

**From:** Garnier, Chrystèle <Chrystele.Garnier@highwaysengland.co.uk>  
**Sent:** 28 May 2019 13:37  
**To:** Neighbourhood Planning  
**Subject:** RE: Claverton Neighbourhood Development Plan Regulation 16 Consultation - Highways England's Comments

**Importance:** High

Dear Planning Policy Team,

Thank you for providing Highways England with the opportunity to comment on the Claverton Neighbourhood Development Plan – Regulation 16 Consultation. Highways England is responsible for operating, maintaining and improving the strategic road network (SRN) which in this instance consists of the A36 (T) which run through the plan area.

We have noted your proposed policies and are satisfied that they are unlikely to lead to development which will have a significant impact on the SRN.

We have also noted your comments with regards to the speed limit of the A36. You will be aware that in recent years Highways England have applied a safety scheme in the locality of Claverton including the reduction of the speed limit to 50mph. Speed limits need to be intuitive, self-enforcing and appropriate for the locality. Highways England will continue to monitor vehicle speeds in this locality as we do with the entire network, however there is no accident profile to justify any further change to the existing speed limit at present.

Please note however that these comments do not prejudice any future responses Highways England may make on site specific applications as they come forward through the planning process, and which will be considered by us on their merits under the prevailing policy at the time.

Regards,

**Chrystèle Garnier-Kusiak**

**Administrator - Performance Assurance & Business Services Team**

Highways England | Brunel House | 930 Hempton Court, Aztec West | Bristol | BS32 4SR

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**From:** Neighbourhood Planning [mailto:Neighbourhood\_Planning@BATHNES.GOV.UK]

**Sent:** 24 May 2019 12:03

**To:** Neighbourhood Planning <Neighbourhood\_Planning@BATHNES.GOV.UK>

**Cc:** Claverton Parish Council <clavertonpc@gmail.com>

**Subject:** Claverton Neighbourhood Development Plan – Regulation 16 Consultation

Dear Consultee,

The Draft Claverton Neighbourhood Plan has been submitted to Bath & North East Somerset Council by Claverton Parish Council and I am writing to notify you that there is now a publicity period when you can make representations on the draft before it is submitted to an Independent Examiner.

The submitted Neighbourhood Plan proposal and supporting documents can be viewed on our website via the following link: <https://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/neighbourhood-planning-bnes/clavertonndp>

In addition to this website you can view a hard copy of the Neighbourhood Plan proposal and supporting documents, at the following locations:-

- Bath Central Library (normal opening hours)
- One Stop Shop, Manvers St, Bath (normal opening hours)
- St Mary’s Parish Church, Claverton

**How to make representations**

- email comments to [neighbourhood\\_planning@bathnes.gov.uk](mailto:neighbourhood_planning@bathnes.gov.uk)
- write to Planning Policy, B&NES Council, Lewis House, Manvers Street, Bath, BA1 1JG

**The publicity period during which representations can be made runs from:**

**24<sup>th</sup> May - 5<sup>th</sup> July 2019 at 5pm**

Comments received at this stage will be passed directly to an Independent Examiner for their consideration.

All comments received will also be published on our website at the end of the consultation period. The name of the organisation or individual will be published alongside the comment but other personal details will be redacted or removed in this document.

If you would like to request to be notified of the decision on the Plan proposal, please mention this as part of your comments. If you have any queries about this process, please do get in contact with us.

Kind regards

George

George Blanchard  
 Planning Officer - Planning Policy  
 Bath and North East Somerset Council  
 Tel. 01225 477684  
 Email: [neighbourhood\\_planning@bathnes.gov.uk](mailto:neighbourhood_planning@bathnes.gov.uk)  
[www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning)

*As part of the planning process we collect and publish personal information, please see our corporate privacy notice: [www.bathnes.gov.uk/council-privacy-notice](http://www.bathnes.gov.uk/council-privacy-notice).*

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**From:** Winsley Parish Council <winsleypc@gmail.com>  
**Sent:** 11 June 2019 10:49  
**To:** Neighbourhood Planning  
**Subject:** Draft Claverton Neighbourhood Plan - comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Comments from Winsley Parish Council on the draft Claverton Neighbourhood Plan:

The Claverton Neighbourhood Plan was considered to be well thought out with the intention of conserving the nature of the village and its surroundings.  
The Parish Council supported the proposed plan.

--  
Selina Jobson  
Winsley Parish Clerk

01225 865529  
[winsley.org.uk](http://winsley.org.uk)



Date: 26 June 2019  
Our ref: 284314  
Your ref: Claverton Neighbourhood Plan



George Blanchard  
Planning Officer - Planning Policy  
Bath and North East Somerset Council  
[neighbourhood\\_planning@bathnes.gov.uk](mailto:neighbourhood_planning@bathnes.gov.uk)

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Blanchard

**Claverton Neighbourhood Development Plan – Regulation 16 Consultation**

Thank you for your consultation on the above dated 24 May 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on this draft neighbourhood plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Jacqui Salt  
Consultations Team



Planning Policy  
B&NES Council  
Lewis House  
Manvers Street  
Bath  
BA1 1JG

Lucy Bartley  
Consultant Town Planner

Tel: 01926 439116  
[n.grid@woodplc.com](mailto:n.grid@woodplc.com)

Sent by email to:  
[Neighbourhood\\_planning@bathnes.gov.uk](mailto:Neighbourhood_planning@bathnes.gov.uk)

01 July 2019

Dear Sir / Madam

## **Claverton Draft Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

### **Specific Comments**

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has **no record** of such apparatus within the Neighbourhood Plan area.



## Electricity Distribution

The electricity distribution operator in Bath and North East Somerset Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

## Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides a map of the National Grid network across the UK.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database.

Lucy Bartley  
Consultant Town Planner

[n.grid@woodplc.com](mailto:n.grid@woodplc.com)

Wood E&I Solutions UK Ltd  
Nicholls House  
Homer Close  
Leamington Spa  
Warwickshire  
CV34 6TT

Spencer Jefferies  
Development Liaison Officer, National Grid

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
Warwickshire  
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully

[via email]

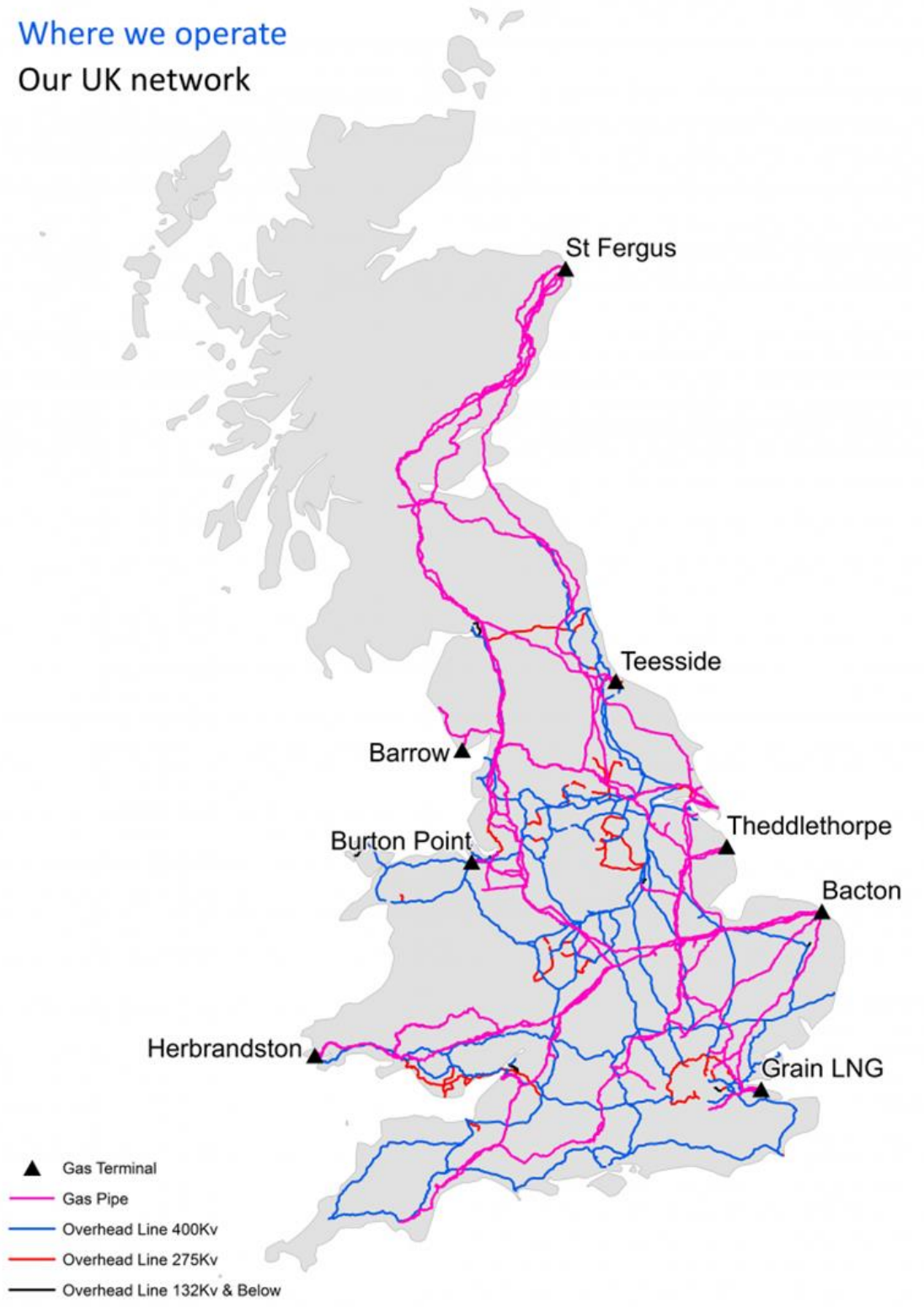
**Lucy Bartley**  
**Consultant Town Planner**

cc. Spencer Jefferies, National Grid



**APPENDIX 1: NATIONAL GRID'S UK NETWORK**

Where we operate  
Our UK network



## George Blanchard

---

**From:** Stuart, David <David.Stuart@HistoricEngland.org.uk>  
**Sent:** 04 July 2019 16:36  
**To:** Neighbourhood Planning  
**Subject:** Claverton Neighbourhood Development Plan – Regulation 16 Consultation

FAO George Blanchard

Dear Mr Blanchard

Thank you for your Regulation 16 consultation on the submitted version of the Claverton Neighbourhood Plan.

I can confirm that there are no issues associated with the Plan upon which we wish to comment.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>



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**From:** Neighbourhood Planning [[mailto:Neighbourhood\\_Planning@BATHNES.GOV.UK](mailto:Neighbourhood_Planning@BATHNES.GOV.UK)]  
**Sent:** 24 May 2019 12:03  
**To:** Neighbourhood Planning  
**Cc:** Claverton Parish Council  
**Subject:** Claverton Neighbourhood Development Plan – Regulation 16 Consultation

Dear Consultee,

The Draft Claverton Neighbourhood Plan has been submitted to Bath & North East Somerset Council by Claverton Parish Council and I am writing to notify you that there is now a publicity period when you can make representations on the draft before it is submitted to an Independent Examiner.

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4 July 2019  
BANES NP Response



BY EMAIL

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[savills.com](http://savills.com)

Dear Mr Blanchard

**Objection to Local Green Space Nomination – Field opposite  
Bassett Farm House, South of Walled Garden, Claverton**

I write on behalf of my clients in response to your letter of 31<sup>st</sup> May enclosing a plan of the above field. My clients own this land, which is also identified on Figure 2 page 16 of the draft Plan and also on page 33 (no Figure no.).

Your letter notifies my clients that the land has been nominated by members of the local community as a possible “Local Green Space” for designation within the Claverton Neighbourhood Plan. The letter invites a response to this notification before 5<sup>th</sup> July. This letter provides a comprehensive representation as part of formal consultation on the Plan prior to Examination.

This letter first describes the site, before considering the planning policy context in relation to the designation of ‘Local Green Spaces’ and providing a summary of the reasons why my clients strongly object to the nomination. As well as objecting to a draft Neighbourhood Plan Policy, which is subject to the consultation, this letter also refers to the principles enshrined in national policy and where relevant, within the Local Plan.

The site

The site comprises a total of 2.8 ha (6.7 acres) of agricultural land, traditionally used as a field for the grazing of sheep. The site is completely enclosed by fencing, hedges and vegetation. There are no public rights of way across or within the site and the site is not publicly accessible; it is a private field. There are adopted highways adjoining parts of the southern and eastern boundaries of the site, but these do not afford access on to the site, either physically or lawfully.

Planning Policy Context

In the Bath and North East Somerset (BANES) Core Strategy (July 2014) the site is shown within the defined Green Belt and within the Claverton Conservation Area. Policy RA4 of the Plan also covers Rural Exception sites allowing 100% affordable housing, subject to restrictive criteria. It also allows a small proportion of market housing, where it can be demonstrated that the market housing is essential to cross-subsidise to the affordable.

The site lies immediately adjacent to the Housing Policy Boundary for the village of Claverton, which is defined in the BANES Place-making Plan (July 2017), where within the boundary the principle of residential development is supported.

The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the ‘basic conditions’ set out at Paragraph 8(2) of Schedule 4B of the Town

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and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the national Planning Practice Guidance (PPG).

The basic conditions are:

*“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

*(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*

*(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*

*(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

*(e) The making of the order (or 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).*

*(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

*(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”*

The National Planning Policy Framework (the NPPF), first published in March 2012 and last updated in February 2019, sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.

The requirements set out in the NPPF have now been supplemented by the Neighbourhood Plan section of the Planning Policy Guidance (PPG). The provisions of the NPPF and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a).

