework for decision making on planning applications as required by paragraph 17 of the Framework, nor does it adequately reflect the presumption in favour of sustainable development established by the Framework. I recommend a modification in this respect also.
115. The policy includes provision that existing hedgerows should be retained except where they restrict the achievement of the aims of this Plan, as in the linear village green proposed for the High Street. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations. It is not appropriate for the Neighbourhood Plan to seek to introduce an alternative regime of protection. I recommend a modification in this respect.
116. A representation objects to the planting of trees on residential properties as outlined in policy F7.4. The representation states that such use of trees are not suitable for boundaries and interfere with the resident’s enjoyment of a property, may block light, and may cause damage to boundaries or the property itself. I recommend deletion of the word trees in order to avoid unnecessary prescription as required by paragraph 59 of the Framework.
117. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
118. The policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing

the natural environment. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 8:**

**In Policy F7**

- **Replace F7.1 with “Those parts of the locally significant views identified on Map 3 that are visible from locations that are freely accessible to members of the general public (for example from a public footpath, right of way, roadside, or other publically accessible land) should be preserved and not significantly detracted from. Developments should take into consideration any adverse impacts on these views through landscape appraisals and impact studies.”**
- **In F7.2 after “Development proposals” insert “including associated tree planting”**
- **In F7.4 after “boundaries native” delete “tree”**
- **In F7.4 delete the part of the sentence commencing “Existing hedgerows” to and including “Street) and”**

**Policy F8 Water management and surface water run-off**

119. This policy seeks to set guidelines for sustainable water management.
120. A representation states *“Anglian Water is supportive of Policy F8 which require new developments to provide Sustainable Drainage Systems (SuDs) to reduce flood risk and is consistent with the surface water management hierarchy.”*
121. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
122. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. This policy meets the basic conditions.

## Policy F9 Protection of local green spaces

123. This policy seeks to designate nine local green spaces. Two of the listed proposed designations, namely 'High Street verges' and 'Other village verges' include multiple locations. The policy states new development which impacts adversely on the function, openness and permanence of these sites will not be permitted unless in very special circumstances. In this instance it is acceptable to use the term "not be permitted" as this reflects the terms of the designation set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances.
124. 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."*
125. In respect of the areas intended for designation as Local Green Space 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 intended designations have regard to 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.
126. The proposed Local Green Spaces are presented on Map 2 of the Neighbourhood Plan. Despite the inclusion of photographs of the spaces it is not possible to identify with accuracy the precise boundaries of the areas for designation. For a designation with important implications relating to development potential it is essential that precise definition is achieved. I recommend maps are included in the Neighbourhood Plan at sufficient scale to identify the precise boundaries of each space proposed for designation. It is not acceptable to use the term "e.g." in the policy as all locations should be clearly stated.

127. 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.”<sup>45</sup>*

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

128. I now consider whether there is sufficient evidence for me to conclude that the six areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Neighbourhood Plan sets out the justification for the designations which primarily relates to their importance in establishing the character of the area. These descriptions of special qualities and local significance are extremely brief.

129. I have visited each of the areas proposed for designation. I have given particular consideration to the areas listed as ‘4 Town Yard’, and as ‘8 Old Village Green’. These areas because of their relationship to residential properties give the impression they could be within the curtilage of those homes. I have concluded that this would not prevent designation. I found it difficult to view area ‘8 Old Village Green’ from the public highway even in winter months when hedges are largely without leaf. I note however the reference in the Framework is to ‘a’ community rather than ‘the’ community. I take the view that a community can be limited in number or limited in spatial distribution. I also take the view special qualities and local significance can be satisfied even where sight of the area is limited or not generally available. I conclude each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

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<sup>45</sup> Paragraph 77 National Planning Policy Framework 2012

130. I find all the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

131. Subject to the recommended modification the policy has regard to the components of the Framework relating to Local Green Space designation. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 9:**

**In Policy F9**

- **Maps should be included at sufficient scale so that it is possible to identify the precise boundaries of the areas of land proposed for designation as Local Green Space.**
- **All locations proposed for designation should be included in the policy wording**

**Policy F10 Protection of local community facilities**

132. This policy seeks to establish a presumption in favour of the protection of existing community facilities. Change to non-community facility use will only be permitted where the proposal includes satisfactory accessible alternative provision or it can be adequately demonstrated the facility is no longer required. I have earlier in my report referred to the need to use the term 'supported' rather than 'permitted'.

