

Cottingham Parish Council

Cottingham Neighbourhood Development Plan

A report to North Northamptonshire Council of the Independent Examination of the Cottingham Neighbourhood Development Plan

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Summary of Main Findings

This is the report of the Independent Examination of the Cottingham Neighbourhood Development Plan. The plan area comprises the administrative area of Cottingham Parish Council. The plan area lies within the North Northamptonshire Council area. The plan period is 2021-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for residential development to accommodate up to 10 dwellings.

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

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities the power to develop a shared vision for their area*”.¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Cottingham Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Cottingham Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Cottingham Neighbourhood Area (the Neighbourhood Area) which was formally designated by Corby Borough Council (now subsumed in North Northamptonshire Council) on 4 June 2015. The Neighbourhood Plan has been produced by three theme groups, made up of Parish Councillors and other volunteers from the local community, which reported to a Steering Group.
4. In April 2021 North Northamptonshire Council was formed replacing Corby Borough Council and other Councils. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to North Northamptonshire Council, which occurred on 27 July 2021. North Northamptonshire Council arranged a period of publication between 27 August 2021 and 8 October 2021 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 20 October 2021.
5. The Neighbourhood Plan includes, in general text, a number of references to Corby Borough Council. A number of these references will require updating. North Northamptonshire Council and the Parish Council have agreed the approach I have recommended.

Recommended Modification 1:

¹ Paragraph 29 National Planning Policy Framework 2021

- **update the Introduction of the Neighbourhood Plan to explain that in April 2021 North Northamptonshire Council was formed replacing Corby Borough Council and other Councils.**
- **throughout the Neighbourhood Plan, update references to actions or decisions, taken or intended, by Corby Borough Council after April 2021 to refer to North Northamptonshire Council.**

Independent Examination

6. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to North Northamptonshire Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. North Northamptonshire Council will decide what action to take in response to the recommendations in this report.
7. North Northamptonshire Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.³
8. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁴ unless North Northamptonshire Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision,

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

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

⁴ Section 3 Neighbourhood Planning Act 2017

where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan.⁵ The Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.⁶

9. I have been appointed by North Northamptonshire Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and North Northamptonshire Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of neighbourhood plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

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

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

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

12. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁹ The Planning Practice Guidance (the Guidance) states “*it is expected that*

⁵ Section 156 Housing and Planning Act 2016

⁶ Paragraph 12 National Planning Policy Framework 2021

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

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

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

the examination of a draft Neighbourhood Plan will not include a public hearing.”

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

Basic Conditions and other Statutory Requirements

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

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

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

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

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. As the final basic condition, on 28 December 2018, replaced a different basic condition that had previously been in place throughout part of the period of preparation of the Neighbourhood Plan there is a need to confirm the Neighbourhood Plan meets the revised basic condition.
16. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹² All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole'¹³ and 'The Neighbourhood Plan Policies'.
17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁴ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.
18. The Neighbourhood Plan relates to the area that was designated by Corby Borough Council as a neighbourhood area on 4 June 2015. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Cottingham Parish Council boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁵ and no other neighbourhood development plan has been made for the neighbourhood area.¹⁶ All requirements relating to the plan area have been met.
19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a

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

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

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

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

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

designated neighbourhood area;¹⁷ and the Neighbourhood Plan does not include provision about excluded development.¹⁸ I am able to confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁹ The front cover of the Submission Version Plan clearly states the Plan period is 2021–2031. Section 3 of the Neighbourhood Plan confirms the plan period runs to 2031.

21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans.²⁰ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.

22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.

24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that

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

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

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

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

the plan meets the Basic Conditions and the other requirements I have identified.²¹ I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

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

- Cottingham Neighbourhood Plan 2021-2031 (Proposed) July 2021 including Appendix 1 Statement of Basic Conditions [*In this report referred to as the Basic Conditions Statement*]; Appendix 2 Consultation Statement [*In this report referred to as the Consultation Statement*]; and Appendices 3a to 13 inclusive
- Equality Screening Assessment
- Strategic Environmental Assessment and Habitats Regulations Assessment of the Cottingham Neighbourhood Plan: SEA and HRA Screening Document September 2020
- Information available on the Cottingham Parish Council website
- Information available on the North Northamptonshire Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and North Northamptonshire Council and the Parish Council including: the initial letter of the Independent Examiner dated 20 October 2021; the email on behalf of the Parish Council dated 3 November 2021 commenting on the Regulation 16 representations of other parties; the letter of the Independent Examiner seeking clarification of various matters dated 11 November 2021; and the joint response of the Parish Council and North Northamptonshire Council which I received on 19 November 2021
- North Northamptonshire Joint Core Strategy 2011-2031 adopted 30 April 2019 [*In this report referred to as the Core Strategy*]
- Part 2 Local Plan for Corby (including the Policies Map in Appendix 5 of the Plan document) adopted 29 September 2021 [*In this report referred to as the Part 2 Local Plan*]
- National Planning Policy Framework (2021) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]

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

- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

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

27. An initial consultation event in May 2019 was widely advertised through: direct invitations in mail boxes; village and Parish Council websites; posters; and through the village newsletter. This event was attended by over 50 people. Three theme groups (housing; environment; and heritage and infrastructure) were formed comprising Parish Councillors and volunteer residents. A Steering Group of Parish Councillors supported by a consultant met throughout the plan preparation process. Monthly update reports were presented to the Parish Council.

28. The work of the housing theme group included a local call for sites in

September and October 2019 which resulted in eight sites being put forward for consideration through site assessment surveys. The work of the environment theme group included active fieldwork and desk-based research that informed detailed discussions. The work of the infrastructure theme group included meetings with representatives of significant village institutions including the primary school, the Methodist Church, and the village store and café.

29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 9 November 2020 and 20 December 2020. The consultation on the pre-submission draft Plan and supporting documents included direct contact with stakeholders listed in part 7 of the Consultation Statement and through the same methods used to advertise the initial meeting. Hard copies of the plan documents were available on request. Appendix B of the Consultation Statement presents details of the 91 representations received and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to North Northamptonshire Council.

30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 27 August 2021 and 8 October 2021. Fifteen representations were submitted in total. North Northamptonshire Council submitted representations from Key Services (Education, Libraries and Superfast Broadband) and from the Northamptonshire Fire and Rescue Service. This representation refers to requirements of new housing schemes to provide developer contributions to education infrastructure; fire and rescue service capacity; and library and related facilities, as well as making provision for superfast broadband connectivity. The Archaeological Advice Service of North Northamptonshire Council refers to Policy ENV5 and suggests the Neighbourhood Plan should include additional wording regarding archaeological remains. Planning Policy Officers of North Northamptonshire Council submitted a representation that comprises two general comments relating to paragraph numbering, which I consider in the Annex to my report, and a need to recognise adoption of the Part 2 Local Plan. Whilst I agree the numbering of paragraphs would assist users of the Neighbourhood Plan, I am unable to recommend a modification in this respect as it is not necessary to meet the Basic Conditions or other requirements I

have identified. I consider adoption of the Part 2 Local Plan later in my report. The representation from Planning Policy Officers also included comment on Policies H4; H6; and ENV7.

31. Natural England confirms it has no specific comments on the Neighbourhood Plan. The Coal Authority advise there is no need to consult that authority. The Forestry Commission; Historic England; and a representation on behalf of National Grid offer general advice. The Environment Agency refer to environmental constraints relating to flood risk; main river water quality; contaminated land; and wastewater infrastructure. None of these representations necessitates any modification of the Neighbourhood Plan to meet the Basic Conditions.
32. A representation by the Methodist Church states the Methodist Church has ceased to be used for worship, is in a poor state of repair, has no local trustees, and there is a permission to sell the premises. The representation states the premises are not unique in terms of Methodist architecture and style and therefore the rarity can only relate to the fact the premises are the only former Methodist Church in the village. The representation also states the Methodist Church is incorrectly mapped in the Neighbourhood Plan. The representation includes other points that I refer to in the Annex to my report.
33. A representation by Gladman refers to the Framework and Guidance and the relationship of the Neighbourhood Plan to Local Plans. Specific representations are made in respect of Policies H1; H2; H3; H5; ENV1; ENV3; ENV5; ENV6; ENV9; and T2.
34. A representation by Langdon Homes acting as agent for landowners of a site off Windmill Close objects to the site scoring process and proposes this site should be allocated for six dwellings and the Hill Farm allocation should be reduced to six dwellings. The representation states an important view should not be identified as such. This latter point is supported by a landscape submission by Goldby and Luck.
35. A representation submitted by JT Planning on behalf of landowners of land adjacent to 19 Rockingham Road propose this land should be included in the settlement boundary and could be supported for housing development.
36. A representation on behalf of landowners submitted by Berrys objects to the conditions attached to the housing allocation in Policy H1, in particular the requirement that eight of the ten houses should be affordable housing.