The NPPF, in placing a presumption in favour of sustainable development at its heart, recognises at paragraph 16 that Plans should:

- Be prepared with the objective of contributing to sustainable development;
- Be prepared in a way that is aspirational but deliverable;
- Be shaped by early, proportionate and effective engagement between plan –makers and communities  
....
- Contain policies that are clearly written and unambiguous;
- Be accessible;
- Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area.  
(Savills underlining)

Paragraph 29 of the NPPF further makes it clear that Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine local those strategic policies.

The PPG adds at paragraph 072 (Reference ID 41-072-20160211) that “...sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions” by a Neighbourhood Plan and in respect of their preparation, states that:

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient*

*clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.” (Paragraph 041, Reference ID 41-041-20140306)*

The PPG also advises that those responsible for a Neighbourhood Plan, i.e. the qualifying body, must demonstrate how the draft Neighbourhood Plan will contribute towards sustainable development, being underpinned by “*proportionate evidence....on how the draft neighbourhood plan or order guides development to sustainable solutions*” (paragraph 072 Reference ID: 41-072-20190509).

Paragraph 99 of the NPPF states that:

*The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

Paragraph 100 continues:

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

Para 101 states:

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

With this in mind, the NPPF is explicit in recognising that Local Green Spaces need to endure beyond the end of the Plan period ie 2036.

In order for an area to be designated as Local Green Space (LGS), it has to meet all the criteria for designation set by paragraph 100 of the NPPF. It is therefore essential that, when seeking to designate LGSs, plan-makers clearly demonstrate, through compelling evidence, that the requirements for designation (as quoted above) are met in full.

As recognised also by the Examiner appointed to consider the draft Alrewas Neighbourhood Plan, the

*“Local Green Space designation is an extremely important one. Having regard to the Framework, the development of Local Green Space, other than in very special circumstances, is ruled out. The Local Green Space designation affords protection consistent with policy for Green Belts. Effectively, Local Green Space, once designated, provide protection comparable to that for Green Belt land” (Alrewas Neighbourhood Plan Examiner’s Report – August 2015).*

A copy of the Examiner’s Report is attached at **Appendix 1**. For this reason, it is crucial that plan-makers include evidential and robust information to support their proposed LGS designations and clearly demonstrate that their application meets national planning policy requirements in full. To assist plan-makers further in this regard, the PPG regarding Open Space provides the following advice:

- Paragraph: 007 Reference ID: 37-007-20140306: “*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making” [Savills emphasis].*
- Paragraph: 008 Reference ID: 37-008-20140306: “*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented*”.
- Paragraph: 009 Reference ID: 37-009-20140306: “*Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city” [Savills emphasis].*
- Paragraph: 011 Reference ID: 37-011-20140306: “*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space”.* [Savills emphasis]
- Paragraph: 013 Reference ID: 37-013-20140306: “*The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis” [Savills emphasis].*

Additionally, in any case, this proposed designation of LGS in Claverton duplicates existing restrictive designations on the land, namely Green Belt and Conservation Area.

#### **Reasons why my clients object to the nomination:**

##### **1. The proposed LGS designation at the Site does not meet the requirements of paragraph 100 of the NPPF in full.**

Paragraph 100 confirms that LGS designation should be “*where the green area is demonstrably special to a local community and holds a particular local significance, recreational value (including as a playing field), tranquillity or richness of its Wildlife.*”

- The Site is not used by the general public, being within private use and fenced off. Only public glimpses of it are available from small sections of two roads in the village. On this basis, it cannot be said that the Site is ‘*demonstrably special*’ to the local community.
- ‘*Particular local significance*’ – as explained above, the Site is in private use, and understood to have been the subject of a grazing license for several years. The Site cannot be considered in local use, or locally significant, on this basis.
- ‘*Recreational value*’ – the Site is not in recreational use by the general public, having historically been used for grazing and fenced off.



- ‘*Tranquillity*’ – it cannot be said that this area of land, privately used for grazing, without public access, surrounded by residential development & other countryside, and its positioning not far from the A36 main road & the Cardiff to Portsmouth railway line, provides for a sense of ‘tranquillity’.
- ‘*Richness in wildlife*’ – there are no statutory or non-statutory environmental designations affecting the Site, nor is there any evidence to suggest that it is ‘rich in wildlife’.
- ‘*Demonstrably special*’ - the subject Site is not in public use, having been privately grazed and fenced off. It is therefore apparent that the Site does not currently or is likely to serve the community and for this reason, it cannot be said to be ‘*demonstrably special*’ to a local community. The inclusion of the Site as a proposed LGS is therefore completely anomalous.

## **2. The nomination does not accord with the strategic objectives of the Development Plan and is preventative of sustainable development coming forward.**

The adopted Development Plan, identifies areas covered by housing policy boundaries as sustainable locations for development and has an Exception policy for affordable housing.

Central to considering any LGS designation is whether sustainable development would be precluded as a result. Paragraph 3.11 of the Examiners Report to the Brixworth Neighbourhood Plan (see **Appendix 2**) states: “*Unless there is robust evidence to support these policies, it is considered that the Plan would set blanket restrictions that may prevent the consideration of further sites for residential development around the village in the forthcoming Local Plan to meet the future housing need of the village and the nearby rural area.*”

The Brixworth NP Examiner’s report continues at paragraph 4.63: “*The sites are important in the landscape setting of the village, however this is not a reason to designate them as Local Green Space. For an area to be designated as a Local Green Space it must meet all three criteria of NPPF paragraph 100 which these sites clearly do not do.*”

The parallels with this village, acknowledged to be sustainable, are clear. It is crucial that plan-makers include evidential and robust information to support their proposed LGS designations and clearly demonstrate that their application meets national planning policy requirements in full.

To assist plan-makers further in this regard, the PPG provides the following advice:

Paragraph: 007 Reference ID: 37-007-20140306: “*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making*” [Savills emphasis].

PPG Paragraph: 011 Reference ID: 37-011-20140306 states: “*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space*”. In relation to this we must emphasise that the designation of our client’s land as LGS offers no additional local benefit. The site does not have public access, is lawfully screened off, and the footpaths are not affected. The site is also significantly constrained by existing policies in the Local Plan and lacks tranquillity or any leisure function.

NPPG Paragraph: 015 Reference ID: 37-015-20140306 states: “*There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is ‘not an extensive tract of land’.*”

Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name. The site is already covered by green belt policy.

Other Examiner's Reports into draft Neighbourhood Plans make similar points, finding several proposed LGSs to constitute '*extensive tracts of land*' and, as such, fail to meet the required basic conditions and makes clear that there is no lower limit on scale and that sites comparable to our clients have been removed:

□ The Alrowad Neighbourhood Plan (Examiner's Report dated August 2015) – the Examiner removed the proposed LGS designations affecting two sites of 2.5 and 3.9 hectares respectively, having found these to constitute extensive tracts of land by virtue of their size and there being no compelling evidence to demonstrate why the sites were demonstrably special to the local community. The Examiner's Report is attached at **Appendix 1**.

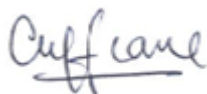
The LGS approach taken by the Town Council runs the risk of undermining the spatial strategy for the District and the delivery of sustainable development across the plan period by seeking to designate a site that is suitable for sustainable residential development. The nomination for a designation of LGS is therefore NOT "*...consistent with local planning for sustainable development in the area*" which is a requirement of national policy (paragraphs 015 and 007 Reference ID: 37-007-20140306). Incidentally, representations are currently being prepared for the LPA pursuant to developing the frontage of this site for well-designed, much-needed affordable housing use.

It is clear that Claverton Parish Council has not undertaken a thorough and robust assessment to justify their proposed LGS nomination in this case. This approach is contrary to national guidance which states that "*.....sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions*" (PPG 072 ID 41-040- 20160211).

It is contended that meaningful dialogue between the Neighbourhood Plan makers and the land-owner has taken place, in accordance with Paragraph 16 of the NPPF. My clients wish to pursue their proposals for much-needed affordable housing on the eastern part of this site, between the Walled Garden and the curtilage of Holly Cottage. This would accord the Exceptions policy and continue the existing form of development on the side of the road. Any development would preserve or enhance the Conservation Area. My clients have rights of passage over the access south of the Walled Garden, which the nearby church uses for access to the church for hearses etc.

**My clients therefore STRONGLY OBJECT to the nomination. I would strongly recommend that there is further dialogue between the Parish Council and my client and should the proposal be considered at Examination that the Examiner does not seek to take forward a LGS designation on this site.**

Yours sincerely



Cliff Lane  
Director



**Appendix 1 – Alrewas Neighbourhood Plan Examiner’s Report**

# **ALREWAS NEIGHBOURHOOD PLAN 2013-2029**

Alrewas Neighbourhood Plan Examination,  
A Report to Lichfield District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

April 2018



EST. 2011

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**8, Summary**

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## Introduction

### The Neighbourhood Plan

- 1 This Report provides the findings of the examination into the Alrewas Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Alrewas Neighbourhood Plan Steering Group on behalf of Alrewas Parish Council.
- 2 It provides a recommendation in respect of whether the Neighbourhood Plan should go forward to a Referendum. Were this to be the case and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Lichfield District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Alrewas Neighbourhood Area.
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”* (Paragraph 183, National Planning Policy Framework)

- 4 As set out on in Section 1.0 on the third page of the Basic Conditions Statement, which was submitted alongside the Neighbourhood Plan, Alrewas Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Alrewas Neighbourhood Area and there is no other neighbourhood plan in place in the Alrewas Neighbourhood Area.
- 5 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 6 I was appointed by Lichfield District Council, with the consent of the Qualifying Body, to conduct the examination of the Alrewas Neighbourhood Plan and to provide this Report.
- 7 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 I note that I was appointed by Lichfield District Council in 2015 to examine a previous version of the Alrewas Neighbourhood Plan. This previous version of the Alrewas Neighbourhood Plan was subsequently withdrawn by Alrewas Parish Council.
- 10 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 11 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Alrewas Neighbourhood Area to which the Plan relates.
- 12 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 13 A neighbourhood plan must specify the period during which it is to have effect.
- 14 The front cover of the Neighbourhood Plan provides a clear reference to the plan period, 2013 – 2029.
- 15 Also, in respect of the Plan period, Section 1.0 of the Basic Conditions Statement states that:  
  
*“The Plan covers a 16 year period 2013-2029.”*
- 16 There is, however, an error on page 3 of the Neighbourhood Plan and I recommend:
  - **Neighbourhood Plan, page 3, fourth para, last line change to: “...period from 2013 to 2029.”**
- 17 Taking the above into account, the Neighbourhood Plan meets the requirements in respect of specifying the period during which it is to have effect.



Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I confirmed to Lichfield District Council that I was satisfied that the Alrewas Neighbourhood Plan could be examined without the need for a Public Hearing.
- 21 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

## **2. Basic Conditions and Development Plan Status**

### **Basic Conditions**

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. 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 neighbourhood 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, European Union (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>2</sup>
  - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>2</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>3</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

### European Convention on Human Rights (ECHR) Obligations

- 26 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 27 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

### European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 29 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>5</sup>)
- 30 National advice then goes on to state<sup>6</sup> that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 31 This process is often referred to as a screening report, opinion, determination or statement. If the screening report identifies likely significant effects, then an environmental report must be prepared.

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<sup>4</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

<sup>5</sup> Paragraph 027, *ibid.*

<sup>6</sup> Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A Screening Report has been produced by Lichfield District Council. This concluded that the Neighbourhood Plan:

*"...does not propose more development than is set out within the Local Plan Strategy, nor does it allocated sites for development...The conclusions of the...screening assessment...indicate that Strategic Environmental Assessment will not be required..."*

*"...this report concludes that the plan in its current form is not likely to have significant environmental effects and therefore SEA will not be required."*

- 33 The statutory consultees, Natural England, Historic England and the Environment Agency were consulted and none of these bodies dissented from the conclusions reached by Lichfield District Council.
- 34 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.
- 35 The Screening Report produced by Lichfield District Council also included a Habitats Regulations Assessment Screening. This identified four relevant Natura 2000 sites within 15km of the Alrewas Neighbourhood Area: Cannock Chase Special Area of Conservation (SAC); Cannock Extension Canal; River Mease SAC; Humber Estuary SAC-River Trent.
- 36 Appendix 2 of the Screening Report comprises a detailed assessment of the likely significant effects on European sites as a result of each policy with the Neighbourhood Plan. This assessment established that none of the policies within the Neighbourhood Plan are likely to have significant impacts upon the European sites identified. The HRA Screening Report concludes:
- "In relation to the requirement for the Alrewas Neighbourhood Plan to be subject to Habitats Regulations Assessment...this report concludes that there are no potential significant effects upon European Sites and no further work as part of the compliance with the Habitat Regulations will be required."*
- 37 Again, the statutory consultees were consulted and all of them agreed with the above conclusion.

- 38 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance<sup>7</sup>).*

- 39 In undertaking the work that it has, Lichfield District Council has considered the Neighbourhood Plan's compatibility with EU regulations and it has not raised any concerns in this regard.
- 40 Given all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

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<sup>7</sup> Planning Practice Guidance Reference ID: 11-031-20150209.

### **3. Background Documents and the Alrewas Neighbourhood Area**

#### **Background Documents**

41 In undertaking this examination, I have considered various information in addition to the Alrewas Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Lichfield District Local Plan Strategy 2008-2029 (2015)
- The Saved Policies of the Lichfield Local Plan (1998)
- Basic Conditions Statement
- Consultation Statement
- Alrewas Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Report (2017)

Also:

- Representations received

42 In addition, I spent an unaccompanied day visiting the Alrewas Neighbourhood Area.

Alrewas Neighbourhood Area

- 43 The boundary of Alrewas Neighbourhood Area is illustrated on the back page of the Basic Conditions Statement and by Figure 1 on page 11 of the Neighbourhood Plan. The Alrewas Neighbourhood Area boundary coincides with that of the Alrewas Parish Boundary.
- 44 Lichfield District Council formally designated the Alrewas Neighbourhood Area on 19<sup>th</sup> February 2013. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).