133. A representation objects to the inclusion of the petrol station in the list of local community facilities that policy F10 seeks to protect. The representation also disagrees with the requirement, in the case of the petrol station, that a minimum of 12 months should pass before it can be demonstrated that there is no demand for the facility. The representation states the viability of the facility is subject to market forces and factors outside the owner's control. It is stated inclusion of the facility in policy F10 also amounts to a loss of opportunity for re-development of the site to make a positive contribution to the amenity and character of the village and for these reasons should be removed from the list.

134. The Framework, in seeking to support a prosperous rural economy states neighbourhood plans should promote the retention of local services and community facilities in villages. The Framework also

states that in promoting healthy communities planning policies should plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. A petrol station can be an important local community facility in the same way that other commercial activities such as shops and public houses can be. I consider the Policy adopts a balanced approach to assessment of proposals and has regard for national policy.

135. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014. The policy meets the basic conditions.

#### **Policy F11 Community facilities and community infrastructure levy**

136. This policy prioritises three projects for funds received through the Community Infrastructure Levy: new linear village green facilities; improvements to Millennium Hall; and children's play space to the north of the village. It is appropriate for a Neighbourhood Plan to establish priorities for the utilisation of Community Infrastructure Levy funds. The policy relates to all development. This is inappropriate as some small scale schemes for example for house extensions will not be subject to CIL. The Policy does relate to the development and use of land in that potentially it will inform development management decision making. The policy should however acknowledge viability considerations as required by paragraph 173 of the Framework.
137. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
138. The policy has regard to the components of the Framework concerned with promoting healthy communities. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 10:**

**In Policy F11 before “will be required” delete “Development” and insert “Subject to viability considerations, schemes for new development”**

**Policy F12 The new linear village green**

139. This policy seeks to shape development within the village centre to support the creation of a new linear village green. The phrase “redefinition of the village centre” is imprecise and should be deleted. The use of the phrase “face onto” is imprecise. The policy should recognise balancing ponds may not always be necessary. I recommend rewording of the Policy so that it provides a practical framework for decision taking on planning applications as required by paragraph 17 of the Framework.

140. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

141. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 11:**

**In Policy F12**

- **Replace the introductory paragraph after “support the” with “creation of a new linear village green identified on Map 4. The following principles apply to developments which front onto the High Street:”**
- **In principle 1 delete “Developments which front onto the High Street” and replace with “Schemes”, and replace “face onto” with “have their principal elevation facing”**
- **In principle 2 insert “any” before “balancing ponds”, and replace “face onto” with “have their principal elevation facing”**

## **Policy F13 Traffic management and transport improvements**

142. This policy seeks to establish support for proposals for improvements in road safety, traffic management and provision of / improvements to public transport. Policies included in a neighbourhood plan should relate to the development and use of land. Road safety and traffic management should be linked to development proposals. Provision or improvement of public transport does not constitute a land use matter and should therefore refer to public transport built infrastructure.
143. The policy states an intention to seek developer contributions and prioritises projects for funds received through the Community Infrastructure Levy. It is appropriate for a Neighbourhood Plan to establish priorities for the utilisation of Community Infrastructure Levy funds. The policy refers to developer contributions which is helpful in indicating the nature of schemes that the policy would be relevant to. The policy should however acknowledge viability considerations as required by paragraph 173 of the Framework. Subject to the deletion of Paragraph F13.3 and the recommended modifications the Policy does relate to the development and use of land in that potentially it will inform development management decision making. Paragraph F13.3 of the Policy could be transferred to supporting text where it will set out the approach to be adopted by the Parish Council.
144. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
145. The policy has regard to the components of the Framework concerned with promoting sustainable transport. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

### **Recommended modification 12:**

#### **In Policy F13**

- **Before “improvements” delete “Proposals for” and insert “Schemes for development proposals that will result in”**
- **After “public transport” insert “built infrastructure”**
- **Before “Developer contributions” insert “Subject to viability considerations”**

- **Delete paragraph F13.3 and transfer it to the supporting text**

### **Policy F14 Footpaths/cycleways/connectivity**

146. This policy seeks to establish support for proposals that improve connectivity within and to areas beyond Flore including enhancements to the existing footpath/cycleway network. The policy further seeks to encourage linkages to local wildlife corridors and enhancements to local biodiversity.
147. Enhancements to maximise accessibility and to support local biodiversity should be appropriate to the nature of the development scheme concerned. I recommend a modification to include a reference to viability so that requirements are appropriate to the scheme in accordance with paragraph 173 of the Framework.
148. The policy has regard to the components of the Framework concerned with promoting sustainable transport, and conserving and enhancing the natural environment. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.
149. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
150. I consider that subject to the modification recommended this policy meets the basic conditions.