37. A representation by landowners of field numbered C151 requests that the designation of this land as a habitat site for which the wildlife corridor provides connectivity should be removed.
38. I have been provided with copies of each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole, or in part in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.²²
39. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 3 November 2021 I received an email sent on behalf of the Parish Council commenting on the Regulation 16 representations. I have taken the Parish Council comments into consideration.
40. One of the Regulation 16 representations expresses a view regarding an absence of engagement with specific landowners but accepts this does not amount to a basis for the Neighbourhood Plan failing to meet the Basic Conditions. The Parish Council has provided details of engagement. I am satisfied appropriate consultation has been undertaken in plan preparation. If any grievance remains, that is not a matter for my determination but can be taken up with the relevant Council.
41. The Regulations state that where a qualifying body submits a plan

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

proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.²³

42. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

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

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

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

44. The Basic Conditions Statement states “*The Neighbourhood plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights.*” I have considered the European Convention on Human Rights and in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁴ Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. An Equality Screening Assessment has concluded that the Neighbourhood Plan will have an overall positive impact on protected groups and therefore an Equality Impact Assessment of the Neighbourhood Plan is not required. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
45. The objective of EU Directive 2001/42²⁵ is “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.*” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁶ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁷
46. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to North Northamptonshire Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

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

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

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

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

- 47.A Strategic Environmental Assessment and Habitats Regulations Assessment of the Cottingham Neighbourhood Plan – SEA and HRA Screening Document prepared in September 2020 concluded *“In accordance with topics cited in Annex 1(f) of the SEA Directive, significant effects on the environment are considered to be unlikely to occur as a result of the NP. It is recommended that the Cottingham NP should not be screened into the SEA process.”* Natural England, the Environment Agency, and Historic England agreed with the findings. The Basic Conditions Statement states *“A Screening Opinion was issued by the former Corby Borough Council which determined that a full SEA was not required. The statutory consultees concurred with this conclusion.”* I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
- 48.The Strategic Environmental Assessment and Habitats Regulations Assessment of the Cottingham Neighbourhood Plan – SEA and HRA Screening Document prepared in September 2020 concluded *“This report has explored the potential likely significant effects of the proposed Cottingham NP with a view to determining whether more detailed Appropriate Assessment (Stage 2 of the HRA process) is required. The output of the HRA screening process concluded that the Cottingham NP would not be likely to have a likely significant effect on any European site, either alone or in-combination with any other plan or project and therefore no further assessment is required.”* Natural England agreed with this conclusion on 2 September 2020. In Footnote 11 of my report, I referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout the early period of preparation of the Neighbourhood Plan. The Basic Conditions Statement states *“The former Corby Borough Council undertook a Habitats Regulations Assessment (HRA) screening of the Neighbourhood Plan and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.”* I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
49. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
- 50.I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible

with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

51. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. North Northamptonshire Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

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

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

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

53. Lord Goldsmith has provided guidance³⁰ 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

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

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

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

neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

54. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 24 June 2021. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Guidance was updated on 24 May 2021 with respect to First Homes. Transitional arrangements in this respect apply in the case of the Neighbourhood Plan as publication stage in accordance with Regulation 14 had been reached by 28 June 2021, and the Neighbourhood Plan was submitted for independent examination on 27 July 2021.
55. Paragraph 3.3 of the Basic Conditions Statement states “*The Neighbourhood Plan has been developed having regard to the NPPF amended in 2019, and further checked that it conforms with the updated NPPF published in July 2021*”. Table 1 presented after paragraph 3.6 of the Basic Conditions Statement sets out an explanation how each policy of the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework and Guidance.
56. The Neighbourhood Plan includes in Section 3, a positive vision for Cottingham up to 2031. The vision includes economic dimensions (“*a prosperous local economy*”, “*locally appropriate employment is welcomed*”), and social components (“*community facilities meet local need and are accessible to all*”), whilst also referring to environmental considerations (“*general character of the village, with its Conservation area*”, “*green environment*”). The vision statement and the identification of six objectives that help support its delivery, presented at Section 3 of the Neighbourhood Plan, provide a framework for the policies that have been developed.
57. The Neighbourhood Plan includes four “*Community Actions*” relating to “*increasing tree cover*”; “*traffic management*”; “*HGV’s*”; and “*traffic calming*”. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight

of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, *“Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”*.³¹ The Community Actions are presented in a different colour text and text box and are therefore clearly distinguishable from the Policies of the Neighbourhood Plan. Subject to amendment of the Policy Index on page 57 of the Neighbourhood Plan, which I refer to in the Annex to my report, I am satisfied the approach adopted has sufficient regard for the Guidance. The Community Actions have not been subject to Independent Examination.

58. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

59. At the heart of the Framework is a presumption in favour of sustainable development³² which should be applied in both plan-making and decision-taking.³³ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be*

³¹ Planning Practice Guidance *Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019*

³² Paragraph 10 National Planning Policy Framework 2021

³³ Paragraph 11 National Planning Policy Framework 2021

presented on how the draft neighbourhood plan or order guides development to sustainable solutions”³⁴.

60. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
61. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The statement at paragraph 3.9 of the Basic Conditions Statement demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
62. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:
- Allocate a site for residential development;
 - Support development proposals within an identified settlement boundary;
 - Establish an approach to development outside the settlement boundary;
 - Establish criteria for support of windfall development;
 - Ensure housing development meets local housing needs;
 - Establish criteria for support of custom and self-build single plot developments;
 - Establish housing design principles;
 - Designate two Local Green Spaces;
 - Protect sites of natural environment significance;

³⁴ Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

- Establish biodiversity and habitat connectivity principles;
- Protect sites of historical environment significance;
- Establish criteria for proposals affecting identified local heritage assets including ridge and furrow;
- Establish an approach to development proposals affecting identified important open spaces;
- Manage flood risk;
- Ensure important views are considered when preparing and determining development proposals;
- Protect the footpath and bridleway network;
- Establish an approach to renewable energy generation infrastructure;
- Establish criteria for loss of community facilities;
- Conditionally support new or improved community facilities;
- Support improved access to faster broadband;
- Establish principles for traffic management;
- Ensure provision for charging electric vehicles;
- Establish criteria for loss of employment premises;
- Conditionally support new business and employment;
- Establish criteria for support of home working;
- Establish criteria for support of farm diversification proposals; and
- Establish criteria for support of tourism development.

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

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

64. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.³⁵ Plans should make explicit

³⁵ Paragraph 13 National Planning Policy Framework 2021

which policies are strategic policies.³⁶ *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area³⁷. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.*³⁸

65. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*³⁹ North Northamptonshire Council has informed me that the Development Plan applying in the Cottingham Parish Neighbourhood Area and relevant to the Neighbourhood Plan is the North Northamptonshire Joint Core Strategy 2011-2031 and the Part 2 Local Plan for Corby (including the Policies Map in Appendix 5 of the Plan document) adopted 29 September 2021.

66. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. North Northamptonshire Council has advised me that all of the policies of the Core Strategy are regarded by the Local Planning Authority as strategic policies applying in the Neighbourhood Area. North Northamptonshire Council has advised me the Part 2 Local Plan comprises of local non-strategic policies.

67. Planning Policy Officers of North Northamptonshire Council submitted a representation that there is a need to recognise adoption of the Part 2 Local Plan. I agree references to the Part 2 Local Plan in the Neighbourhood Plan should be updated so that the Neighbourhood Plan is *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

Recommended Modification 2: References to the Part 2 Local Plan throughout the Neighbourhood Plan should be updated to recognise adoption of that Plan

³⁶ Paragraph 21 National Planning Policy Framework 2021

³⁷ Footnote 18 National Planning Policy Framework 2021

³⁸ Paragraph 29 National Planning Policy Framework 2021

³⁹ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

68. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility.”⁴⁰ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

69. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”⁴¹*

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

70. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the Table 1 presented below paragraph 3.6 in Section 4 of the Basic Conditions Statement that demonstrate how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

⁴⁰ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

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

The Neighbourhood Plan Policies

71. The Neighbourhood Plan includes 27 policies as follows:

- Policy H1: Residential site allocation
- Policy H2: Settlement boundary
- Policy H3: Windfall sites
- Policy H4: Housing mix
- Policy H5: Single plot affordable exception sites
- Policy H6: Housing design
- Policy ENV1: Protection of local green spaces
- Policy ENV2: Protection of sites of natural environment significance
- Policy ENV3: Biodiversity and habitat connectivity
- Policy ENV4: Protection of sites of historical environment significance
- Policy ENV5: Local heritage assets
- Policy ENV6: Ridge and furrow
- Policy ENV7: Important open spaces
- Policy ENV8: Managing flood risk
- Policy ENV9: Important views
- Policy ENV10: Footpaths and bridleways
- Policy ENV11: Renewable energy generation infrastructure
- Policy CF1: Retention of community facilities, amenities and assets
- Policy CF2: New and improved community facilities
- Policy BM1: Broadband and mobile infrastructure
- Policy T1: Traffic management
- Policy T2: Electric vehicles
- Policy BE1: Support for existing businesses & employment opportunities
- Policy BE2: Support for new businesses and employment
- Policy BE3: Home working
- Policy BE4: Farm Diversification
- Policy BE5: Tourism

72. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the*

strategic policies contained in any development plan that covers their area.”

73. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*

74. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

75. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”⁴²*

76. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*⁴³

77. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and*

⁴² Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

⁴³ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).⁴⁴

78. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”⁴⁵ “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”⁴⁶*

79. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy H1: Residential site allocation

80. This policy seeks to establish that land is allocated, subject to specified criteria, at Hill Farm Cottingham identified on Figure 2 of the Neighbourhood Plan.

81. A representation states *“In principle, Gladman support the ambitions of the neighbourhood plan in allocating land for affordable housing. Notwithstanding this, it is unclear whether this proposed allocation will be sufficient to meet the needs of the local community given that the Housing Needs Report at Appendix 6 does not provide a housing need figure.”*

82. A representation on behalf of Langton Homes acting as agents for the owners of land off Windmill Close (Referred to as site 3a in the

⁴⁴ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019

⁴⁵ Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

⁴⁶ Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

Neighbourhood Plan Site Sustainability Assessment (SSA)) states the response to comments submitted at Regulation 14 pre-submission stage were unsatisfactory. The representation refers to difficulty in reconciling the two sites at Hill Farm included in the SSA with the site allocated by Policy H1. The representation considers this, and the fact another allocation (site H1a) has been removed following consultation, means the Neighbourhood Plan does not comply with paragraph 31 of the Framework in respect of necessary evidence. The representation proposes an alternative lower green scoring (14 rather than 16) of one of the Hill Farm sites and an amended assessment sheet that results in a higher green scoring of site 3a (15 rather than 4) in the SSA. It is proposed in the representation that Hill Farm is allocated for 6 dwellings and site 3a is allocated for 6 dwellings also, meaning the total number of dwellings allocated remains as in the pre-submission version plan, and it is stated delivery of market and affordable housing will be more secure through avoiding reliance on a single site.

83. A representation on behalf of the landowner of land adjacent to 19 Rockingham Road requests the settlement boundary is adjusted to encompass this land as the owner wishes to pursue a residential development. The representation identifies advantages of the site as including its location on the edge of the settlement in close proximity to a range of services and 400 metres from a bus stop. It is suggested the site could be offered for sale to custom builders or self-builders. The Parish Council has commented in respect of this representation as follows: *“The landowner did not respond when invited to submit the site for assessment and it is too late now to consider it.”*
84. It is not within my role to consider the relative merits of alternative development proposals nor is it within my role to balance those merits against any inherent detriments or shortcomings that any proposals may have. I have earlier in my report explained that my role is to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.
85. In response to my request for clarification how the sites referred to as 6.7 Cottingham 6 Part of Hill Farm on pages 34-37 and 6.8 Cottingham 6 Part of Hill Farm on pages 38- 41 in the Site Sustainability Assessments document (February 2020) relate to the allocated site North Northamptonshire Council and the Parish Council state *“The first assessment, in error, included a larger site area than that put forward by the landowner, hence a second assessment was carried out. Both assessments were included in the report for transparency, however,*

6.7 Cottingham 6 Part of Hill Farm, can be disregarded or a note of explanation could be included.” I have recommended the Site Suitability Assessments document (February 2020) should be modified to include this explanation.

86. In response to my request for a larger scale map of the allocated site than that presented in Figure 2 of the Neighbourhood Plan North Northamptonshire Council and the Parish Council have provided me with maps at several scales. I have recommended Figure 2 should be replaced with a map at scale 1:750 so that the Neighbourhood Plan is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. It is evident the allocated site extends beyond the alignment of the Settlement Boundary established in the Part 2 Local Plan which it may, as confirmed in paragraph 1.36 of the Part 2 Local Plan. I return to this matter when considering Policy H2 later in my report.

87. A representation on behalf of the owner of the allocated site at Hill Farm objects to the condition that 8 of the 10 houses should be affordable housing. It is stated a mix of two market houses and up to eight affordable houses will not create sufficient value to encourage the owner to make the land available for development. It is also stated: “the heavy concentration of Affordable Housing does not accord with the vision of the Plan and will not afford the CNPG to retain any control”, and “the heavy involvement with a RSL will not provide the mix of housing anticipated and will be in conflict with Policy H6”, and “the conditions do not reflect the intentions of the authors of the Plan”.

88. The Parish Council has stated in respect of this representation “We agree to the removal of the need for 8 Affordable housing units as requested, to be replaced with a housing mix that is in line with Policy H4, as detailed in the attached correspondence” which states “In response to Berries comments regarding the land at Hill Farm the Chairman and Vice Chairman of Cottingham Parish Council undertook to discuss their concerns about Policy H1 with them. Berries and landowners explained that they supported the desire to provide cheaper housing within the village but, H1 was too complicated, particularly for a small site and they doubted that it was deliverable. Having removed an earlier site because of a considerable number of complaints from residents during the Regulation 14 consultation, it appeared that the Parish Council was close to losing its only site. This is the landowner’s property and he has the obvious right to decide

whether to continue with the commitment or not, hence our discussion with him and his Land Agent. The Parish Council representatives stressed that changes to Policy H1 were a matter for the NNC Authority and the examiner. However, it was agreed that we would support a simplification to the policy in question giving:

POLICY H1: RESIDENTIAL SITE ALLOCATION

Land is allocated at Hill Farm Cottingham as shown on the site plan below (Figure 2, area shaded blue).

This will be supported subject to the following clauses:

1.the development will not exceed ten dwellings and will comprise a mix of market sale dwelling units as set out in Policy H4.

2.the development is appropriate, in terms of scale, character and location, and adheres to the design criteria promoted in accordance with this Plan.

3.the existing foul sewer infrastructure is protected by easements and should not be built over, or located in, private gardens

One reason for agreeing and requesting this alteration is that the policy as it stands, only applies to the land at Hill Farm and does not affect the substantive Policy H4.”

89. The Parish Council state in response to the representation of the Environment Agency that the provision regarding foul sewer infrastructure was inserted at the request of the Agency.
90. Paragraph 70 of the Framework states neighbourhood planning groups should give particular consideration to the opportunities for allocating small and medium sized sites suitable for housing in their area. I am satisfied the approach to housing development site selection in the Neighbourhood Plan preparation process, summarised in section 7.1.3 of the Neighbourhood Plan, and described more fully in supporting documents including in particular Appendix 7 Site Sustainability Assessments February 2020, and in the Consultation Statement, has been appropriate.
91. Parts 1 to 4 of Policy H1 of the Submission Version Neighbourhood Plan relating to housing mix and in particular Affordable Housing provision do not have sufficient regard for national policy which, in paragraph 64 of the Framework, states that provision of affordable housing should not be sought for residential developments that are not major developments. Annex 2: Glossary to the Framework defines major development for housing as where 10 or more houses will be provided, or the site has an area of 0.5 hectares or more. North Northamptonshire Council and the Parish Council have confirmed the allocation site is 0.28 hectares. The term “*will not exceed 10 dwellings*” in the Submission Version Neighbourhood Plan provided opportunity

for proposals to be below the national threshold where affordable housing can be required. Clearly if ultimately a scheme of 10 dwellings or more is approved on the site this will be subject to Joint Core Strategy Policy 30 which includes a requirement that: *“On private sector developments of 15 or more dwellings (net) or where the combined GFA of dwellings will exceed 1,500sqm in the Growth Towns and Market Towns and 11 or more dwellings (net) or where the combined GFA of dwellings will exceed 1,000sqm elsewhere, the local planning authority will seek the provision of affordable housing in line with the following targets: - Sustainable Urban Extensions 20% of total dwellings in phases to be developed by March 2026, with provision to be made for a review of the viable level of affordable housing in later phases. - Growth Towns and Market Towns excluding Oundle 30% of total dwellings - Rural areas including all villages plus Oundle 40% of total dwellings. The precise proportion and tenure mix of affordable housing will take into account the need identified in the SHMA toolkit (or more up to date local assessment agreed with the local planning authority) and the viability of the development.”* Policy H1 does however seek to establish that development will not exceed ten dwellings.