## **4. Public Consultation**

### Introduction

- 45 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 46 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Alrewas Neighbourhood Plan Consultation

- 47 A Consultation Statement was submitted to Lichfield District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>8</sup>.
- 48 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Alrewas Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework.
- 49 In 2013, Alrewas Parish Council established a Neighbourhood Plan Steering Group, comprising local volunteers, to produce the Alrewas Neighbourhood Plan. In that year, more than 100 people attended two open meetings and 179 residents gave their views to a Steering Group-run stand at the Alrewas Canal Festival.
- 50 Five task groups were established to review key elements of policy. These involved more than fifty members of the community, including Parish Councillors, landowners, developers and community organisations.

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<sup>8</sup>Neighbourhood Planning (General) Regulations 2012.

- 51 A Youth Forum was also established in order to capture the views of younger people; and Parish-wide surveys were undertaken. Meetings were also held with other neighbourhood planning groups in the wider area and the Neighbourhood Plan underwent Regulation 14 pre-submission consultation during 2014.
- 52 Further to the decision to withdraw the previous Alrewas Neighbourhood Plan in 2015, changes were considered at more than twenty public meetings and meetings also took place with Lichfield District Council and local landowners prior to the re-submission of the Neighbourhood Plan.
- 53 Consequently, the consultation process associated with the Neighbourhood Plan is quite unusual, in that much of the public information gathering and engagement occurred some time ago, between 2013 and 2015.
- 54 However, the Consultation Report provides evidence to show that public consultation formed an important part of the overall plan-making process. Matters raised were taken into account and the reporting process was transparent throughout the period 2013-2017.

## 5. The Neighbourhood Plan – Introductory Section

- 55 The opening section of the Neighbourhood Plan is clear and concise. It provides a helpful introduction to the Policies that follow.
- 56 In respect of the Introduction, Lichfield District Council has put forward a helpful suggestion which, I find, would add to the precision of the document.
- 57 I recommend:
- **Page 4, last sentence, add “...local community. *Alongside the community survey and engagement, the Plan has taken into account a wide range of evidence, including the evidence base published to support the District Council’s Local Plan.*”**
- 58 The Neighbourhood Plan includes Policies concerning heritage and heritage appears as an important theme throughout the document. Given this, the absence of reference to heritage within the Objectives is unreflective of the Policies that follow. For precision, I recommend:
- **“Page 5, add to list of Key objectives *“Conserve and/or enhance the historic environment and heritage assets for this and future generations.”***
- 59 The Neighbourhood Plan establishes a settlement boundary in Policy H1. Whilst it may do so in a manner that is in general conformity with the strategic policies of the development plan, there is no evidence that it does so *“in accordance with the Local Plan.”* Consequently, the reference to this in the list of Objectives is incorrect and confusing. I recommend:
- **Page 5, change third Key objective to *“Designate a new Settlement Boundary to help deliver sustainable development.”***
- 60 The Parish of Alrewas is not *“identified in the Local Plan as a key rural settlement,”* as stated on page 6 of the Neighbourhood Plan. Policy Rural 1 of the Lichfield District Local Plan Strategy 2015 (referred to in this Report as the Local Plan (2015)) identifies the settlement of Alrewas, not the Parish, as a Key Rural Settlement.

61 For clarity, I recommend:

- **Page 6, first sentence, change to “*The settlement of Alrewas is identified in the Local Plan as a Key Rural Settlement...*”**

62 The A38 runs alongside the eastern edge of Alrewas, rather than “*cuts through the village.*”

63 For clarity, I recommend:

- **Page 8, third para, second sentence, change to “...is a major dual carriageway *which runs alongside the eastern edge of the village...*”**

64 For clarity and precision, I recommend:

- **Page 13, second para, change last sentence to “...to produce a *land use plan that sets out the overall vision for the area, addressing the challenges and opportunities through objectives and policies, and forming part of the development plan for the area.*”**

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

### **Community Facilities**

#### **Policy CF1: Protection of Community Facilities**

- 65 Paragraph 58 of the National Planning Policy Framework (the Framework) promotes:

*“...the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

- 66 Policy CF1 of the Neighbourhood Plan seeks to protect community facilities in Alrewas and in this way, it has regard to national policy.
- 67 National policy also seeks to protect and enhance public rights of way and access (Paragraph 75, the Framework). The latter part of Policy CF1 serves to protect access and has regard to national policy.
- 68 No changes are proposed to Policy CF1.

### **Policy CF2: New Community Facilities**

69 As noted in respect of Policy CF1 above, national policy supports the development of community facilities. To some considerable degree, Policy CF2 has regard to national policy, as it supports the appropriate development of existing and new community facilities.

70 However, as worded, Policy CF2 is imprecise and as such, fails to have regard to national advice, as set out in Planning Practice Guidance,<sup>9</sup> which 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.”*

71 The Policy refers to improvements to the “*quality and/or range*” of community facilities, but no indication is provided of what such improvements might comprise, or of who might measure this and on what basis. I address this matter in the recommendations below.

72 The Policy refers specifically to schools and healthcare provision, but not to other community facilities referred to in the supporting text. In the absence of any detail, it is unclear why the Policy specifies selected individual uses and I find this detracts from the overriding purpose of the Policy, as introduced in the supporting text.

73 The Policy also seeks to ensure that the development of community facilities is appropriate, having regard to local character and accessibility. The supporting text refers to matters relating to amenity and taking this and the above into account, I recommend:

- ***Policy CF2, change to “Improvements to existing community facilities and the provision of new community facilities will be supported subject to such development respecting local character and residential amenity, and being easily accessible by sustainable modes of transport including walking and cycling.”***

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<sup>9</sup> Paragraph: 042 Reference ID: 41-042-20140306

## Traffic and Transport

### Policy TT1: Traffic

74 Paragraph 32 of the Framework states that:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

75 Policy TT1 states that proposals resulting in severe impacts will not be supported and such an approach has regard to national policy. In so doing, the Policy provides for flexibility, through reference to the scope for impacts to be mitigated.

76 However, traffic management does not fall within the responsibility of the Neighbourhood Plan and whilst I note that the Parish Council would support traffic management proposals that direct traffic away from the historic centre, such a reference comprises a Parish Council statement rather than a land use planning policy.

77 Taking the above into account, I recommend:

- **“Policy TT1, delete last sentence (“Traffic management...supported.”)**
- **Move this last sentence to the end of the supporting text on Page 19(above the Community Feedback section and change to “*The Parish Council will be generally supportive of traffic management proposals...traffic congestion.*”**

**TT2: Pedstrian and Cycle Access**

- 78 Policy TT2 is a positive land use planning policy which promotes the development of pedestrian and cycle access.
- 79 As such, the Policy has regard to the Framework, which supports the enhancement of public rights of way (Paragraph 75), requires development to provide safe and accessible environments (Paragraph 58) and promotes the development of sustainable modes of transport (Chapter 4, *"Promoting sustainable transport"*).
- 80 The Policy meets the basic conditions and no changes are recommended.



**Policy TT3: Alrewas Railway Station**

- 81 Policy ST1 (*Sustainable Travel*) of the Local Plan (2015) seeks to secure more sustainable travel patterns and in so doing, explicitly supports the improvement of:

*"...services and facilities for non-car based travel..."*

- 82 Policy TT3 supports the re-opening of Alrewas Railway station and related development, including car parking and station buildings.
- 83 The Policy is in general conformity with the strategic policies of the Local Plan (2015) and contributes to the achievement of sustainable development.
- 84 No changes are recommended.

**Policy TT4: Car Parking**

85 Policy TT4 supports improvements to public car parking in the village centre.

86 This has regard to Paragraph 40 of the Framework, which supports improvements to:

*"...the quality of parking in town centres so that it is convenient, safe and secure..."*

87 No changes to the Policy are recommended.

**Policy TT5: Road Safety**

- 88 Core Policy 5 (*Sustainable Transport*) of the Local Plan (2015) supports improvements to road safety.
- 89 Policy TT5 seeks to improve highway safety and is in general conformity with the strategic policies of the Local Plan (2015).
- 90 No changes are recommended.

**Policy TT6: Road Noise and Air Pollution**

- 91 Policy TT6 aims to reduce road noise and air pollution and this general aim contributes to the achievement of sustainable development and is in general conformity with Core Policy 5 of the Local Plan (2015), referred to above.
- 92 However, as set out, the Policy could result in undue support for unsustainable forms of development. As worded, the Policy simply supports any proposal, so long as it reduces noise and air pollution. It could be that a proposal might achieve these aims, but at the same time result in a development so harmful in respect of other matters that it would outweigh any benefits arising. This could result in support for unsustainable forms of development.
- 93 Given the above and the absence of any evidence to the contrary, I recommend the following slight change to the wording of the Policy.
- **Change the wording of Policy TT6 to “...and the A513, and which respect local character, residential amenity and highway safety, will be supported.”**

Public Realm

**Policy PR1: Protection and Enhancement of Public Open Spaces**

- 94 As noted earlier, national policy supports improvements to public rights of way. In addition, Paragraph 73 of the Framework recognises that:

*“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.”*

- 95 Policy PR1 seeks to protect and improve public open space and public rights of way and has regard to national policy.
- 96 No changes are recommended.

**Policy PR2: Public Rights of Way**

- 97 Public rights of way are protected by law. Given this, there is no need for Policy PR2 to state that development must protect public rights of way. Also, the first part of the first sentence of Policy PR2 goes on to state that all “*access point*” (sic) *affected by development must be protected.*”
- 98 Whilst, in this case, the Policy intent is positive, on consideration and taking into account advice in Planning Practice Guidance in respect of clarity and precision, I am mindful that the approach set out is ambiguous. As worded, it could serve to place an obstacle in the way of improvements to access points, or their replacement with more appropriate means of access. Consequently the first part of Policy PR2 may prevent sustainable development from going ahead, contrary to the requirements of national policy, which points out that:
- “Development that is sustainable should go ahead, without delay...”*  
(Ministerial foreword, the Framework)
- 99 Also, again having regard to the advice set out in Planning Practice Guidance, the second line of Policy PR2 is imprecise. It refers to “*such development*” whereas its reference point is simply development. However, I note that, in general terms, the Policy seeks to encourage the provision of disabled access and that such an approach has regard to the national policy aim of enhancing public rights of way.
- 100 The final part of the Policy supports sustainable patterns of movement, having regard to Chapter 4 of the Framework and in general conformity with Core Policy 5 of the Local Plan (2015).
- 101 Taking all of the above into account, I recommend:
- **Policy PR2, change to “*The provision of disabled access to public rights of way will be supported. The provision...*”**

**Policy PR3: Public Realm Design**

102 With the exception of the final sentence, Policy PR3 has regard to Paragraph 58 of the Framework, which aims to ensure that developments:

*"...function well and add to the overall quality of the area...establish a strong sense of place...respond to local character and history...are visually attractive..."*

103 However, as worded, the final part of the Policy supports any development proposals so long as they improve provision of litter bins and dog waste bins. This could result in support for unsustainable forms of development, simply on the basis that they also provide waste bins.

104 I recommend:

- **Policy PR3, change final sentence to: *"The provision of waste bins and dog waste bins will also be supported."***

**Policy PR4: Trees and Hedges**

- 105 Paragraph 118 of the Framework aims to conserve and enhance biodiversity by requiring development to avoid, adequately mitigate for, or as a last resort, compensate for significant harm.
- 106 The first part of Policy PR4 seeks to protect trees and hedges. However, in doing so it does not have regard to the more flexible approach of national policy noted above. I address this matter in the recommendations below.
- 107 The second part of Policy PR4 is a positive land use planning Policy, which promotes tree planting. As such, it contributes to the achievement of sustainable development.
- 108 I recommend:
- ***Policy PR4, change to “...not be supported, unless it can be demonstrated that such loss can be suitably mitigated through re-provision of equal or greater ecological, arboricultural and amenity value elsewhere. Proposals should...”***



Environment and Conservation

109 Part of the supporting text to this section of the Neighbourhood Plan reads as though it comprises a Policy, which it does not. To address this, I recommend:

- **Page 27, change first Para to: "*Policy EC4 in this Section of the Neighbourhood Plan designates two areas of Local Green Space. These are described below.*"**

110 The last paragraph on Page 27 is confusing. It refers to something that might or might not happen in another planning document. The inclusion of this paragraph of text detracts from the clarity of the Neighbourhood Plan and I recommend:

- **Delete final paragraph on Page 27 ("Note...Plan")**

111 Also for precision, I recommend:

- **Page 26, change fourth paragraph of supporting text to: "*...Character Assessment take into account the statutory requirement to preserve and protect the Conservation Area and consider the importance of open space. This has...*"**

112 There is no need to refer to an assessment of a Conservation Area Management Plan. There is nothing to suggest that the assessment carries material planning weight and nor is it directly referenced in any of the Policies of the Neighbourhood Plan. Consequently, I find that the reference could result in unnecessary confusion. I recommend:

- **Page 26, delete final Para ("A detailed...(v)")**

**Policy EC1: Protecting and Enhancing the Historic Character**

113 Good design is recognised by the Framework as comprising:

*“a key aspect of sustainable development...indivisible from good planning.”*  
(Paragraph 56)

114 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

*“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”*

115 Generally, Policy EC1 seeks to promote high quality design and has regard to national policy.

116 Grammatically, there appears to be an unnecessary *“the”* in the title to Policy EC1 and this is addressed in the recommendations below. In addition, I am mindful of the comments raised by Lichfield District Council in that the Policy addresses matters relating to design as a whole and not just *“historic character,”* which would only represent one aspect of design. Again, I address this point in the recommendations below.