#### **Recommended modification 13:**

##### **In Policy F14**

##### **In F14.3**

- **Delete “All new proposals” and insert “Subject to viability, proposals for new development schemes”**
- **In criterion 3 after “enhancements” delete “will” and insert “should”**

### **Policy F15 Supporting existing local employment**

151. This policy seeks to prevent the loss of existing local employment premises, introducing criteria by which loss could be

acceptable. I have, earlier in my report, made a recommendation that policies should use the term supported and not permitted.

152. Part F15.1 of the Policy states existing sources of local employment will be protected. This statement does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
153. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.
154. The policy has regard to the components of the Framework concerned with building a strong, competitive economy and supporting a prosperous rural economy. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 14:  
In Policy F15**

- **Delete Part F15.1**
- **Replace “permitted” with “supported”**

**Policy F16 New local employment opportunities**

155. This policy seeks to establish new local employment opportunities, rural enterprises and live/work facilities will be permitted subject to a number of criteria.
156. I have earlier in my report recommended use of the term ‘supported’ rather than ‘permitted’. In the interests of clarity, it is unnecessary to state the policy applies within the Neighbourhood Development Plan area. The policy should be self-contained. I recommend reference to the policies within the Neighbourhood Plan and in the Core Strategy should be deleted.
157. It is unclear how the requirement to give “*priority*” to re-use of a brownfield site or the conversion of an existing building will be assessed. The terms “*scale appropriate to the Parish*”, “*loss of open space or green infrastructure*”, “*valuable agricultural land*”, “*close to existing highways*”, and “*unacceptable detrimental impact on traffic*”

are imprecise and 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. The Framework also states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I recommend appropriate modifications in these respects.

158. The policy is in general conformity with the strategic policies contained in the Development Plan, namely the Daventry District Local Plan 1997 Saved Policies, and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014.

159. The policy has regard to the components of the Framework concerned with building a competitive economy and supporting a prosperous rural economy. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 15:**

**Replace Policy F16 with “Development proposals resulting in new local employment, including in rural enterprises and live/work facilities, will be supported where:**

- **They utilise brownfield sites or existing buildings, or demonstrate such suitable sites or premises are unavailable in which case they should not use the best or most versatile agricultural land or lead to the loss of green infrastructure of acknowledged importance;**
- **They are of a scale that does not have a significant adverse impact on their landscape setting, or on residential amenity, and they demonstrate satisfactory traffic access arrangements.”**

## **Summary and Referendum**

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

**Recommended modification 1: The basis of decision making on planning applications should be clarified as indicated**

**Recommended modification 2:**

### **In Policy F1**

- **Replace “permitted” with “supported”**
- **Delete “within the Parish” and delete “and other policies set down in this Plan”**
- **Replace the second paragraph with “1. Proposals for development should utilise previously developed land or vacant and under used buildings in sustainable locations unless it can be demonstrated that availability or viability considerations would preclude this” and renumber the remaining criteria**
- **Delete “by reason of noise or other nuisance”**
- **Delete “5. Not have a detrimental impact on local services.”**
- **Delete “6. Be economically, socially and environmentally sustainable.”**
- **In point 7 delete “structurally sound and”**
- **Replace criterion 9 with “Not result in loss or detriment to private gardens and orchards which make a significant contribution to the character of a locality”**
- **Delete F1.3**

### **Recommended modification 3:**

#### **In Policy F2**

- **after “10 dwellings” replace the text of F2.1 with “will be supported where:**
  - 1. the scheme will not lead to a detrimental impact on the character of the village;**
  - 2. appropriate access can be achieved; and**
  - 3. subject to viability, the scheme includes local open space.**

**The development of previously developed land or conversion/reuse of a building will be encouraged.”**
- **In F2.2 delete the text in brackets and insert “(with the exception of the two cross hatched sites identified on the Proposals Map and on Map 2 as DA/2014/0454 and DA/2013/0703 where housing development will be supported)”**