92. In response to my request for clarification of the limit in Policy H1 to not exceed 10 dwellings North Northamptonshire Council and the Parish Council state *“This was a local decision following consultation which examined all possible available sites. Subsequent discussions with the landowner and their agent agreed that, although it was considered tight, it was thought feasible to put 10 houses on the site, but that any more would result in over development. Further discussion on the issue of affordability is given in Appendix 6 “Housing Needs Report” indicating the need for cheaper housing than that which is currently available in Cottingham. The Rural Housing Needs Survey conducted on behalf of the former Corby Borough Council to support the Part 2 Local Plan (reference supplied) showed a need for a total of six additional properties in the village up to 2022. The Cottingham Neighbourhood Plan period, if adopted, will run to 2031, suggesting that the proposed allocation will need to be reviewed before the end of the Plan period.”* I am satisfied the limit on the number of dwellings in Policy H1 has been sufficiently justified and the requirement of Joint Core Strategy Policy 30, part d), setting a target of 40% of total dwellings to be affordable housing will not apply as this only relates to private sector developments of 15 or more dwellings.

93. It is appropriate for the Parish Council to enter into discussions with the landowner of the allocated site and propose an adjustment of Policy H1 in order to improve the likelihood of delivery of a development scheme. I consider the revised wording of Policy H1 proposed by the Parish Council is satisfactory and addresses the deficiencies of the wording included in the submission version Neighbourhood Plan. I have adopted the revised wording in my proposed modification.
94. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
95. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

Replace Policy H1 with:

POLICY H1: RESIDENTIAL SITE ALLOCATION

Land is allocated at Hill Farm Cottingham as shown on Figure 2 (area shaded blue).

This will be supported subject to the following clauses:

- 1. the development will not exceed ten dwellings and will comprise a mix of market sale dwelling units as set out in Policy H4.**
- 2. the development is appropriate, in terms of scale, character and location, and adheres to the design criteria promoted in accordance with this Plan.**
- 3. the existing foul sewer infrastructure is protected by easements and should not be built over, or located in, private gardens**

Revise Figure 2 so that the housing allocation is presented at a scale of 1:750

Modify the Site Suitability Assessments document (February 2020) to include an explanation why the site referred to as 6.7 Cottingham 6 Part of Hill Farm on pages 34-37 should be disregarded as it was superseded

Policy H2: Settlement boundary

96. This policy seeks to establish support for development proposals on sites within the settlement boundary, or new sporting or recreation facilities close or adjacent to the settlement boundary identified on Figure 3. The policy also states land outside the settlement boundary will be treated as open countryside where development will be carefully controlled in line with local and national strategic planning policies. The policy also refers to paragraph 1.36 of the, then emerging, Part 2 Local Plan.
97. In a representation Gladman state *“Gladman do not consider the approach appropriate as it limits the ability of sustainable growth opportunities to within the settlement boundary. This approach does not accord with the positive approach to growth required by the Framework which establishes a presumption in favour of sustainable development. Gladman recommend that this policy is modified and worded more flexibly to ensure compliance with paragraphs 11 and 16(b) of the Framework and the requirement for policies to be sufficiently flexible to adapt to rapid change. In this regard, Gladman submit that sustainable development proposals adjacent to the settlement boundary that are proportionate in size to Cottingham’s role as a sustainable settlement within the borough should be supported and wording should be included in the policy to reflect this.”* Reference is also made to another Neighbourhood Plan although I am not familiar with the circumstances surrounding that Plan and it is in any case not within my remit to consider other neighbourhood plans.
98. The Guidance states *“The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local*

planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”⁴⁷

99. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”⁴⁸

100. “Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”⁴⁹

101. “The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”⁵⁰

102. “A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”⁵¹ “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section

⁴⁷ Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019

⁴⁸ Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

⁴⁹ Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

⁵⁰ Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

⁵¹ Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

103. Paragraph 29 of the Framework states *“Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”* Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance.

104. Paragraph 8.3 of the Part 2 Local Plan states *“The JCS seeks to deliver 120 new homes in the rural area of Corby between 2011 and 2031 to support sustainable development. As identified in the Regulation 18 Emerging Draft Options consultation, sufficient sites have been identified to meet the requirement for the rural area and these are expected to be supplemented by additional sites that continue to come forward under the provisions of the JCS to enhance or maintain the vitality of rural communities. Due to progress against the rural requirement, it is not considered necessary to make any allocations for development in the rural area within the Plan or to identify specific targets for individual settlements. However further allocations could come forward through neighbourhood plans or rural exception sites, in particular to meet local needs identified in Rural Housing Need Surveys or demand for self-build developments.”* Strategic policies do not require housing provision in the Neighbourhood Area. The Neighbourhood Plan preparation process has included work to analyse the local housing market and undertake an assessment of local housing needs, information in respect of which is set out in Appendices 5 and 6 of the Neighbourhood Plan. Policy H3 establishes support for windfall development. I consider it is reasonable to assume there will be a windfall supply of dwellings during the Plan period which will boost the supply of homes in the Neighbourhood Area. The Neighbourhood Plan places no cap or limit on the number of dwellings that can be provided within the Settlement Boundary in accordance with Policy H3, nor on the number of dwellings that can be provided outside the Settlement Boundary subject to it being of types that are consistent with local and national strategic planning policies. The identification of a housing allocation in

Policy H1 provides for additional housing supply at any time in the plan period. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for Cottingham Parish and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met.

105. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies. In the context of the characteristics of the Neighbourhood Area those policies relevant to housing provision will enable a significant boost to the supply of housing. I am satisfied that in preparation of the Neighbourhood Plan consideration has been given to opportunities for allocating small and medium-sized sites suitable for housing in the Neighbourhood Area in accordance with paragraph 69 of the Framework. As a matter of planning judgement, on the basis of the scale of allocation and other provision for new housing made in the Neighbourhood Plan, I am content there is no necessity to allocate further housing sites or reserve housing sites additional to the provision made in the Neighbourhood Plan, as recommended to be modified, to meet emerging evidence of housing need. I am satisfied the approach adopted in Neighbourhood Plan preparation in these respects, subject to my recommended modifications, has sufficient regard for national policy. On this basis Policy H2, and Policies H1, H3 and H5, as policies relevant to housing supply, are in general conformity with the strategic policies included in the Core Strategy and relevant to the Neighbourhood Plan.

106. I now consider the alignment of the settlement boundary. When considering Policy H1 earlier in my report I have referred to a representation on behalf of the landowner of land adjacent to 19 Rockingham Road which requests the settlement boundary is adjusted to encompass this land as the owner wishes to pursue a residential development. I have also referred to a representation on behalf of Langton Homes acting as agents for the owners of land off Windmill Close (Referred to as site 3a in the Neighbourhood Plan Site Sustainability Assessment (SSA)) which proposes residential development of the site. I have considered this representation as though it proposed the settlement boundary should be adjusted to encompass the land in question.

107. With respect to settlement boundaries the Part 2 Local Plan

explains “8.4 The Council has adopted the use of ‘settlement boundaries’ to distinguish between the main built-up areas of settlements where, in principle, further development would be acceptable, and the open countryside (i.e. outside of settlement boundaries) where development would be acceptable only in certain circumstances. The purpose of the settlement boundaries is to recognise the intrinsic character and beauty of the countryside, in accordance with the NPPF and assist in retaining distinctive local features and preventing coalescence with respect to Policy 11 (The Network of Urban and Rural Areas) and Policy 13 (Rural Exceptions) of the JCS. 8.5 It is important to note that the settlement boundary is a policy line applying Local Plan policies to a specific area, thereby giving a sound and consistent basis for the determination of planning applications. It does not attempt to define settlement limits in physical or social terms. The settlement boundaries have been carefully considered, taking into account a range of criteria including the form of the settlement and existing planning permissions. 8.6 Whilst land outside the settlement boundaries is regarded as open countryside for planning policy purposes, this does not represent an absolute restriction on development. The potential for new development outside of the settlement boundaries to support the vitality of rural communities is recognised. Specific policies are included in the Local Plan for development proposals that would help to develop and diversify the rural economy or meet recognised local needs for affordable housing, including self-build developments. Other uses, such as renewable and low carbon energy developments or essential infrastructure, may also be considered appropriate. 8.7 The extent of the main built-up area of the Growth Town and all villages except those designated as Restraint Villages is shown on the Policies Map to assist the JCS in protecting the character and identity of the settlements and protect them from unnecessary expansion into the open countryside. It is the intention that, where applicable, settlement boundaries set out on the Policies Map will be superseded by Neighbourhood Plans once adopted.”