117 Following on from the above and taking into account further comments raised by Lichfield District Council, I consider that, in the absence of detailed evidence, it is not entirely clear what the *“village character”* actually comprises. Consequently, it is difficult to understand how all development can be consistent with something that is undefined. Consequently, the Policy requirement for development to be consistent with village character lacks appropriate precision, having regard to Planning Practice Guidance and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

118 I recommend:

- **Change the title of Policy EC1 to *“Protecting and Enhancing the Built Environment”***

- **Policy EC1, change to “*Within the village, development proposals must have regard to local character and demonstrate a high quality of design, form and layout.*”**

**Policy EC2: Protecting and Enhancing the Historic and Natural Environment**

- 119 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that heritage assets are irreplaceable and requires them to be conserved in a manner appropriate to their significance.
- 120 The supporting text in the Introduction refers to "*vital*" views, but the Policy provides no relevant protection, resulting in a confusing and unnecessary reference.
- 121 There is an absence of relevant information in support of the onerous requirement in Policy EC2 for development that has a "*significant effect on the special landscape of Alrewas*" to enhance the "*quality, character, distinctiveness and amenity value of that landscape.*"
- 122 Firstly, there is no indication in the Neighbourhood Plan of precisely what the "*special landscape of Alrewas*" comprises. Secondly, there is no definition of what a "*significant effect*" might be, who would be the arbiter of this, or on what basis. Similarly, it is not clear how the enhancement of quality, character, distinctiveness and amenity value would be measured, who by, or on what basis. Furthermore, there is no evidence to demonstrate that the requirement set out in the Policy would be viable or deliverable, having regard to Paragraph 173 of the Framework, which requires:
- "...careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."*
- 123 Further to the above, it is not clear why all development must, where possible, improve landscape qualities identified in a Conservation Area Appraisal. Nowhere does national or local planning policy require such improvements and no justification is provided in the Neighbourhood Plan for such an onerous requirement. Similarly, it is not clear why all development should, where possible, improve visual amenity and scenic quality – neither of which are defined – or open fields adjacent to the Conservation Area boundary.
- 124 In respect of the latter requirement, the Neighbourhood Plan provides no clarity in respect of how, or why, a development could, or should, improve these fields.

- 125 The final part of Policy EC2 refers to "*this character*," which is not something that is defined and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. Furthermore, the reference to "*appropriate mitigation*" is imprecise and thus fails to have regard to national planning advice.
- 126 Taking all of the above into account, Policy EC2 does not have regard to national policy and does not meet the basic conditions. I recommend:
- **Delete Policy EC2**

**Policy EC3: Protection of Significant Views**

127 Policy EC3 requires development proposals to respect a number of “views” and refers to an accompanying diagram.

128 However, in the absence of any substantive supporting information, it is not entirely clear where these “views” are from, precisely what they comprise, why they are “significant,” or how development might respect them.

129 Consequently, Policy EC3 appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

130 Taking the above into account, I recommend:

- **Delete Policy EC3**
- **Move diagram to Section 10, Community Actions and add a Community Action “*Significant Views. The Parish Council will encourage developers to take into account the general views shown on the diagram below, with the aim of ensuring that development respects important vistas from the village.*”**
- **NB, subsequent Figures within the plan will need to be renumbered as a result of Figure 6 moving to Section 10**

**Policy EC4: Protection of Local Green Space**

131 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

132 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

133 National policy establishes that:

*“The Local Green Space designation will not be appropriate for most green areas or open space.”* (Paragraph 77)

134 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

135 Policy EC4 designates two areas of Local Green Space. Information in respect of these two areas is provided on page 27 of the Neighbourhood Plan and Appendix (iii) of the Evidence Base provides more detailed evidence to demonstrate that the two areas meet national policy requirements.

136 I note that a representation has been received in objection to the designation of the Canal and Riverbank Local Green Space. However, in respect of the size of this Local Green Space, I find that relative to the size of the settlement of Alrewas and taking into account its irregular shape, it does not appear as an extensive tract of land and there is no substantive evidence before me to the contrary.

- 137 Figure 6, set out below Policy EC4, identifies the location of each Local Green Space on a clear plan.
- 138 National policy is explicit in stating that the development of Local Green Space is ruled out, other than in very special circumstances. However, no mention is made of the “*exceptional circumstances*” referred to in Policy EC4. The Policy does not have regard to national policy in this respect and this is a matter addressed in the recommendations below.
- 139 In addition to the above, the reference in Policy EC4 to a Local Plan provision is unnecessary and detracts significantly from the clarity of the Policy. Taking this and all of the above into account, I recommend:
- **Policy EC4, change to “...is ruled out other than *in very special circumstances.*” (Retain the text that follows, naming and describing the two designated areas)**



## Housing

140 Lichfield District Council has pointed out that the Housing Policy title reference numbers could result in confusion with the Housing Policies in the Local Plan (2015). To avoid confusion, I recommend:

- **Change Housing Policy reference numbers to “HP1, HP2,” etc**

141 Whilst I am mindful that Lichfield District Council also raises the point that some of the supporting text in the Housing Section could be regarded to comprise “*broad statements*,” I note earlier that the document has emerged through consultation and I consider that, in this case, the supporting text provides a flavour of the views of the local community and is distinctive to Alrewas. There is nothing in the supporting text, in this case, which does not meet the basic conditions.

## Policy HP1: Housing Provision

142 The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so.

143 However, Policy H1 establishes a settlement boundary around the village of Alrewas, where development proposals will be supported. This represents a positive land use planning approach that contributes to the achievement of sustainable development.

144 Whilst there is no substantive evidence before me to demonstrate that the Neighbourhood Plan promotes less development than that set out in the development plan – and there is no suggestion that Lichfield District Council has any concerns in this regard – I am mindful that Policy H1 goes on to make an unsupported statement in respect of the provision of housing, rather than set out a specific land use planning policy requirement in this respect and this is something I address in the recommendations below.

145 The Policies of the development plan need to be considered as a whole. This removes the requirement for cross-references to other Policies and plans, as per part of the first paragraph of Policy H1. Also, the final bullet point of Policy H1 is reliant upon other, non-Neighbourhood Plan policy requirements.

146 Taking all of the above into account, I recommend:

- **Policy HP1, change to: “*Development proposals within the Village Settlement Boundary identified on Figure 6 will be supported.*” (delete rest of Policy) (NB, Figure 7 becomes Figure 6 due to earlier recommendation)**

147 A representation has been submitted in objection to Policy H1 on the basis that it is not “*sound.*” As set out earlier in this Report, neighbourhood plans are examined against the basic conditions. “*Soundness*” is a test that applies to District-wide local plan-making.

**Policy HP2: Alrewas Village**

- 148 In general terms, Policy HP2 is a supportive land use planning Policy that contributes to sustainable development.
- 149 However, Lichfield District Council has commented that no indication is provided in the Neighbourhood Plan of what “*small scale*” might comprise. In the light of this, I consider that this part of the Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 150 In making the recommendation below, I am also mindful that the Policy provides for infill development within Alrewas and in any case, there is no evidence that there is any scope for such development to comprise very large forms of development.
- 151 I note that the Policy supports the development of brownfield land and in doing so, it has regard to national policy, which supports the effective use of land by reusing brownfield land (Paragraph 17, the Framework).
- 152 Policy HP7, later in the Neighbourhood Plan also relates to housing development in Alrewas. In the interest of clarity and precision, I find that it would make sense to merge Policy HP7 with Policy HP2.
- 153 I recommend:
- **Policy HP2, change to “In Alrewas village, *infill development* and the development of brownfield sites is supported. *Within this context, new developments of smaller properties (eg 3 bed or fewer) and those suitable for older people that provide for a recognised need will be supported.*”**

**Policy HP3: Overlay and Orgreave**

154 Like Policy HP2, Policy HP3 refers to, but does not define, "*small scale*" and consequently, it is imprecise in this respect.

155 Both Overley and Orgreave are very small hamlets that fall outside any village settlement boundary. Simply supporting development within these hamlets would fail to be in general conformity with Local Plan (2015) Core Policy 6 (Housing Delivery), which adopts a restrictive approach to development in such locations. No substantive evidence has been provided in justification of a different approach to that set out in the Local Plan (2015).

156 Taking the above into account, I recommend:

- **Delete Policy HP3**

**Policy HP4: Flood Mitigation**

157 Paragraph 100 of the Framework establishes that:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*

158 It goes on to set out the need for a sequential, risk based approach, to avoid where possible flood risk to people and property; and provides clear guidance in respect of the planning application process and addressing flood risk.

159 Policy HP4 seeks to introduce an entirely different approach to that set out in national policy and in doing so, includes an ambiguous and imprecise reference to *“Development proposals of appropriate scale and where relevant.”* No indication is provided of what these might be and why this would be a more relevant factor than, say, location or flood risk. The Policy goes on to set out various requirements, without demonstrating that they would, in all cases, have regard to Paragraph 173 of the Framework in respect of viability and deliverability.

160 In the absence of any substantive evidence, it is not clear upon what basis Policy HP4 is seeking to set its own approach to flood mitigation. Consequently, the Policy does not have regard to national Policy provides no justification for its alternative approach.

161 I recommend:

- **Delete Policy HP4**

**Policy HP5: Affordable Housing**

162 Policy HP5 is reliant upon Local Plan (2015) Policy H2 (*Provision of Affordable Homes*).

163 It is not the purpose of neighbourhood plans to simply repeat the provisions of existing policies.

164 The Policy also refers to “*nationally set thresholds*” but provides no indication of what these might be.

165 I recommend:

- **Delete Policy HP5**

**Policy HP6: Rural Exception Sites**

- 166 Paragraph 50 of the Framework establishes the national policy aim of delivering a wide choice of high quality homes and Local Plan (2015) Policy H2 (*Provision of Affordable Homes*) supports the delivery of rural exception housing.
- 167 In general terms, Policy HP6 seeks to provide for rural exception housing meets the basic conditions. However, as worded, the second criterion of the Policy is reliant upon Local Plan (2015) Policy H2 and seeks to introduce management and occupation controls, without providing any evidence to demonstrate that these are something that the Neighbourhood Plan can control through a land use planning Policy.
- 168 I also note that the phrase "*planning permission will be supported*" lacks clarity.
- 169 I recommend:
- **Change Policy HP6 to "*The provision of affordable housing on rural exception sites will be supported subject to: a) the type...survey; and b) the development consists entirely of affordable housing or is for...low cost housing.*"**

**Policy HP7: Housing size**

170 Policy HP7 is a positive land use planning Policy that supports the provision of smaller properties and properties for older people. It relates to development in Alrewas village and it is therefore recommended that the Policy is merged with Policy HP2. It has regard to the national policy aim of delivering a wide range of high quality housing.

171 I note that the words "*that together*" appear confusing and detract from the clarity and precision of the Policy. As worded, the Policy identifies smaller housing and housing for elderly people as two different things.

172 I recommend:

- **Merge Policy with Policy HP2 (see earlier in this Report)**



**Policy HP8: Building for Life**

173 As set out, Policy HP8 simply comprises a long list of checkpoints and questions. No indication is provided of when it would, or would not be “appropriate” for development proposals to take the long list of checkpoints and questions into account. Consequently, the Policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal.

174 Notwithstanding the above, Building for Life criteria can provide helpful guidance and encourage the delivery of high quality residential development, thus contributing towards the achievement of sustainable development.

175 Taking this and the above into account, I recommend:

- **Policy HP8, change first Para to: “*New residential development must respect its surroundings and all residential development in the Neighbourhood Area should be of a high quality. To help achieve this, it is recommended that proposals consider the following:*” (List a) to l) here)**

176 I also note that the list of bullet points on page 44 don't relate to the submitted Housing Policies, or to the recommended revised Policies, taking into account the recommendations of this Report. I therefore recommend:

- **Page 44, delete the list of bullet points**

## Economic Development

177 Part of the supporting text to this Section reads as though it comprises a Policy, but it does not and I recommend:

- **Page 46, penultimate Para, change to *“The Parish Council would like to see the commercial area to the east of the A38 maintained. The Parish does not have any large scale.../buildings and the Parish Council would not be supportive of such development.”***
- **Page 46, final Para, change to *“The Parish Council wishes to prevent the loss of shops and services in Alrewas. This Plan therefore...”***

### Policy ED1: Business Expansion

178 Chapter 3 of the Framework, *“Supporting a prosperous rural economy,”* seeks to support economic growth by taking a positive approach to sustainable new development in rural areas. In order to do so, it states that neighbourhood plans should:

*“...support the sustainable growth and expansion of all types of business and enterprise...”*

179 Whilst Policy ED1 is a supportive Policy that has regard to this, Lichfield District Council has raised the point that the reference to *“small scale”* is not supported by any definition and consequently, the Policy appears imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

180 Further to the above, national policy support for economic growth in rural areas does not introduce a constraint limiting such growth to that which is small scale.