### **Recommended modification 4:**

#### **In Policy F3**

- **In the second sentence replace “As there is a” with “Proposals must demonstrate how they respond to the”**
- **In F3.1 delete the text after “villagers”**
- **In F3.2 delete the text after “across a site”**

**Recommended modification 5:**

**In Policy F4**

**In F4.2 after “Open market housing” delete “will only be permitted” and insert “must only be included in a development”**

**Recommended modification 6:**

**In Policy F5**

- **replace principle 4 with “Ensuring the scale of infill development does not adversely affect the character of the immediate locality or the residential amenities of nearby occupiers.”**
- **Delete principle 6**
- **Delete principle 9**
- **In F5.2 delete “Planning permission will not be granted for development” and insert “Development proposals will not be supported where they are”**

**Recommended modification 7:**

**In Policy F6**

- **Delete “Where planning permission is required”**
- **Delete “permitted” insert “supported”**
- **Delete “usually”**
- **Delete criterion 3**
- **Delete criterion 6 and insert “The residential amenities of adjoining occupiers are safeguarded.”**

**Recommended modification 8:**

**In Policy F7**

- **Replace F7.1 with “Those parts of the locally significant views identified on Map 3 that are visible from locations that are freely accessible to members of the general public (for example from a public footpath, right of way, roadside, or other publically accessible land) should be preserved and not significantly detracted from. Developments should take into consideration any adverse impacts on these views through landscape appraisals and impact studies.”**
- **In F7.2 after “Development proposals” insert “including associated tree planting”**
- **In F7.4 after “boundaries native” delete “tree”**

- In F7.4 delete the part of the sentence commencing “Existing hedgerows” to and including “Street) and”

**Recommended modification 9:**

**In Policy F9**

- Maps should be included at sufficient scale so that it is possible to identify the precise boundaries of the areas of land proposed for designation as Local Green Space.
- All locations proposed for designation should be included in the policy wording

**Recommended modification 10:**

**In Policy F11 before “will be required” delete “Development” and insert “Subject to viability considerations, schemes for new development”**

**Recommended modification 11:**

**In Policy F12**

- Replace the introductory paragraph after “support the” with “creation of a new linear village green identified on Map 4. The following principles apply to developments which front onto the High Street:”
- In principle 1 delete “Developments which front onto the High Street” and replace with “Schemes”, and replace “face onto” with “have their principal elevation facing”
- In principle 2 insert “any” before “balancing ponds”, and replace “face onto” with “have their principal elevation facing”

**Recommended modification 12:**

**In Policy F13**

- Before “improvements” delete “Proposals for” and insert “Schemes for development proposals that will result in”
- After “public transport” insert “built infrastructure”
- Before “Developer contributions” insert “Subject to viability considerations”
- Delete paragraph F13.3 and transfer it to the supporting text

**Recommended modification 13:**

**In Policy F14**

**In F14.3**

- Delete “All new proposals” and insert “Subject to viability, proposals for new development schemes”

- In criterion 3 after “enhancements” delete “will” and insert “should”

**Recommended modification 14:**

**In Policy F15**

- Delete Part F15.1
- Replace “permitted” with “supported”

**Recommended modification 15:**

**Replace Policy F16 with “Development proposals resulting in new local employment, including in rural enterprises and live/work facilities, will be supported where:**

- They utilise brownfield sites or existing buildings, or demonstrate such suitable sites or premises are unavailable in which case they should not use the best or most versatile agricultural land or lead to the loss of green infrastructure of acknowledged importance;
- They are of a scale that does not have a significant adverse impact on their landscape setting, or on residential amenity, and they demonstrate satisfactory traffic access arrangements.”

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

**Recommended modification 16:**

**Modification of general text will be necessary to achieve consistency with the modified policies**

162. I am satisfied that the Neighbourhood Plan<sup>46</sup>:

- 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;

<sup>46</sup> 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 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.<sup>47</sup>

**I recommend to Daventry District Council that the Flore Neighbourhood Development Plan for the plan period up to 2029 should, subject to the modifications I have put forward, be submitted to referendum.**

163. 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.<sup>48</sup> 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 District Council as a Neighbourhood Area on 4 June 2014.**

### Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>49</sup> 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.

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<sup>47</sup> 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

<sup>48</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>49</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 16:  
Modification of general text will be necessary to achieve  
consistency with the modified policies**

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20 April 2016  
REPORT ENDS