108. Settlement boundaries can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within a settlement boundary. The definition of the envelope however does not have to relate to some observable land use difference or dividing feature. A settlement boundary does not have to include the full extent of a settlement, and a settlement boundary does not have to reflect land ownership boundaries or the precise curtilages of properties.

Settlement boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties or other parcels of land that have the capacity to extend the built form of a settlement in areas where this is not considered desirable. The Settlement Boundary identified in Figure 3 of the Neighbourhood Plan does not precisely define the built-up area of Cottingham as it includes some undeveloped land. The Settlement Boundary is identified in Policy H2 principally to indicate a physical limit outside which the area will be protected as open countryside and within which development proposals will be supported. It is beyond my role to consider whether any alternative alignment of the Settlement Boundary would offer a more sustainable solution.

109. The Framework confirms amongst other things that the purpose of the planning system is to contribute to the achievement of sustainable development and there is nothing in the Framework to indicate that the definition of settlement boundaries is not a suitable policy response. Whilst recognising the local non-strategic nature of policies of the Part 2 Local Plan I am satisfied that where the settlement boundary included in the Neighbourhood Plan follows the alignment of the settlement boundary in the Part 2 Local Plan this does not need to be tested further as that plan has been subject to examination and forms part of the Development Plan. The Settlement Boundary in the Neighbourhood Plan varies from the Part 2 Local Plan alignment which it is able to do, as confirmed in paragraph 1.36 of the Part 2 Local Plan. There is significant variation in two respects. Firstly, the whole of the site allocated in Policy H1 is included. I consider this variation is appropriate and is sufficiently justified in evidence supporting the housing allocation. The second variation is that additional land is included inside the settlement boundary adjacent to the west side of Rockingham Road opposite the junction with Ripley Road. This appears to be part of the land referred to as site 7a on page 45 of the Site Sustainability Assessments presented in Appendix 7 of the Neighbourhood Plan. I sought clarification from North Northamptonshire Council and the Parish Council regarding justification why this land is included within the settlement boundary. In response to my request for additional explanation of the alignment of the Settlement Boundary North Northamptonshire Council and the Parish Council stated *“By way of a factual update and for consistency, Cottingham Parish Council would suggest that an update to the settlement boundary presented in Figure 3 of the Neighbourhood Plan is made to bring it into line with the Settlement Boundary in Appendix 5.4 of the Part 2 Local Plan for Corby.”* The inclusion of additional land

inside the settlement boundary adjacent to the west side of Rockingham Road opposite the junction with Ripley Road has not been sufficiently justified. Paragraph 31 of the Framework requires all policies to be underpinned by relevant and up-to-date evidence that is adequate to justify the policy, and the Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken*”. So that Policy H2 has sufficient regard for national policy I have recommended a modification so that the Settlement Boundary presented on Figure 3 of the Neighbourhood Plan should follow the alignment of the Settlement Boundary established in the Part 2 Local Plan with the exception of the adjustment I have referred to above so that the whole of the housing allocation made in Policy H1 is included within the Settlement Boundary.

110. The term “*where they respect the shape and form of Cottingham*” is imprecise. The settlement boundary defines the shape of the village and the part of the policy concerned relates to development within that settlement boundary. It is confusing and unnecessary for a policy to state “*and comply with the policies of this plan*” as all of the policies of the Neighbourhood Plan relate to the Neighbourhood Area unless a lesser area is specified. I have earlier in my report recommended modifications relating to Local Government re-organisation and adoption of the Part 2 Local Plan. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
111. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy

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

Recommended modification 4:

In Policy H2

- delete “where they respect the shape and form of Cottingham and comply with the policies of this plan”
- update the final paragraph in accordance with recommended modifications 1 and 2 of my report

Modify the Settlement Boundary presented on Figure 3 to follow the alignment of the Settlement Boundary established in the Part 2 Local Plan with the exception that the whole of the housing allocation made in Policy H1 is included within the Settlement Boundary

Policy H3: Windfall sites

113. This policy seeks to establish conditional support for windfall development.

114. A representation states *“In principle, Gladman support the inclusion of the above policy but reiterate the concerns made in response to Policy H2 regarding the settlement boundary. Notwithstanding this, no evidence has been put forward to demonstrate that windfall sites will come forward within the settlement boundary and therefore brings into question the availability of sites within the settlement boundary to contribute towards the neighbourhood area’s housing needs.”*

115. Section 7.1.5 of the Neighbourhood Plan states windfall sites have made a regular contribution towards the housing supply in the parish and there remain several small site opportunities for windfall development within the settlement boundary. In response to my request for clarification in these respects North Northamptonshire Council and the Parish Council state *“Windfall completions and permissions in Cottingham from the start of the Joint Core Strategy Plan period are shown in the table below. In addition, the Parish Council is aware of a number of additional sites (circa. 7 to 8) around the village which, although it has not made details public, may come forward as possible windfall development in the near future which indicated a need for policies H3 and H5.”* The Table referred to in this

response provides details of planning permissions relating to a total of 14 housing units (9 of which are recorded as completed) and a further unit where a decision is pending. I am satisfied there is evidence of past delivery of housing on windfall sites in the Neighbourhood Area.

116. Paragraph 69 of the Framework states Local Planning Authorities should support the development of windfall sites through their policies and decisions – giving greater weight to the benefits of using suitable sites within existing settlements for homes.

117. Given the scale and nature of the settlement form of Cottingham, as a matter of planning judgement, I am satisfied there is a likelihood of a supply of windfall development during the plan period. It is confusing and unnecessary for a policy to refer to “*other policies in this Plan*” as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The term “*relevant requirements of ... District-wide planning policies*” is imprecise. Criterion f) is imprecise and does not provide a basis for the determination of development proposals. The meaning of criterion f) is unclear as development is limited to sites within the settlement boundary which determines the shape of the settlement. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

118. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 5:

In Policy H3

- **delete “and meeting all relevant requirements set out in other policies of this Plan and District-wide planning policies”**
- **delete criterion f)**

Policy H4: Housing mix

120. This policy seeks to establish that new housing development should provide a housing mix to meet identified local needs.
121. In a representation North Northamptonshire Council suggest section 7.1.7 should include the date the house price data was gathered to add clarity. I agree with this suggestion and I have recommended a modification in this respect.
122. Paragraph 62 of the Framework (which should be read in the context of paragraph 61) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. I am satisfied the approach adopted in Policy H4 has sufficient regard for national policy in this respect. I have recommended a modification so that the policy remains relevant throughout the plan period, should local housing needs change. The word “*subservient*” is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
123. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be

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

Recommended modification 6:

In Policy H4

- **commence the second sentence with “Unless the latest assessment of local housing needs indicates otherwise”**
- **replace “subservient in number to any” with “less in number than”**

In section 7.1.7 include the date house price data was gathered.

Policy H5: Single plot affordable exception sites

125. This policy seeks to establish support for custom and self-build housing on single plot affordable exception sites.

126. In a representation Gladman state *“Policy H5 relates to single plot affordable exception sites for custom and self-build in the parish. Whilst Gladman support the principle of affordable exception sites, such development types should not be unnecessarily restricted to single dwelling developments as this does not accord with the requirements of national policy and the need to significantly boost housing supply. In addition, the CNP makes no reference to First Homes and this should be included as a proposed modification to ensure consistency with national policy. First Homes is a new scheme designed to help local first-time buyers and key workers onto the property ladder, by offering homes at a discount of a minimum of 30% against the market value. The Government proposes to amend paragraph 72 of the NPPF 2021, replacing ‘Entry Level Exception Sites’ with ‘First Homes Exception Sites’. Councils are required to support the development of exception sites, not allocated in local plans, which provide for First Homes led development. Gladman therefore recommend that a new First Homes criteria is inserted into the CNP as a modification to accord with national policy and the PPG.”* I have earlier in my report stated the Guidance was updated on 24 May 2021 with respect to First Homes but that transitional arrangements in this respect apply in the case of the Neighbourhood Plan. I am satisfied Policy H2 accommodates development in line with national planning policies. I am also satisfied Policy H5 supports single plot affordable exception sites but does not prevent rural exception

sites or other exception sites in accordance with national planning policy.