- 181 I also note that the subsequent Policy, Policy ED2 "*Small Scale Business Development*" also relates to sustainable new business development, having regard to the requirements of national policy. Given this, in the interest of clarity, I recommend below that this subsequent Policy is merged with Policy ED1, as the two Policies essentially seek to achieve the same thing.
- 182 In the absence of definitions, it is not clear what "*the nature of the Parish*" is, or what "*village ambience*" might be or how development might respect them. Consequently, these elements of the Policy are imprecise and do not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 183 The phrase "*has no detrimental effect*" runs the risk of preventing the balanced consideration of a development proposal, such that any harm might be weighed against any benefits. Consequently, this part of the Policy may prevent sustainable development from coming forward.
- 184 In addition to the above, the phrase "*any adverse impact on the Parish*" is so broad as to appear meaningless from a land use planning policy perspective.
- 185 I note earlier in this Report that national planning policy, as set out in Paragraph 32 of the Framework, states that development should only be prevented on transport grounds where its residual cumulative impacts are severe and I take this into account in the recommendations below.
- 186 Consequently, I recommend:
- **Change the title of Policy ED1 to "*Sustainable Business Growth*"**
  - **Combine Policies ED1 and ED2 and change to "*The sustainable growth and expansion of business and enterprise, through conversion, extension and well-designed new buildings, will be supported, provided that such development: a) respects local character, including the massing and scale of surrounding buildings and protects residential amenity; and b) maintains or improves highway safety.*"**

**Policy ED2: Small Scale Business Development**

187 As above, Policy ED2 seeks to achieve similar Policy aims to Policy ED1, having regard to national policy, as set out in Chapter 3 of the Framework, *“Supporting a prosperous rural economy.”*

188 I recommend:

- **Merge Policy ED2 with Policy ED1 (see Policy ED1, above)**

**Policy ED3: Commercial Development East of the A38**

- 189 The supporting text to Policy ED3 identifies the provision of a footbridge across the A38 as a “*key aspiration.*” However, Lichfield District Council has submitted a representation pointing out that, as set out, the Policy lacks clarity or precision in respect of what “*an appropriate contribution*” to the provision of a footbridge might comprise.
- 190 Given this, Policy ED3, as set out, does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 191 With further reference to the above, I am also mindful of comments submitted by the National Memorial Arboretum, which note that the approach to commercial development suggested in Policy ED3 is not precise, but broad in nature. Taking this into account, I consider that the Policy’s general support for development “*to the east*” of the A38 lacks appropriate precision and could, as a consequence, result in support to unsustainable forms of development across a sweeping area.
- 192 However, it is clear that the provision of a footbridge is a significant community aspiration. Such provision would enhance the public right of way network, having regard to Paragraph 75 of the Framework and would provide for a safe and accessible environment, having regard to Paragraph 58 of the Framework. I therefore recommend:
- **Policy ED3, change to “*The provision of a new footbridge, connecting Alrewas with commercial development to the east of the A38 will be supported.*”**
  - **Section 10, add to the Community Aspiration, Footbridge “*...the A38. The Parish Council will work with third parties with the aim of delivering this and will consider using Community Infrastructure Levy receipts to help procure its delivery.*”**
- 193 In making the recommendations above, I am mindful that other Policies in the Neighbourhood Plan already provide a supportive land use planning policy context for development relating to business and the railway station (taking the recommendations of this Report into account).

**Policy ED4: Support for existing shops and services**

194 Paragraph 28 of the Framework promotes:

*“...the retention and development of local services and community facilities in villages, such as local shops...public houses...”*

195 Policy ED4 seeks to protect local shops and services and thus has regard to national policy.

196 Changes to Permitted Development Rights over recent years mean that some changes of use no longer require planning permission and the recommendation below takes this into account:

- **Policy ED4, change to “*Development requiring planning permission that results in the loss of shops, services or public houses as a result...*”**

**Policy ED5: Tourism**

197 Chapter 3 of the Framework, "*Supporting a prosperous community,*" promotes sustainable rural tourism. Policy ED5 has regard to this.

198 As a safeguard, the Policy refers to the need to respect local character. Tourist uses also have the potential to impact upon residential amenity and in the interest of precision, I recommend:

- **Policy ED5, change to "*...scale and to it respecting local character and residential amenity.*"**

## **7. The Neighbourhood Plan: Other Matters**

199 The background text on page 51 reads as though it comprises a Policy requirement, which it does not. Further, the text also refers to "*the housing allocation.*" The Neighbourhood Plan does not allocate any housing sites and consequently, the inclusion of this Section appears unnecessarily confusing and detracts from the precision of the document.

200 I recommend:

- **Delete text on Page 51**

201 The recommendations made in this Report will have a subsequent impact on Contents and page numbering.

202 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**



## **8. Summary**

203 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

204 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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, European Union (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.

205 Taking the above into account, I find that the Alrewas Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## 9. Referendum

206 I recommend to Lichfield District Council that, subject to the modifications proposed, **the Alrewas Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

207 I am required to consider whether the Referendum Area should be extended beyond the Alrewas Neighbourhood Area.

208 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

209 Consequently, I recommend that the Plan should proceed to a Referendum based on the Alrewas Neighbourhood Area approved by Lichfield District Council and confirmed by public notice on the 19<sup>th</sup> February 2013.

**Nigel McGurk, April 2018**  
**Erimax – Land, Planning and Communities**



EST. 2011



# **BRIXWORTH NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Daventry District Council  
into the examination of the  
Brixworth Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP MRTPI

NPIERS Independent Examiner

14 July 2016

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## 1.0 Summary

- 1.1 The Brixworth Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Brixworth to help it to remain a rural community with its own identity and place and address concerns about the capacity of the village to absorb significant new residential development.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - The deletion of Policy 1;
  - Revisions to Policies 3 and 4 to ensure that they do not act as blanket restrictions on new development around the village;
  - Further revisions to improve the clarity of the policies and their background text to assist in the interpretation of the policies by decision makers.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Brixworth Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 This report sets out the findings of the independent examination into the Neighbourhood Plan. The report makes recommendations to Daventry District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum.
- 2.6 Daventry District Council will decide what action to take in response to the recommendations in this report. 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 Daventry 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.

- 2.7 I have been appointed by the Daventry District Council with the consent of Brixworth 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, the Neighbourhood Plan Steering Group and Daventry 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. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.8 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
  - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
  - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.9 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.10 The Neighbourhood Plan area is co-terminus with the parish of Brixworth and was designated by Daventry District Council on 28 February 2013 as a Neighbourhood Area. Paragraph 2.7 – 2.8 of the Basic Conditions statement states that the Plan relates to the Brixworth Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.11 Paragraph 2.5 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 2014 to 2029. However the date shown on the front cover of the Neighbourhood Plan and in paragraph 1.8 states that it covers the period from 2011-2029 corresponding to the plan period of the West Northamptonshire Joint Core Strategy (JCS).
- 2.12 The neighbourhood plan making process has been led by Brixworth Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of district and parish councillors and community volunteers.
- 2.13 I am satisfied therefore that the Brixworth Neighbourhood Plan satisfies all the requirements set out in paragraph 2.8 above.



## Conformity with Basic Conditions

- 2.14 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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
  - prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
    - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.15 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. 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.
- 2.16 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

- 2.17 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.
- 2.18 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.

### **Policy Background**

- 2.19 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. 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 which requires plans to be “consistent with national policy”.
- 2.20 Lord Goldsmith has provided guidance 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.”
- 2.21 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.22 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The current Development Plan includes saved policies from the Daventry District Local Plan (adopted 1997) and the West Northamptonshire Joint Core Strategy (JCS) (adopted December 2014). Daventry District Council is currently preparing the Settlements and Countryside Local Plan which will eventually replace the saved policies in the Daventry District Local Plan, covering the period to 2029.
- 2.23 Work on the Local Plan is at an early stage with a consultation on the Issues and Options undertaken between January and March 2016. It is not envisaged that it will be adopted until 2018. It is not my role to consider whether there is any tension between one policy in the Neighbourhood Plan and one element of the emerging local plan. The saved Local Plan policies were adopted in 1997 and pre-date the NPPF. I have considered whether the relevant saved Local Plans policies accord with the national policy. I have also considered whether the Neighbourhood Plan would introduce policies

and designations that may constitute blanket restrictions that may restrict future development in the area in the forthcoming Local Plan. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.

- 2.24 The Basic Conditions Statement sets out an assessment of each policy to demonstrate how it has had regard to national policy and that it is in general conformity with the local strategic policies of the JCS and the saved Local Plan policies.
- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.26 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.27 Screening Opinions for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) were undertaken by Daventry District Council on the draft Neighbourhood Plan. The SEA screening report recommended that a full SEA did not need to be undertaken for the Brixworth Neighbourhood Development Plan. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.28 The screening assessment to determine the need for a HRA found that many of the policies are in conformity with the policies of the JCS which was subject to full HRA which found no significant or in combination effects. It is considered that due to the plan demonstrating conformity with the JCS and its promotion of growth to assist with delivering that strategy, including through supporting development within the confines of the village and the proposed development to the south of the village, that it 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. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.29 The Basic Conditions statement does not include an assessment of whether the Neighbourhood Plan is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The

Qualifying Body has confirmed that the statutory and non-statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Qualifying Body also stated that they were constantly mindful of the need to engage all sections of the community and confirmed that the Brixworth Neighbourhood Development Plan has been prepared to represent the views of the whole community.

- 2.30 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.31 Paragraphs 3.7 – 3.13 of the Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how the plan contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.32 I am satisfied that, subject to the modifications proposed, the Brixworth Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.33 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.34 The Consultation Statement sets out an overview of the consultation process. The preparation of the Neighbourhood Plan commenced in September 2013 with a community day. This was followed with a number of community discussions between September 2013 and January 2014 to discuss key issues affecting the village. A questionnaire survey was sent to all households in the area in April 2014 with 769 responses. Widespread publicity was given for the survey and commencement of the preparation of the Neighbourhood Plan. Consultation was held with developers who had submitted planning applications for housing development in the village prior to and during the plan making period.
- 2.35 Consultation on the pre-submission draft plan took place in June – July 2015. This included general publicity, a village workshop and correspondence to statutory consultees.
- 2.36 Consultation on the submission draft plan ran from 11 January to 26 February 2016. This resulted in 9 representations.

- 2.37 A comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate is included in the Consultation Statement.
- 2.38 A representation has been received from the landowner of three proposed Local Green Spaces that they were not notified during the course of plan preparation of the proposals to designate three parcels of their land as Local Green Space contrary to advice in PPG on Local Green Space. This states that the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space.
- 2.39 The Qualifying Body has confirmed that the known agents for the representor were consulted during the Regulation 14 consultation but no response was received. As they are not a statutory consultee and did not, either individually or through their agent, respond to the Regulation 14 consultation, they were not consulted under Regulation 16. Notwithstanding this, the landowner and their current agent have become aware of the proposed Local Green Space on their land and were able to respond to the Regulation 16 consultation.
- 2.40 I am satisfied that reasonable efforts were made to contact the landowner through their agents during the course of the preparation of the plan. The landowner has been able to make their views known to the publication draft plan.
- 2.41 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.42 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.43 The Neighbourhood Plan contains a summary of the background evidence and supporting documents on landscape appraisal and sensitivity which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have undertaken an unaccompanied site visit to the parish. I have also presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing.
- 2.44 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.

- 2.45 This report is the outcome of my examination of the Submission Draft Version of the Brixworth Neighbourhood Plan dated December 2015. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by the District Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by Daventry District Council.
- 2.46 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - that the plan should proceed to referendum if modified; or
  - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.47 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
- 2.48 The District Council has made a representation that there are a number of maps, many containing evidence and context and other show designations made through the Neighbourhood Plan. It is suggested that it would be clearer if there was one overall map showing the village confines and two separate inset maps showing, conservation area, listed buildings, local green space, open spaces and important views and vistas.
- 2.49 It is important that clear maps of the designations should be included in the plan at such a scale that the boundaries of the sites are clear and legible. It would be helpful if these maps were included within the plan or in an appendix separated from the maps of background evidence and contextual material.

**Recommendation 1: Maps 1, 5, 6, 8, 9, 11 and 12 (amended where necessary by the modifications) show the designations referred to in the policies and should be presented in a clear and legible format separated from the maps of background evidence.**

### 3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

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

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general

conformity with the strategic local policies. I now turn to considering whether the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 The vision and objectives of the plan seek to deliver a sustainable and thriving community with housing growth tailored to the community needs balanced with safeguarding the environment and improving local facilities.
- 3.8 Brixworth is a large village with a population of over 5200 in 2011. It is classified as a Limited Development Village in the 1997 Saved Local Plan. The JCS does not include a settlement hierarchy but indicates that this and the allocation of housing sites in rural communities to meet the district's housing need will be included in the forthcoming Settlements and Countryside Local Plan.
- 3.9 I am required to consider the Neighbourhood Plan in the context provided by the policies of adopted Local Plan. However, I am mindful that the saved policies date from 1997 and predate the NPPF and PPG. The Core Strategy policies are for the sub-region and as such provide a strategic approach for the rural areas as a whole.
- 3.10 The Neighbourhood Plan considered the options for future residential development in and around the village. It concluded that the A508 provided a logical boundary to the east of the village and that development to the north, west and south of the village would have an adverse impact on environmental considerations. This means that the future housing growth for the next 15 years would be met through limited infill development in addition to the site to the south of the village, phase 2 of which has recently received planning permission. Table 1 of the Neighbourhood Plan shows that over 300 additional homes have been approved since 2011.
- 3.11 To implement this approach to safeguard land around the village from development, the plan retains the village confines set in the 1997 Local Plan, includes policies to safeguard views and vistas from the edge of the village and to designate areas of Local Green Space within and on the edge of the village. Unless there is robust evidence to support these policies, it is considered that the Plan would set blanket restrictions that may prevent the consideration of further sites for residential development around the village in the forthcoming Local Plan to meet the future housing need of the village and the nearby rural area.
- 3.12 In my detailed considerations of the policies, I have made recommendations to modify Policies 3 and 4 which would effectively mean that the policies would not provide blanket restrictions on future development around the village. I have concluded that three of the proposed Local Green Space sites do not meet the criteria set out in NPPF paragraph 77. Revisions are proposed to Policy 4 that would limit development in the most sensitive locations and would require development proposals to be laid out and designed to minimise harm to important views and the setting of the village.



## Introductory Sections to the Neighbourhood Plan

- 3.13 Chapters 1 and 2 provide a helpful introduction to the Neighbourhood Plan and the national and local planning context. Chapter 4 summarizes the process of consultation that has been carried out in preparing the plan.
- 3.14 Chapter 3 summarises the historical development of the village and background information about the village and parish today. Concerns about the capacity of the medical centre and primary school to accommodate recent housing growth are highlighted although paragraph 6.30 indicates that proposals have been agreed for a new GP surgery and improvements to the primary school. A representation has been made that paragraphs 3.12-13 and 4.9 should be updated to reflect the latest position. I recommend that this factual correction should be made.
- 3.15 The findings of the Landscape Character Assessment commissioned as part of the preparation of the Plan are summarised. The historic importance of the area and main heritage assets are detailed.

**Recommendation 2: Update paragraphs 3.12-13 and 4.9 to reflect the latest position on the proposals for the GP surgery and primary school.**

## The Neighbourhood Plan's Vision and Objectives for Brixworth

- 3.16 The Neighbourhood Plan includes a chapter entitled Vision and Objectives. The section highlights the key issues that have been identified during consultation including the strong desire for Brixworth to remain a rural community with its own identity and the need to maintain a suitable mix of housing to meet the needs of the community. The community also desires to improve the community infrastructure in terms of the GP surgery and school provision, shopping facilities and public car parking.
- 3.17 Paragraph 5.6 sets out a succinct vision statement that:
- By 2029 we aim to have created a Brixworth that will:*
- *be a sustainable, thriving and prosperous community;*
  - *have maintained its village character within its rural surroundings;*
  - *be a parish with a thriving natural environment with sustainable wildlife;*  
*and*
  - *have seen changes that will have benefited the whole community.*
- 3.18 The vision is supported by five objectives covering a housing growth strategy tailored to the community needs and context of Brixworth; achieving sensitively designed development; protecting the environment; improving local facilities and maintaining a vibrant local economy.

- 3.19 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.

## 4.0 Neighbourhood Plan – The Policies

### Strategic Context for Residential Development in Brixworth

- 4.1 The strategy for development in the JCS is to focus most development in sustainable urban extensions in the main towns of the sub-region. As a corollary, the JCS recognises that there is a need for limited development in the rural areas, but aims to ensure that the scale of this development is consistent with the objective of meeting local needs and supporting local services. To this end the overall housing provision set out in Policy S3 of the JCS includes an allowance for development in the rural areas of about 2360 dwellings in the period to 2029. Section 16 of the JCS provides the framework for a rural settlement hierarchy which will enable the provision of new homes, jobs and services needed in rural areas. This should ensure that new development is focused in sustainable settlements whilst protecting the overall rural character of the area including the tranquillity of areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 4.2 Paragraph 16.14 of the JCS states that *“The scale of development which will be appropriate in each village will vary having regard to the criteria set out in JCS Policy R1 and the housing requirements for the rural areas of individual districts. Part 2 Local Plans (currently being prepared by Daventry District Council) will ensure that the scale of development is proportionate to the scale of each village within the hierarchy and will take into account the level of existing planning permissions and completions that have taken place within the village during the plan period”*.
- 4.3 The JCS goes on to state that *“Irrespective of whichever category villages are allocated to within the hierarchy this will not automatically mean that development will be appropriate. The Local Planning Authority will need to be satisfied that any proposals are acceptable in terms of environmental, social and economic sustainability”*.
- 4.4 Further, *“whilst in general terms the rural housing needs will be set by the requirements set out in Policy S3, it is not the intention of the Plan to prevent additional appropriate development in the rural areas from coming forward. For example, development considered under Policy H3 (Rural Exception Sites), would not be constrained by the rural housing requirement specified in Policy S3. In addition the Part 2 Local Plans could allocate additional sites based on evidenced local need”*.
- 4.5 JCS Policy R1 sets out the spatial strategy for the Rural Areas. This sets out the framework for establishing a hierarchy of rural settlements to guide the location of future development. It includes 10 criteria to steer the development

of Part 2 Local Plans in guiding development to suitable locations. Residential development in rural areas will be required to meet seven requirements. These include:

- not affecting open land which is of particular significance to the form and character of the village; and
- preserving and enhancing historic buildings and areas of historic or environmental importance including those identified in conservation area appraisals and village design statements.

- 4.6 The JCS strategy is aimed at managing the release of land in rural areas in order to support the focus of development in the main towns. Policy R1 sets out the limited circumstances where additional housing may be developed in the rural areas once the housing requirement for the rural areas has been met. This includes where it has been agreed through an adopted neighbourhood plan.
- 4.7 The Neighbourhood Plan notes in paragraph 6.9 that the District Council's monitoring has established that the rural housing figure set out in JCS Policy R1 has now been reached. However this figure is not a ceiling and Policy R1 would not prevent allocation(s) for additional development being made in the Neighbourhood Plan or rural exceptions sites being brought forward, where this would help to support local services or meet local housing need.
- 4.8 The Brixworth Neighbourhood Plan includes two policies on housing development. Policy 1 sets out detailed requirements for the site between Northampton Road and the A508 which has received planning permission for the reserved matters since the plan was submitted. Policy 2 supports limited infill development within the existing village confines. Paragraph 6.32 states that "*proposals for further residential development outside the settlement confines will not be supported*".
- 4.9 The plan makers have chosen not to make use of the provisions of JCS Policy R1 to allocate one or more sites for residential development to meet the community's needs for the 18 year plan period. There is no requirement for the plan to allocate land for residential development. It will therefore be a matter for the forthcoming Part 2 Local Plan to determine whether additional housing allocations are required in the rural area of the District and the role that Brixworth village should play, taking account of the policies set out in the Neighbourhood Plan once it has been made.
- 4.10 Whilst the Neighbourhood Plan has chosen not to allocate land for housing development, national guidance is clear that neighbourhood plans should not put blanket policies in place that would restrict housing development (eg through allocations in emerging Local Plan) unless they are supported by robust evidence.
- 4.11 The Neighbourhood Plan has chosen to retain the village confines from the 1997 saved Daventry Local Plan amended only to include sites where development has occurred or planning permission has been granted in the

intervening years and has included a number of policies that would restrict development on sites within and on the edge of the village. These include policies to safeguard the open countryside other than for exceptional development; to safeguard views and vistas around the village; and to designate Local Green Spaces and safeguard open spaces on sites on the edge of and within the village. I will consider under each policy whether there is robust evidence to support these policies.

- 4.12 A representation has been made that the approach adopted in the Neighbourhood Plan will severely constrain development in the village for the next plan period through its failure to allocate land for development and does not support NPPF objective to boost housing supply. It recognises that JCS Policy R1 does not prevent further housing allocations through the Neighbourhood Plan. A proposal is put forward that “*the clear and obvious next direction for growth for the village is to the north east*”. The representation further states that the Neighbourhood Plan could become out of date quickly should the Part 2 Local Plan choose to allocate development in the village.
- 4.13 Once the neighbourhood plan is made it will become part of the development plan. When a neighbourhood plan is prepared ahead of an up to date Local Plan, the PPG advises local planning authorities to work closely with the qualifying body to produce complementary plans in order to minimise conflicts between policies in the neighbourhood plan and the emerging Local Plan. Should any conflict arise, 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.
- 4.14 The Examiner’s responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions and it would be appropriate to make the plan. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development are in general conformity with the strategic policies contained in the adopted development plan for the area. Consideration of the suitability or otherwise of any alternative sites outside the village confines for development or the future direction for growth is not within the remit of the examination.

### **Policy 1 Site between Northampton Road and A508 Harborough Road**

- 4.15 Policy 1 sets out detailed requirements for the layout of a site for residential development between Northampton Road and the A508 and the associated infrastructure requirements. At the time of the submission of the Neighbourhood Plan the site had been granted outline planning permission.
- 4.16 Representations has been made by the District Council and a landowner to state that the planning permission with reserved matters has been approved and the policy is no longer needed and should be deleted. It is suggested that

the supporting text entitled “Approach adopted in the Neighbourhood Plan” is changed to “Site between Northampton Road and A508 Harborough Road” and the paragraph is updated to reflect that reserved matters have been approved.

- 4.17 A representation has raised concerns about the design and layout of the proposed pumping station to serve the development. Anglian Water has made no objections to residential development on the site.
- 4.18 I agree with the District Council that with the approval of reserved matters for the development on this site, the policy is no longer required and should therefore be deleted. The text in paragraph 6.30 should be updated to reflect the details of the reserved matters approval. The layout and design of the pumping station is a matter to be considered in implementing the planning permission.

### **Recommendation 3: Delete Policy 1**

**Revise the heading to paragraph 6.30 to read “*Site between Northampton Road and the A508 Harborough Road*”.**

**Update the second sentence of paragraph 6.30 to reflect the reserved matter planning permission.**

**Delete the last two sentences of paragraph 6.30.**

### **Policy 2 – Residential Development**

- 4.19 Policy 2 supports “acceptable infill” residential development within the village confines provided that it is of a scale, layout and design that is in harmony with its surroundings. The policy includes a number of design factors to be taken into account. It also makes provision for compensatory provision to be made should the development result in the loss of an existing service or facility or it is demonstrated that the service or facility is no longer economically viable. The policy also requires proposals to be in accordance with Policy R1 of the JCS and the guidance in the Brixworth Village Design Statement. A representation has been made that reference to the SPG on Design out Crime should be included.
- 4.20 The justification to the policy (paragraph 6.33) explains that development will be considered acceptable provided that it meets the criteria set out in the policy. A modification is recommended to improve the clarity of the policy in this respect.
- 4.21 Paragraph 6.31 of the justification to the policy sets out the reasons why the Neighbourhood Plan does not make any allocations for residential development. Representations have been made to this paragraph stating that:

- Policy 2 and its justification is anti-growth and the plan fails to plan positively to support local development of the village and to support the strategic development needs. The plan will severely constrain the growth of the village. It is therefore considered to be contrary to the NPPF and PPG;
  - There is no evidence to support the statement that the need for affordable homes has been met by recent development;
  - There is no substantial evidence to support the statement that development to the north, west and south of the village would involve incursion into the surrounding open countryside and would have a detrimental impact on sensitive landscape.....and other environmental and recreational considerations;
  - There is no evidence to support the claim that some of the existing services and facilities are already overstretched and could not cope with additional demand.
  - The clear and obvious next direction for growth is to the north east in view of the environmental considerations to the west of the village;
- 4.22 A representation has been made by Scaldwell Parish Council to support the statement and reasons for considering the unsuitability of growth to the east of the A508.
- 4.23 The settlement boundary in the Neighbourhood Plan includes sites at the southern edge of the village with planning permission for almost 250 new homes. There is also a number of potential smaller sites identified within the settlement boundary. The Neighbourhood Plan suggests that there is the potential for an increase of about 15% in the dwelling stock over the 2011 figure. It is evident therefore that the Neighbourhood Plan, whilst not allocating any further sites for housing development, is seeking to accommodate the already approved major growth site and make provision for further small scale development.
- 4.24 Paragraph 6.17 and Table 2 report the findings of the 2013 Housing Needs Survey which identified 19 potential households in need of affordable housing. The local authority has confirmed that the two phases of the Northampton Road development will provide 59 affordable homes that will be for shared ownership and affordable rent. This is well in excess of the identified need from the Housing Needs Survey.
- 4.25 During the course of preparation of the Neighbourhood Plan, a Landscape Character Assessment and Landscape Sensitivity Appraisal were commissioned from specialist landscape consultants. The assessment was undertaken in accordance with nationally agreed methodology and concluded that much of the land around the village was of high sensitivity.
- 4.26 The local health authority has confirmed that the new GP surgery on phase 2 of the Northampton Road scheme will only be funded to cater for the population growth in the next five years and would struggle to accommodate further significant housing development. The capacity of the primary school

will be increased from 490 to 525 which will enable it to accommodate the pupils from the two phases of the Northampton Road development however, this would be on the basis that entry would be restricted to pupils from the Brixworth and Scaldwell linked catchment area.

- 4.27 As stated in paragraph 4.9 above there is no requirement for neighbourhood plans to allocate sites for future housing development. There is however a requirement that they do not impose blanket restrictions that would limit the consideration of proposals for future growth. As worded in the submission draft, paragraph 6.32 clearly states that further residential development outside the village confines would not be supported. Although it is noted that Policy 3 makes provision for a limited amount of residential development in exceptional circumstances. The following recommendation is made in the light of recommendations on subsequent policies to ensure that the plan does not set blanket restrictions to housing development and to explain how the evidence on environmental considerations is to be used in considering any future proposals for residential development around the village in accordance with the strategic policy.
- 4.28 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in accordance with local strategic policies.

**Recommendation 4: Amalgamate the first sentence and criterion 1 of Policy 2 to read:**

***“Residential development on infill sites within the village confines will be supported provided that:”*** Renumber the criteria.

**Include reference to the Planning out Crime SPG and any future SPD.**

**Revise paragraph 6.32 to read:**

***“As a consequence of the above, the Neighbourhood Plan does not include any allocations for residential development outside the current village confines. The plan gives careful consideration to the assessment of the environmental factors of the landscape around the village which should be taken into account in the consideration of the suitability of sites for development (through the emerging Local Plan Part 2) should there be evidence of the need for further housing development in the village. This forms evidence to be taken into account in considering the following criterion of JCS Policy R1: “Residential development in rural areas will be required to .....not affect open land which is of particular significance to the form and character of the village.”***

### Policy 3 - Development in the Open Countryside

- 4.29 Policy 3 sets out the exceptional circumstances where development in the open countryside outside the village confines will be permitted. This covers development that:
- “1. contributes to the local rural economy;*
  - 2. is for the re-use or extension of an existing building;*
  - 3. is for sport or recreation; or*
  - 4. is for an isolated dwelling in the special circumstances identified in paragraph 55 of the National Planning Policy Framework.”*
- 4.30 The policy states that any such development should not cause demonstrable harm to a list of six types of environmental factors. Point 8 of the policy states: *“ the quality of the landscape, especially Areas of High Sensitivity as defined on the Proposals Map and the Special Landscape Area as defined in saved Policy GN2 and Policy EN1 in the Daventry Local Plan (1997);”*
- 4.31 The PPG includes guidance on the use of landscape character assessments in plan making. It states that *“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.”*
- 4.32 *“Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making.”*
- 4.33 The PPG also states that *“The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.”*
- 4.34 *“When thinking about new development the site’s land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.”*
- 4.35 JCS para 10.7 refers to the Landscape Sensitivity and Green Infrastructure Studies that have been carried out for the towns in West Northamptonshire. These studies have provided additional broad advice on the overall sensitivity of an area, including historic character, green infrastructure, biodiversity and overall landscape sensitivity. These studies have informed the selection of the areas for development identified in the JCS.