127. Paragraph 62 of the Framework (which should be read in the context of paragraph 61) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. There is specific reference to “*people wishing to commission or build their own homes.*” Footnote 28 of the Framework draws attention to the duty of local authorities to give enough suitable development permissions to meet identified demand for self-build and custom house building which could provide market or affordable housing. I am satisfied the approach adopted in Policy H5 has sufficient regard for national policy in this respect
128. It is confusing to use the policy title as part of the text of the policy. The term “*in the Parish*” is unnecessary as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have earlier in my report recommended modifications relating to Local Government re-organisation and adoption of the Part 2 Local Plan. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
129. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
130. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy H5

- **replace “Such” with “Single dwelling plot affordable exception”**
- **delete “in the Parish”**
- **update the final paragraph in accordance with Recommended Modifications 1 and 2 of my report**

Policy H6: Housing design

131. This policy seeks to establish design principles for housing developments.
132. In a representation North Northamptonshire Council welcome the inclusion of biodiversity protection measures.
133. Paragraph 127 of the Framework states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.
134. The term “*where appropriate*” introduces uncertainty. The requirement to “*reflect*” the character and historic context is overly restrictive. The term “*should be sensitive to retaining*” is imprecise. Reinstatement of boundary treatments may not be possible if removed for essential works, for example to provide safe access. Parts of the policy are repeated. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Part h) of the policy is seeking to establish requirements. Part j) of the policy has not been adequately justified in respect to paragraph 107 of the Framework. Part k) of the policy has not been adequately justified. The term “*encouraged*” in part l) does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

135. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

**Recommended modification 8:
In Policy H6**

- **delete “where appropriate”**
- **after “viability considerations” insert “and meet the following criteria:”**
- **delete the third and fourth sentences of the first paragraph**
- **delete part a)**
- **in part c) replace “reflect” with “respect”**
- **in part d) replace “be sensitive to retaining” with “where possible retain”**
- **replace “reinstated” with “compensated for”**
- **continue part h) with “will be supported” and replace “should incorporate” with “that incorporates”**
- **replace part j) with “Development should not necessitate on-street parking;”**
- **in part k) replace “have” with “provide for”**
- **in part l) replace “Encourage” with “supported”**

Policy ENV1: Protection of local green spaces

137. This policy seeks to designate two sites as Local Green Space and establish a basis for determination of development proposals affecting them.

138. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figure 5 of the Neighbourhood Plan and are available in the larger map format that can be viewed in Appendix 13 of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified. In response to my request for clarification North Northamptonshire Council and the Parish Council have confirmed the shading of 'The Orchard' should be removed from Figure 5.

139. The term "*that would result in the loss of, or have an adverse effect on*" does not have sufficient regard for national policy. Decision makers must rely on paragraph 103 of the Framework that states "*Policies for managing development within a Local Green Space should be consistent with those for Green Belts*" and the part of the Framework that relates to '*Protecting Green Belt land*', in particular paragraphs 147 to 151. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not.⁵² I have recommended a modification in this respect.

140. Paragraph 101 of the Framework states "*The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*"

141. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have

⁵² *R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812*

seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

142. Paragraph 102 of the Framework states *“The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.”* In a representation Gladman state *“It does not appear that the evidence relating to the proposed LGS has been undertaken with consideration of the site of each LGS and whether or not they are considered to be extensive tracts of land.”* I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

143. The Guidance states the Qualifying Body (Parish Council) *“should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.”*⁵³ The areas proposed for designation as Local Green Space have been subject to extensive consultation with the local community.

144. The submission Neighbourhood Plan includes in Appendix 9 information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of both sites including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. Appendix 9 of the Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

145. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of

⁵³ Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014

the Framework concerned with the identification and designation of Local Green Space.

146. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 9:

Replace Policy ENV1 with “The following sites (identified on Figure 5) are designated as Local Green Space:

- **St Mary Magdalene churchyard, burial ground extension and access;**
- **The Dale: meadow, woodland, and access.”**

Remove the green shading of “The Orchard” from Figure 5

In the Policy title replace “space” with “spaces”

Policy ENV2: Protection of sites of natural environment significance

148. This policy seeks to establish that development proposals that would result in loss, or adverse effect on, identified sites of natural environment significance will not be supported unless the overall benefits of the development outweigh the harm. The Policy is supported by an Environmental Inventory at Appendix 8 of the Neighbourhood Plan and the location of sites is identified on Figure 6 of the Neighbourhood Plan.

149. I have given consideration to the representation by owners of land parcel reference C151 who request its designation is removed. The Parish Council has commented *“The site is described accurately in Appendix 8 as “Woodland - Opposite Allotments. Habitat (hedges), wildlife corridor”. The site achieved a score of 2 (out of 5) for wildlife under the national scoring system used, having been wooded for circa 50 years, having hedgerow boundaries and with empirical evidence of providing habitat for entomological, bird and small mammal species.”* I conclude the nature of the use of the land described does not preclude it being identified as a deciduous woodland of natural environment significance.
150. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states existing trees should be retained wherever possible. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Joint Core Strategy Policy 3 seeks to protect landscape character and Joint Core Strategy Policy 4 seeks to protect biodiversity and geodiversity. I am satisfied Policy ENV2 is appropriate in these policy contexts.
151. The policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with

conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy ENV3: Biodiversity and habitat connectivity

153. This policy seeks to safeguard habitats and species including those of local significance. The policy includes the sequence - avoid, mitigate or compensate. The policy seeks to protect trees and hedgerows. The policy also identifies a wildlife corridor presented on Figure 7 where development proposals should not damage or adversely affect habitat connectivity.
154. In a representation Gladman state "*Reference to 'planning permission should be refused' should be deleted from the policy wording. The Parish Council are not the decision-making authority, this responsibility lies solely with CBC who will decide on planning applications on a case-by-case basis. Notwithstanding the above, the loss of some trees and hedgerows should not be protected for their own sake as the loss of some natural features may be necessary to ensure the delivery of a wider scheme i.e., for access. In such instances, the loss of some trees and hedgerows will often be compensated for through appropriate mitigation practices and this should be reflected in the policy wording.*" With respect to the first point, I am satisfied in this instance the policy wording precisely reflects paragraph 180 of Framework. I am satisfied the second sentence of the second paragraph of the policy would allow flexibility where loss is unavoidable, for example to facilitate construction of a safe access.
155. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states existing trees should be retained wherever possible. Paragraph 180 of the Framework states

development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Paragraph 180 of the Framework also states that if significant harm cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. I am satisfied the approach of Policy ENV3 is appropriate in this policy context and that the identification of the wildlife corridor without precisely defined borders is appropriate to allow properly considered response to details of development proposals.

156. When considering Policy ENV2 I have given consideration to the representation by owners of land parcel reference C151 who request its designation is removed. I have reported the response of the Parish Council. With respect to Policy ENV3 I conclude the nature of the use of the land described does not preclude it contributing to the identified wildlife corridor. The wildlife corridor identified in Figure 7 is appropriate in its entirety and no modification of its boundaries is necessary to meet the Basic Conditions.

157. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The 'Guidance on Information Requirements and Validation' document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include *'information to accompany the application as specified by the local planning authority on their local list of information requirements'*. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain *'relevant, necessary and material'*. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed

development and the information required must be a material consideration in the determination of the application. The policy is seeking to establish information requirements that are outside the statutory framework relating to local lists of information to be submitted in support of planning applications. I have recommended a modification in this respect so that Policy ENV3 has sufficient regard for national policy.

158. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 10:

In Policy ENV3 delete the final sentence of the second paragraph.

Policy ENV4: Protection of sites of historical environment significance

160. This policy seeks to identify sites of historical environment significance and establish that the significance of the features should be balanced against the benefit of any development that will affect or damage them.

161. In response to my request for clarification North Northamptonshire Council and the Parish Council provided me with a list of the relevant sites indicating which are statutorily protected through scheduling or listing, and those which are not scheduled or listed but are locally valued. The Councils also stated the list of sites included in Policy ENV4 should have been included in Policy ENV5 Local Heritage Assets and supporting Figure 10. I have recommended

modifications in these respects in order to correct errors and so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

162. Paragraph 203 of the Framework states the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

163. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 11:

In Policy ENV4

- **after “listed” insert “below”**
- **continue the policy with “**
 - **In Rockingham Castle Park:**
 - **Medieval deer park (Locally valued)**
 - **Post medieval landscape park (Locally valued)**
 - **Moated site 1km south-west of Rockingham Castle (Scheduled ref 1012146)**
 - **Little Bowden to Rockingham turnpike (Locally valued)**
 - **Course of the Via Devana roman road (Locally valued)**
 - **Lime Kiln (Listed Grade II ref 1286691)**
 - **Limeworks site (Locally valued)**

- **WWII Observation post and surrounding site (Locally valued)**
- **St Mary Magdalene Church and Churchyard (Listed Grade 1 ref 1051745)”**

Policy ENV5: Local heritage assets

165. This policy seeks to identify local heritage assets, and establish an approach to the determination of development proposals that would affect them.
166. When considering Policy ENV4 I stated that in response to my request for clarification North Northamptonshire Council and the Parish Council confirmed the list of sites included in Policy ENV4 should have been included in Policy ENV5 Local Heritage Assets and supporting Figure 10. The Councils have also confirmed the word “seven” should be replaced by the word “several” in supporting text section 8.9.2. I have recommended modifications in these respects in order to correct errors and so that the policy has sufficient regard for national policy and is *“clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.
167. In a representation the Archaeological Advice Service of North Northamptonshire Council advice that as there is potential for further discoveries of archaeology during development there should be a policy expectation of appropriate consultation, assessment and mitigation where this is likely to be the case. There is no requirement for the Neighbourhood Plan to include policy content as suggested. No modification is necessary in this respect to meet the Basic Conditions. Paragraph 194 of the Framework does in any case state *“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”* Paragraph 16 of the Framework states plans should not duplicate policies in the Framework.
168. In a representation the Methodist Church state Figure 10 does not show the Methodist Church in the correct location. The Parish Council confirm there is an error with the Church position on their maps that can be corrected. I have recommended Figure 10 is corrected where necessary. The representation also requests

corrections to supporting text and Appendix 10. I refer to these matters in the Annex to my report.