- 4.36 The JCS makes it clear that “*The development of areas highlighted as having High Landscape Sensitivity in the study is not precluded, but it does mean that additional care and appropriate mitigation will be required when planning for new development*”.
- 4.37 Both national planning guidance and strategic local policies set out clearly that environmental considerations are important matters that are to be taken into account in considering the suitability of sites for development and in the design and layout of proposals. It will be for the plan maker or developer to demonstrate how the proposal has responded to these environment factors.
- 4.38 Policy 3 requires the decision maker to only consider whether the proposal would cause demonstrable harm to the environment. A recommendation is made to clarify the interpretation of the policy to make it explicit that this policy should not be viewed a blanket restriction on development in the countryside and that an assessment of the proposed development, including any mitigation measures should be undertaken to demonstrate whether or not the development would cause any unacceptable demonstrable harm.
- 4.39 The designation of the Special Landscape Areas is from the 1997 Local Plan saved policies and this approach has not been taken forward into the more recent Joint Core Strategy. It is acknowledged that whilst the saved policy remains, the Special Landscape Areas is retained as a local designation. Guidance in the PPG is that Landscape Character Area assessment should inform the preparation of development plans. This approach identifies the particular characteristics of each area rather than identifying some areas as special and as a corollary others as not special. It is recommended that point 8 be revised to reflect national planning guidance to refer to Landscape Character Area assessment.
- 4.40 The justification to the policy should be revised to explain how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.
- 4.41 A representation has been made by the District Council that further clarity is required to establish what is meant by sites of ecological importance. If point 5 refers to Pitsford Reservoir, the wording “*including Pitsford Reservoir*” should be included. I agree that it would be helpful to plan users to include reference to this significant environmental feature in the policy.
- 4.42 A representation has highlighted the NPPF policy that the supply of new homes can “*...sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities*” (para. 52, the NPPF). The representation goes on to state that Policy 3 pays no regard to this point and instead, seeks to apply what appears to be a Green Belt approach to all land outside of the village confines, the exception being the reference to new isolated homes which may also be supported. Policy 3 is considered to

provide no flexibility for additional development to come forward beyond those listed at criteria 1-4.

- 4.43 It is considered that the first part of the policy has had regard to national policy in NPPF paragraphs 28, 55 and 69. As stated in paragraph 4.9 above, there is no requirement for a neighbourhood plan to allocate land for residential development.

#### **Recommendation 5: Revise Policy 3 as follows:**

**Revise the sentence above point 5 to read:**

***“Development in the countryside should include an assessment of the impact of the proposed development including any mitigation measures, if necessary. Development should not result in unacceptable demonstrable harm to any of the following matters:”***

**Add the following at the end of criterion 5 *“including Pitsford Reservoir”*.**

**Revise point 8 to read: *“The quality of the landscape as defined in the Landscape Character Assessment, including Areas of High Sensitivity.....and the Special Landscape Area....”***

**Include an explanation in the justification to the policy of how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.**

#### **Policy 4 – Important Views and Vistas**

- 4.44 Paragraph 6.53 states that Policy 12 *“aims to protect views into and out of Brixworth from development that would have a harmful impact on them”*. It designates 12 locations as viewpoints. Eight of these are on the edge of the village looking out towards the countryside and four are at some distance and look towards the village. Photographs and descriptions are included in the supporting text. Map 9 shows the 12 viewpoints and a further one indicated as “front cover”. The policy supports development provided that it does not harm these views and accords with the guidance in the Village Design Statement.
- 4.45 A representation has been made by the District Council that four of the important views listed in Policy 4 (those referred to as front cover, 1, 8 and 10) are outside the neighbourhood area and should therefore be deleted. It goes on to point out that the photographs of view 1 are from two different viewpoints, one of which may be outside the plan area. It states that Table 3, photographs on pages 37-41, Map 9 and Policy 4 should be amended accordingly. Views 1, 4 and 5 (pages 37-39) have more than one photograph

per view. One should be selected of each view to provide greater certainty to the decision maker.

- 4.46 A representation has been made that Table 3 of the Neighbourhood Plan provides limited justification for the views identified; the selection process is not supported by independent robust advice from a qualified body. The landscape character assessment in Appendix 1 of the Neighbourhood Plan appears to pre-date the identification of the key views. The representation considers that the policy would only serve to restrict development. The policy seeks to apply a Special Landscape Area approach to all landscape surrounding the settlement, and in doing so, it only serves to constrain development and prevent sustainable development from coming forward throughout the lifetime of the plan.
- 4.47 The Brixworth Village Design Statement Guidance which is adopted as Supplementary Planning Guidance included a number of viewpoints on the edge of the village looking out to open countryside. Guidance Note LG.1 states *“Views identified by this design statement all need to be protected and enhanced and no future building extensions or infill development should be allowed to obscure them. The Saxon Church dominates the Brixworth skyline from many directions and views of the church both from within and from outside the village as identified on the Maps 1 and 2 need to be protected. The view of the village and the church approached from the north along the A508 is especially vulnerable and developments, particularly on the industrial estate, must proceed very sensitively to preserve this. Similarly, new build should not be allowed to obscure views from the village across the Brampton valley or towards Pitsford Reservoir”*.
- 4.48 The views were reassessed by the Steering Group as part of the preparation of the Neighbourhood Plan. No evidence has been provided other than the description in Table 3 of the Neighbourhood Plan to justify the reasons for the selection of these viewpoints and their importance in terms of heritage or landscape.
- 4.49 Following a site visit, it is evident that the elevated position of Brixworth means that views to the west across the Brampton valley towards the rolling hills in the distance and to the east to the Pitsford Reservoir are special. There are also important views of the church spire from various points within the village and from vantage points looking towards the village. It is clear that the village residents value the views which confirm the importance of the historic hilltop setting of the village amongst attractive rolling hills and valleys. The photographs are helpful in appreciating the views and should be used for illustrative purposes only.
- 4.50 In considering this policy I have been mindful of the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous and should avoid creating blanket restrictions. Furthermore PPG states that *“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”.*

- 4.51 The evidence presented to support the selection of the particular views is a description of the view. My site visit has confirmed that these are accurate and that the views from these viewpoints are very attractive and special. I am not aware of any nationally agreed methodology that could be used to justify the selection of these views.
- 4.52 I do have concerns about the clarity of the policy and how the decision maker would be able to interpret it consistently. This matter has been raised with the Qualifying Body who has suggested revisions to the wording of Policy 4 point A. I have considered their suggestion and put forward a recommendation to revise the wording of point A to include reference to the need to consider the historic and landscape setting of the village in order to provide a clearer explanation of how the policy is to be applied. The revisions also mean that this policy would not act as part of blanket restrictions on development around the village but would ensure that proper thought is given to the lay out and design of any proposal on the edge of the village to minimise any harm to the important views. This recommendation is made to improve the clarity of the policy to aid its interpretation.
- 4.53 It is acknowledged that viewpoints 1, 8 and 10 are outside the Neighbourhood Plan area. However, these are public vantage points from which Brixworth village can be seen from a distance. Much of the land within the views lies within the plan area and it would be appropriate to ensure that any development in the plan area that may affect these views takes account of its potential impact.
- 4.54 The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposals.
- 4.55 Subject to the recommended modifications, the policy is considered to have had regard to national planning policy and to be in general conformity with strategic local policy.

**Recommendation 6: Revise Policy 4 as follows:**

**Rename Policy 4 “*Assessing the Impact of Development on the Setting and Views around Brixworth*”**

**Revise the second part of the policy and criterion A to read:**

**Proposals for development will be supported provided that:**

***“A. They do not have an unacceptable adverse impact on the historic and landscape setting of the village; they avoid locations on a hill slope or a prominent site on the edge of the village and are designed to minimise harm to important views or vistas into or out of the village through careful layout, sensitive design and mitigation through the appropriate use of natural screening; and”***

Revise paragraph 6.53 to read:

**“The following policy aims to protect *the historic and landscape setting of Brixworth and views from public vantage points in the surrounding countryside and from the edge of the village* from development that would have a harmful impact on it. The views and vistas are important to the unique character of the village and its rural feel, and it is appropriate for the Neighbourhood Plan to seek to protect them. This policy will only apply to land within the Neighbourhood Plan area. The Neighbourhood Plan seeks to protect *the setting of the village* in order to maintain its local distinctiveness.”**

### Policy 5 – Trees and Hedgerows

- 4.56 Policy 5 supports the protection of mature trees, woodland and important hedgerows and for the replacement of any protected trees and woodland that may be lost through development. As worded in the publication draft plan, point 1 of the policy could be interpreted to mean that all mature trees, woodland and hedgerows should be protected wherever possible. The Qualifying Body had confirmed that it is the intention to apply this policy to new development proposals. A revision to point 1 has been proposed by the Qualifying Body to clarify this.
- 4.57 Paragraph 6.58 states that Policy 5 aims to prevent development that would result in loss of or damage to significant trees, woodland and hedgerows where possible. It is considered that this approach is generally restrictive towards development and that it would better reflect the intention of the policy to refer to development retaining the trees, woodland and important hedgerows within the development, where possible.
- 4.58 Subject to the recommended modifications, the policy is considered to have had regard to national planning policy and to be in general conformity with strategic local policy.

#### Recommendation 7: Revise Policy 5 as follows:

**Revise point 1 to read: “*When considering development proposals, mature trees, woodlands....*”**

**Revise the first sentence of paragraph 6.58 to read “*The following policy aims to safeguard and retain mature trees, woodlands and hedgerows within the development, where possible.*”**

### Policy 6 - Local Green Spaces

- 4.59 The policy proposes the designation of seven areas as Local Green Space. NPPF paragraphs 76 – 78 set out the approach and criteria to be considered in designating Local Green Space. The purpose is to give special protection

to green areas of particular importance to the community. The designation will rule out development on the sites other than in very special circumstances and should be consistent with and complement investment in homes, jobs and other essential services.

- 4.60 Paragraph 77 in the NPPF states that: *The 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.*
- 4.61 A representation has been received stating that no assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF has been carried out; sites LGS1, LGS2 and LGS3 are extensive tracts of land and their proposed designation would represent a blanket restriction on development; there is no public right of way crossing LGS2; and no compelling evidence has been provided to demonstrate that the proposed designations are demonstrably special to the local community. The District Council has also commented on the lack of an assessment of the proposed Local Green Spaces against the criteria in paragraph 77 of the NPPF.
- 4.62 The Qualifying Body has provided me with an assessment of the proposed Local Green Space against the criteria in paragraph 77 of the NPPF. It is recommended that this should be included in the appendices to the Neighbourhood Plan.
- 4.63 I have visited all the sites on my site visit. Sites LGS1, LGS2 and LGS3 are all arable agricultural land on the edge of the village. They are not in use as green spaces and the only access to the areas is by way of public and permissive rights of way. All three sites are extensive tracts of land. There is no compelling evidence about why the areas are of particular local significance. Footpaths border some of the sites but this is not in itself a reason to designate a parcel of land as a Local Green Space. The sites are important in the landscape setting of the village, however this is not a reason to designate them as Local Green Space. For an area to be designated as a Local Green Space it must meet all three criteria of NPPF paragraph 77 which these sites clearly do not do.
- 4.64 The other four sites (LGS4 – 7) are all recreation grounds and playing fields within or on the edge of the village used for sports and children’s play. I am satisfied that they meet the criteria of paragraph 77 and are appropriate for designation as Local Green Space.

- 4.65 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy.

**Recommendation 8: Delete sites LGS1, LGS2 and LGS3 from Policy 6 and Maps 10 and 11. Delete paragraph 6.70 and the second sentence of paragraph 6.72. Revise Table 4 by including the Local Green Space assessment and move to the appendices.**

### **Policy 7 - Open Spaces**

- 4.66 Policy 7 resists development on open spaces unless it supports the existing function or improves the quality of the open space. The policy also requires the proposal to be in accordance with JCS Policy RC2 which addresses the circumstances when considering the loss of areas of open space.
- 4.67 Map 12 identifies 16 areas of open space which are described in Table 5. These include allotments, historic open areas in the conservation area and local green areas within residential areas. Site 16 is the open area to be provided within phase 2 of the recently approved housing development near the A508 / Northampton Road roundabout. Whilst this area has not yet been laid out, it has been approved and will provide the play area, green space and swale to serve the housing development.
- 4.68 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy.
- 4.69 It would be helpful to provide clarity to the policy to include reference to the sites shown on Map 12.

**Recommendation 9: Revise Policy 7 to read “Development on open spaces shown on Map 12.....”**

### **Policy 8 - Brixworth Village Centre**

- 4.70 Policy 8 supports development that will strengthen the village centre as a focal point for local service and community facilities.
- 4.71 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. The title of the policy refers to Brixworth Village Centre, whereas the policy itself refers to Brixworth Neighbourhood Centre. The Qualifying Body has confirmed that the term “village centre” is preferred.

**Recommendation 10: Revise Policy 8 to refer to Brixworth Village Centre.**

## Policy 9 - The Conservation Area

- 4.72 The older part of Brixworth is designated as a Conservation Area. Policy 9 sets out factors to be considered when assessing development proposals within or adjacent to the conservation area.
- 4.73 A representation has been received from the District Council that:
- The first sentence should be clarified to make it clear that the conservation area boundary is being referred to by adding “conservation area’ before the word ‘boundary’.
  - Criterion 1 should apply to all development, not just extensions. A suggested modified wording of criterion 1 is as follows: ‘1. the form, design, scale and materials used in the development respect the conservation area and in the case of an extension, the host building;’
  - It is unclear what criterion 2 is seeking to achieve, if it is the setting of important open spaces and significant trees this needs to be made clearer. A suggested modification of criterion 2 is as follows: ‘the siting respects the setting of any important open space and significant trees;’.
- 4.74 I agree that revisions to the policy are needed to help clarify it for decision makers: to be explicit that the policy refers to all development and not just alterations and extensions and that development should safeguard open spaces and significant trees in accordance with Policies 5 and 7. The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposals.
- 4.75 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy.

### **Recommendation 11: Revise the first paragraph and criteria 1 and 2 of Policy 9 as follows:**

**“Development within or adjacent to the Brixworth Conservation Area will be supported providing that:**

- 1. the form, design, scale and materials respect the *Conservation Area and in the case of an extension, the host building;***
- 2. the siting respects *the setting of any important open spaces and safeguards significant trees;*”**

## Policy 10 – Heritage Assets

- 4.76 Policy 10 sets out factors to be taken into account in considering development proposals that affect heritage assets including listed buildings, the conservation area and scheduled monuments.



- 4.77 The JCS Policy BN5 sets out the strategic policy for the Historic Environment and Landscape. Policy 10 is in general conformity with this policy and has had regard to national policy.
- 4.78 The District Council has made a representation that criterion 2 implies that ‘significance’ refers to that of the development not the heritage asset. A suggested modification is to delete the words ‘significance and’ so that it is clear that the criterion relates to the development. If the intention is to preserve or enhance the significance of heritage assets, criterion 1 could be amended to say: ‘it preserves or enhances the significance of heritage assets and their settings.....’
- 4.79 I agree that the amendments to the policy proposed would give greater clarity for decision makers. The word “generally” introduces uncertainty and is not necessary as the policy sets out the criteria to be considered in assessing proposes.

**Recommendation 12: Revise Policy 10 as follows:**

**“Development will be supported providing that:**

- 1 it preserves or enhances *the significance of the designated*.....**
- 2 its contribution to local distinctiveness.....”**

**Policy 11 – Outdoor Signage**

- 4.80 Policy 11 seeks to control the proliferation of signage that would undermine the visual amenity of the area.
- 4.81 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. No modifications are proposed.

**Policy 12 - The Rural Economy**

- 4.82 Policy 12 supports proposals to enhance the rural economy providing they are in accordance with saved Local Plan Policy EM10 and JCS Policy R2.
- 4.83 Saved Local Plan Policy EM10 covers development in the village confines on the existing employment estate and on small scale sites. Whilst Policy EM10 will no doubt be superseded by policies in the emerging Local Plan, it does accord with national policy and complements JCS Policy R2 which sets out a number of factors to supports the rural economy.
- 4.84 It is considered that the policy has had regard to national planning policy and is in accordance with local strategic policy. No modifications are proposed other than to correct the typographical error in criterion 1.

## New Policy

- 4.85 A representation has been made proposing a new policy that would promote the future direction for growth of the village in a north easterly direction.
- 4.86 It is not in my remit to consider the appropriateness of the proposals for a future direction of growth. My task as Examiner is to consider whether the Neighbourhood Plan meets the basic conditions and has regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic policies contained in the Development Plan for the area.

## Recommendations, Reviews and Conclusions

- 4.87 The section headed recommendations includes a list of potential projects that have been raised by the community during the consultations on the Neighbourhood Plan. These projects are not presented as planning and land use policies and do not form part of the Neighbourhood Plan.

**Recommendation 13: The section headed Recommendations in section 7 of the Neighbourhood Plan should be revised to read “*Projects – these do not form part of the Neighbourhood Development Plan*” and placed in the Appendices.**

- 4.88 The Conclusions section includes the statement “*No further large scale developments will be supported in order for the current developments to settle down and be absorbed within the Community.*” It is recommended that this statement should be deleted to reflect the proposed modifications to the plan that do not impose blanket restrictions on new development.

**Recommendation 14: Delete the second sentence in the second paragraph of the Conclusions of section 7 of the Neighbourhood Plan.**

## 5.0 Referendum

- 5.1 The Brixworth Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Daventry District Council that the Brixworth Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Daventry District Council on 28 February 2013.

## 6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Brixworth Neighbourhood Plan Submission Draft Version December 2015
- Brixworth Neighbourhood Plan Basic Conditions Statement
- Brixworth Neighbourhood Plan Statement of Consultation
- Brixworth Neighbourhood Plan SEA and HRA Screening Report
- Brixworth Neighbourhood Plan Appendix 1 Landscape Character Assessment September 2014, Lockhart Garratt Limited
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Daventry District Local Plan Saved Policies (adopted 1997)
- West Northamptonshire Joint Core Strategy in December 2014.
- Settlements and Countryside Local Plan (Part 2a) for Daventry District- Issues and Options Consultation (2016)
- Brixworth Village Design Statement

## 7.0 Summary of Recommendations

**Recommendation 1:** Maps 1, 5, 6, 8, 9, 11 and 12 (amended where necessary by the modifications) show the designations referred to in the policies and should be presented in a clear and legible format separated from the maps of background evidence.

**Recommendation 2:** Update paragraphs 3.12-13 and 4.9 to reflect the latest position on the proposals for the GP surgery and primary school.

**Recommendation 3:** Delete Policy 1

Revise the heading to paragraph 6.30 to read “*Site between Northampton Road and the A508 Harborough Road*”.

Update the second sentence of paragraph 6.30 to reflect the reserved matter planning permission.

Delete the last two sentences of paragraph 6.30.

**Recommendation 4:** Amalgamate the first sentence and criterion 1 of Policy 2 to read:

*“Residential development on infill sites within the village confines will be supported provided that:”* Renumber the criteria.

Include reference to the Planning out Crime SPG and any future SPD.

Revise paragraph 6.32 to read:

*“As a consequence of the above, the Neighbourhood Plan does not include any allocations for residential development outside the current village confines. The plan gives careful consideration to the assessment of the environmental factors of the landscape around the village which should be taken into account in the consideration of the suitability of sites for development (through the emerging Local Plan Part 2) should there be evidence of the need for further housing development in the village. This forms evidence to be taken into account in considering the following criterion of JCS Policy R1: “Residential development in rural areas will be required to .....not affect open land which is of particular significance to the form and character of the village.”*

**Recommendation 5:** Revise Policy 3 as follows:

Revise the sentence above point 5 to read:

*“Development in the countryside should include an assessment of the impact of the proposed development including any mitigation measures, if necessary. Development should not result in unacceptable demonstrable harm to any of the following matters:”*

Add the following at the end of criterion 5 *“including Pitsford Reservoir”*.

Revise point 8 to read: *“The quality of the landscape as defined in the Landscape Character Assessment, including Areas of High Sensitivity.....and the Special Landscape Area....”*

Include an explanation in the justification to the policy of how sensitivity studies are to be used to assess the impact of proposals on the various environmental factors.

**Recommendation 6: Revise Policy 4 as follows:**

**Rename Policy 4 *“Assessing the Impact of Development on the Setting and Views around Brixworth”***

**Revise the second part of the policy and criterion A to read:**

**Proposals for development will be supported provided that:**

***“A. They do not have an unacceptable adverse impact on the historic and landscape setting of the village; they avoid locations on a hill slope or a prominent site on the edge of the village and are designed to minimise harm to important views or vistas into or out of the village through careful layout, sensitive design and mitigation through the appropriate use of natural screening; and”***

**Revise paragraph 6.53 to read:**

***“The following policy aims to protect the historic and landscape setting of Brixworth and views from public vantage points in the surrounding countryside and from the edge of the village from development that would have a harmful impact on it. The views and vistas are important to the unique character of the village and its rural feel, and it is appropriate for the Neighbourhood Plan to seek to protect them. This policy will only apply to land within the Neighbourhood Plan area. The Neighbourhood Plan seeks to protect the setting of the village in order to maintain its local distinctiveness.”***

**Recommendation 7: Revise Policy 5 as follows:**

**Revise point 1 to read: *“When considering development proposals, mature trees, woodlands....”***

**Revise the first sentence of paragraph 6.58 to read *“The following policy aims to safeguard and retain mature trees, woodlands and hedgerows within the development, where possible.”***

**Recommendation 8: Delete sites LGS1, LGS2 and LGS3 from Policy 6 and Maps 10 and 11. Delete paragraph 6.70 and the second sentence of paragraph 6.72. Revise Table 4 by including the Local Green Space assessment and move to the appendices.**

**Recommendation 9: Revise Policy 7 to read “Development on open spaces shown on Map 12.....”**

**Recommendation 10: Revise Policy 8 to refer to Brixworth Village Centre.**

**Recommendation 11: Revise the first paragraph and criteria 1 and 2 of Policy 9 as follows:**

**“Development within or adjacent to the Brixworth Conservation Area will be supported providing that:**

- 1. the form, design, scale and materials respect the *Conservation Area and in the case of an extension, the host building;***
- 2. the siting respects *the setting of any important open spaces and safeguards significant trees;*”**

**Recommendation 12: Revise Policy 10 as follows:**

**“Development will be supported providing that:**

- 1 it preserves or enhances *the significance of the designated.....***
- 2 its contribution to local distinctiveness.....”**

**Recommendation 13: The section headed Recommendations in section 7 of the Neighbourhood Plan should be revised to read “*Projects – these do not form part of the Neighbourhood Development Plan*” and placed in the *Appendices*.**

**Recommendation 14: Delete the second sentence in the second paragraph of the Conclusions of section 7 of the Neighbourhood Plan.**







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For the Attention of: Planning Policy Team  
Bath and North East Somerset Council

**[By Email: [neighbourhood\\_planning@bathnes.gov.uk](mailto:neighbourhood_planning@bathnes.gov.uk) ]**

05 July 2019

Dear Planning Policy Team

**(2) Claverton Neighbourhood Plan - Draft**

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

**Christopher Telford BSc(Hons) DipTP MRTPI**  
**Principal Development Manager**



**Subject:**

FW: Environment Agency Response to: WX/2006/000220/OR-11/IS1-L01

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**From:** [nwx.sp@environment-agency.gov.uk](mailto:nwx.sp@environment-agency.gov.uk)

**Sent:** Monday, 8 July 2019 16:18

**To:** George Blanchard [REDACTED]

**Subject:** Environment Agency Response to: WX/2006/000220/OR-11/IS1-L01

The Local Development Document has been reviewed and I enclose the Environment Agency's comments on:

Other

Bath & North East Somerset Council

Other

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Mr George Blanchard  
Bath & North East Somerset Council  
Planning Policy  
Lewis House  
Manvers Street  
Bath  
Avon  
BA1 1JG

**Our ref:** WX/2006/000220/OR-  
11/IS1-L01  
**Your ref:**  
**Date:** 08 July 2019

Dear Mr Blanchard

## **Claverton Neighbourhood Development Plan 2018-2036 Draft – Regulation 16 Consultation**

Thank you for consulting the Environment Agency on the above Neighbourhood Plan. I apologise for the delay with our response. I am responding on behalf of my colleague Mark Willitts.

We aim to reduce flood risk, whilst protecting and enhancing the water environment. We focus our detailed engagement where the environmental risks are greatest, therefore we offer the following advice on your Neighbourhood Plan.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [Planning for the Environment at the Neighbourhood Level](#).

### **Flood Risk**

National and Local Plan Policy approach is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas, and other areas affected by flooding. The plan should also seek [flood risk management opportunities](#) (e.g. natural flood management), and to reduce the causes and impacts of flooding (e.g. through the use of [sustainable drainage systems](#) and [natural flood management](#) in developments).

Local planning authorities' [Strategic Flood Risk Assessments](#) (SFRAs) should be the primary source of flood risk information in considering whether particular neighbourhood planning areas may be appropriate for development. Other important sources include the [interactive maps of flood risk](#) available on the Environment Agency's web site. There are also specific issues, which should be considered when assessing and managing surface water matters.

Further guidance on the approach to [individual development proposals](#), or where a [Neighbourhood Development or Community Right to Build Order is proposed, in an area at risk of flooding](#) can be found at: <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Environment Agency  
Rivers House East Quay, Bridgwater, Somerset, TA6 4YS.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

## **Biodiversity**

The National Planning Policy Framework (NPPF) is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

Similarly the Government's 25 Year Environment Plan (February 2018) has policy for embedding an 'environmental net gain' principle for development, including housing and infrastructure.

We note that your Neighbourhood Plan policies are looking to seek opportunities to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.

Biodiversity enhancement in and around development should be led by a local understanding of ecological networks, and should seek to include:

- habitat restoration, re-creation and expansion;
- improved links between existing sites;
- buffering of existing important sites;
- new biodiversity features within development; and
- securing management for long term enhancement.
- Green/blue infrastructure and recreational opportunities

Further guidance can be found at: <https://www.gov.uk/guidance/natural-environment>

## **Water Quality and Resources**

Adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change. We would therefore advise you speak to your local sewerage infrastructure provider to understand any constraints in your local area.

Water efficiency measures should be incorporated into development as this conserves water for the natural environment and allows cost savings for future housing occupants. Further information can be found at: <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

Further advice on the production of Neighbourhood Plans can be found at the [Planning Advisory Service](#) function of the Local Government Association, which has detailed advice on neighbourhood planning.

Please do not hesitate to contact the undersigned direct should you have any further queries. Please address correspondence to [nwx.sp@environment-agency.gov.uk](mailto:nwx.sp@environment-agency.gov.uk).

Yours sincerely

**Richard Jenkyns on behalf of Mark Willitts**  
**Sustainable Places - Planning Advisor**

Direct dial 02030 250290

e-mail [nwx.sp@environment-agency.gov.uk](mailto:nwx.sp@environment-agency.gov.uk)

End