169. In a representation Gladman state the policy should reflect paragraph 203 of the Framework.

170. The Guidance refers to advice on local lists published on Historic England's website.⁵⁴ Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states "*Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority's heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.*" It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued. In response to my request for clarification North Northamptonshire Council and the Parish Council confirmed that a Locally Important Heritage Asset List is not currently in place for North Northamptonshire and that they have no objection to my recommended modification so that the policy title and the policy text are amended to reflect the actual status of the heritage assets referred to in the policy so that the policy has sufficient regard for national policy and "*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*" as required by paragraph 16d) of the Framework.

171. The policy wording refers to "*the benefits of a development proposal*". Whilst public benefit is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required*

⁵⁴ Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

having regard to the scale of any harm or loss and the significance of the heritage asset.” I have recommended a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

172. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 12:

Replace Policy ENV5 with “The following heritage assets are identified as locally valued heritage assets. In weighing applications that affect, directly or indirectly, any of these heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Add the list of sites named in Policy ENV4 to the list of sites in Policy ENV5 and identify them on Figure 10

Replace the policy title with “Policy ENV5: Locally Valued Heritage Assets” and adjust the title and legend to Figure 10 and the Policy Index to match

Adjust Figure 10 as necessary with respect to the location of the Methodist Church

In supporting text section 8.9.2 replace “seven” with “several”

Policy ENV6: Ridge and furrow

174. This policy seeks to identify ridge and furrow earthworks (shown on Figure 2) and establish a policy approach to developments affecting them.
175. In a representation Gladman state the policy should reflect paragraph 203 of the Framework.
176. The Guidance refers to advice on local lists published on Historic England’s website.⁵⁵ *Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018)* states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority’s heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued.
177. The policy wording refers to “*demonstrable benefits of such development*”. Whilst public benefit is a matter referred to in paragraph 201 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 203 of the Framework states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of*

⁵⁵ Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

the heritage asset.” I have recommended a modification so that assessment of impact on locally valued heritage assets should be as though they were non-designated heritage assets so as to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so the policy has sufficient regard for paragraph 203 of the Framework. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

178. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 13:

Replace Policy ENV6 with “The areas of ridge and furrow earthworks shown on Figure 11.2 are identified as locally valued heritage assets. In weighing applications that affect, directly or indirectly, the ridge and furrow earthworks, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Policy ENV7: Important open spaces

180. This policy seeks to establish criteria for loss or significant adverse effect on identified important open spaces.

181. In a representation North Northamptonshire Council suggest duplication with Policy ENV1 is unnecessary and that St Mary Magdalen Churchyard and The Dale should be removed from this policy.
182. Paragraph 99 of the Framework states existing open space, sports and recreation buildings and land, including playing fields should not be built on unless specified circumstances exist.
183. The term “*suitable*” is imprecise and does not provide a basis for the determination of development proposals. Earlier in my report I have recommended The Dale and the Churchyard are designated as Local Green Space making the “Note” unnecessary. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
184. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
185. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy ENV7:

- **replace “suitable location” with “accessible location for users”**
- **delete the sentence commencing “Note”**
- **delete the Dale and the Churchyard from the list of open spaces**

Policy ENV8: Managing flood risk

186. This policy seeks to establish an approach to the management of flood risk.
187. Paragraphs 159 to 169 of the Framework establish a policy approach to the management of flood risk. The first two paragraphs of Policy ENV8 duplicate that approach. Paragraph 16 of the Framework states plans should serve a clear purpose avoiding unnecessary duplication of policies that apply in a particular area (including policies in this Framework, where relevant). The term “*adverse impact on climate change targets*” is imprecise. It is not possible to express strong support in determination of a development proposal. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
188. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out what is required from applicants when submitting planning applications. The ‘Guidance on Information Requirements and Validation’ document published by the Department for Communities and Local Government (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include ‘*information to accompany the application as specified by the local planning authority on their local list of information requirements*’. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain ‘*relevant, necessary and material*’. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application. The policy is seeking to establish information requirements that are outside the statutory framework relating to local lists of information to be submitted in support of planning applications. I have recommended a modification in this respect so that Policy ENV8 has sufficient regard for national policy.

189. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 15:

In Policy ENV8

- **delete the first two paragraphs and the fourth paragraph**
- **in the third paragraph delete “its adverse impact on climate change targets, and on”**
- **in the final paragraph delete “strongly”**

Policy ENV9: Important views

191. This policy seeks to establish development proposals should, whenever possible, respect and preserve six identified views. The policy seeks to establish development that will have an unacceptable impact on the views will not be supported.

192. In a representation Gladman state *“Policy ENV 9 identifies 6 views considered to be important. Identified views must ensure that they demonstrate a physical attribute elevating a view’s importance beyond simply being a nice view of the open countryside. Gladman consider that for a view to be valued, a view would need to have some form of physical attribute. The policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would ‘take it out of the ordinary’ rather than selecting views which may not have any landscape significance and are based solely on community support.”*

193. A representation on behalf of Langton Homes states “*The pre-submission NP identified important views under Policy ENV9. Viewpoint 4 was shown as being in a north-easterly direction towards Rockingham Park. Langton Homes noted that the view was illustrated by a photograph taken from the first floor of a private residence. This has now been replaced with an alternative photograph in Appendix 11 of the submission NP. It is clear that this photograph has been taken with a zoom lens to show the area highlighted in blue on the photograph below. Importantly, the delivery of site 3a would have no adverse impact upon this viewpoint were it to be retained in the NP. However, the description of the view in the NP is: - “East from amenity open space off Windmill Close over Rockingham Park (Registered heritage asset) toward the castle grounds.” Thus, it is clear that the reason for including the view in the NP is the appreciation of the distant, designated heritage asset. The setting of a designated heritage asset can be appreciated both outwards from the asset concerned, and also inwards towards the asset. However, as assessed by Golby and Luck we remain unconvinced that this viewpoint provides an appreciation of the setting of Rockingham Park that merits its inclusion in the development plan*”. I have compared the photograph referred to with the view that can be seen on site and agree with the representation that some element of presentational zoom photography has been utilised however I consider this does not prevent the view as described in the policy from being identified as important in the context of Policy ENV9. I have however recommended the photograph illustrating important view 4 in Appendix 11 should be replaced with a photograph that more accurately reflects the view as seen on site.

194. Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary”.⁵⁶ Policy ENV9 is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environmental, historic and aesthetic character of the area. I am satisfied the views identified each have characteristics that justify the policy approach to avoid significant adverse impact on the views. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not have significant adverse impact on the identified views. Planning policy must operate in the public interest.

⁵⁶ Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)

I am satisfied the locations referred to in parts 1-6 of the policy are freely accessible to the general public.

195. The policy should refer to the list of views. The term “*unacceptable*” is imprecise and does not provide a basis for the determination of proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

196. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 16:

In Policy ENV9

- before “described” insert “listed below and”
- replace “an unacceptable” with “a significant adverse”

In Appendix 11 replace the photograph illustrating important view 4 with a photograph that more accurately reflects the view as seen on site

Policy ENV10: Footpaths and bridleways

198. This policy seeks to establish development proposals that will result in the loss, or significant adverse effect on, the existing network

of footpaths and bridleways will not be supported without appropriate mitigation.

199. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks. Joint Core Strategy Policy 15 seeks well-connected villages.
200. The policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
201. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable travel, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy ENV11: Renewable energy generation infrastructure

202. This policy seeks to establish support for small-scale solar and wind energy generation infrastructure and that large scale turbine developments will not be supported.
203. Policy ENV11 requires compliance with Joint Core Strategy Policy 26 in respect of small-scale proposals. Paragraph 155 of the Framework supports energy from renewable sources whilst ensuring adverse impacts (including cumulative landscape and visual impacts) are addressed satisfactorily. I have taken into consideration the part of the Guidance which states *"The written ministerial statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if: the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and*

therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.” In this context, and the context of strategic policy and the area’s environmental designation I consider it appropriate for the policy to draw a distinction between small-scale and large-scale wind generation infrastructure.

204. The policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

205. The policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

206. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with meeting the challenge of climate change the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy CF1: Retention of community facilities, amenities and assets

207. This policy seeks to establish criteria for support of the loss of identified community facilities.

208. Paragraph 93 of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services. Joint Core Strategy Policy 7 safeguards existing community facilities unless specified circumstances are demonstrated. I am satisfied the approach adopted in Policy CF1 has sufficient regard for national policy and is in general conformity with strategic policy.

209. It is unnecessary and confusing for a policy to refer to other policies of the Neighbourhood Plan as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The term “*general policies*” is imprecise. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
210. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
211. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy CF1 delete “which complies with the other general policies of the Neighbourhood Plan”

Policy CF2: New or improved community facilities

212. This policy seeks to establish conditional support for proposals that improve the quality and/or range of community facilities.
213. Paragraph 93 of the Framework states planning policies should plan positively for the provision of community facilities including meeting places. Joint Core Strategy Policy 7 supports the provision of new or improved community facilities. I am satisfied the approach adopted in Policy CF2 has sufficient regard for national policy and is in general conformity with strategic policy.

214. It is confusing and unnecessary for a policy to refer to another policy of the Neighbourhood Plan as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The terms “*unacceptable traffic movements*” and “*a need for parking that cannot be adequately catered for*” are imprecise and do not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

215. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 18:

In Policy CF2

- **delete part a)**
- **in part b) delete “unacceptable traffic movements or other” and continue part b) with “including from traffic movements”**
- **in part c) replace “a need for parking that cannot be adequately catered for” with “additional on-street parking”**

Policy BM1: Broadband and mobile infrastructure

217. This policy seeks to support proposals to provide improved access to faster broadband and connectivity to future mobile technology.
218. Paragraph 114 of the Framework supports the expansion of electronic communication networks. Paragraph 115 of the Framework encourages mast sharing and sympathetic design of new masts.
219. It is unnecessary to state “*in Cottingham Parish*” as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The term “*since the Parish wishes to be at the forefront of any future communications technology enhancements*” is not a policy statement guiding the determination of development proposals. Proposals may necessarily need to be in or near open landscape for technical reasons. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
220. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
221. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with supporting high quality communications, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 19:

In Policy BM1

- **replace the first paragraph with “Proposals to provide improved access to faster broadband, including**

- connectivity to future generations of mobile technology, will be supported”
- in the third paragraph replace “be in or near to open landscapes” with “significantly adversely affect the landscape setting”

Policy T1: Traffic management

222. This policy seeks to establish traffic management principles for new housing and commercial development.
223. Policy T1 is not seeking to establish car parking requirements which would require consideration of matters specified in Paragraph 107 of the Framework. The term “*with regard to the rural highway network of the Parish and the need to minimise any increase in vehicular movement*” is not sufficiently justified. Part a) of the policy is not sufficiently justified and is imprecise. It is confusing and unnecessary for a policy to refer to other policies of the Neighbourhood Plan. The terms “*explore the possibility of introducing*” and “*consider*” do not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
224. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
225. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable travel, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy T1

- delete “With regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic,”
- replace part b) with “Not result in additional on-road parking”
- replace part e) with “Provide for traffic calming measures required as a result of the development;”
- replace f) with “Provide appropriate footpaths and cycleways.”

Policy T2: Electric vehicles

226. This policy seeks to require residential development to include cabling that will facilitate subsequent installation of home electric vehicle charging points. The policy also conditionally supports communal vehicle charging points.

227. In a representation Gladman state *“Whilst this is a laudable aim to reduce carbon emissions, the requirement for electric vehicle charging facilities will need to be balanced against the practical ability of the local grid to supply a sufficient baseload. Before any such policy is pursued, engagement with the main energy suppliers should have been undertaken in order to determine network capacity to accommodate any adverse impacts if a proportion of, or all individual residential plots would be required to have an electric charging facility. Gladman’s concerns relate to the fact that if charging demand became excessive there may be constraints to increasing the electric loading in the area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary, the cost of which may have adverse implications on development viability. Accordingly, a viability clause should be included in the policy wording so that it does not render development proposals unviable.”* I am satisfied the first part of the policy relates to cabling and does not require installation of electric vehicle charging points.

228. In the context of setting parking standards Paragraph 107 of the Framework refers to provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 152 states the planning system should support the transition to a low carbon future.

229. It is confusing and unnecessary for one policy to state “*within the parish*” as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

230. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

**Recommended modification 21:
In Policy T2 delete “within the parish” twice**

Policy BE1: Support for existing businesses & employment opportunities

232. This policy seeks to establish criteria for the loss of employment premises or land.

233. Paragraph 81 of the Framework states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Joint Core Strategy Policy 25 supports rural economic development.

234. Policy BE1 includes sufficient flexibility to respond to changing economic circumstances. The term “*future potential employment opportunities*” is imprecise and could apply to all land. The reference to

change of use but not new development is not sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

235. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 22:

In Policy BE1

- **replace “land that provides employment or future potential employment opportunities” with “employment land”**
- **after “Applications for” insert “development or”**

Policy BE2: Support for new businesses and employment

237. This policy seeks to establish conditional support for new development providing additional employment opportunities.

238. Paragraph 81 of the Framework states planning policies should help to create the conditions in which businesses can invest, expand and adapt. Paragraph 84 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 120 of the Framework states planning policies should give substantial weight to the value of using

suitable brownfield land within settlements and support the development of underutilised land and buildings. Paragraph 85 of the Framework makes reference to unacceptable impact on local roads and states the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Joint Core Strategy Policy 25 supports rural economic development.

239. The locational requirements of part a) and restriction of part d) of the policy do not have sufficient regard for national policy. The terms *“not generally”* and *“any pollution”* do not provide a basis for the determination of development proposals. The term light pollution is imprecise. The reference to traffic movements *“and”* on-road parking has not been justified. Part g) includes the imprecise term *“vitality of the local area”*. Part h) of the policy is imprecise and does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is *“clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

240. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 23:

In Policy BE2

- **delete parts a); d); and h) of the policy**

- in part e) replace “light pollution” with “light spillage beyond the site” and replace “any pollution” with “any other environmental nuisance”
- in part f) replace “and” with “or additional”
- in part g) replace “, the design” with “and distinctiveness” and delete “and the vitality of the local area”

Policy BE3: Home working

242. This policy seeks to establish conditional support for proposals that facilitate home working.
243. Paragraph 82 of the Framework states planning policies should allow for new and flexible working practices (such as live-work accommodation).
244. The terms “*unacceptable*”, “*appropriate*” “*and Policies in this Plan*” are imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
245. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
246. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong competitive economy, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 24: In Policy BE3

- replace part a) with “Such development will not result in traffic movements that cause nuisance and not generate additional on-road parking;”
- in part c) replace “having regard to policies in this plan” with “to reflect local character”

Policy BE4: Farm Diversification

247. This policy seeks to establish conditional support for development related to farm diversification.

248. Paragraph 84 of the Framework states planning policies should enable the diversification of agricultural businesses. Paragraph 85 of the Framework refers to unacceptable impact on local roads. Joint Core Strategy 25 supports rural diversification.

249. The reference to the GDPO is unnecessary and confusing. The terms “*commercial*” and “*adequate*” are imprecise”. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

250. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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

Recommended modification 25: In Policy BE4

- replace the text before a) with “Diversification and the sustainable growth and expansion of farm businesses will be supported subject to:”
- replace d) with “Development proposals will not have unacceptable impact on local roads or generate additional on-road parking;”

Policy BE5: Tourism

252. This policy seeks to establish conditional support for proposals to enhance tourism.
253. Paragraph 84 of the Framework states planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 of the Framework refers to unacceptable impact on local roads. Joint Core Strategy 25 supports rural diversification including the provision and expansion of tourist and visitor facilities.
254. The locational restriction of part a) and within part e) and the requirement for benefit to the local community in part d) of the policy do not have sufficient regard for paragraph 84 of the Framework which supports the growth and expansion of all types of businesses in rural areas. I have recommended a modification so that the policy has sufficient regard for national policy and is “*clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
255. As recommended to be modified the policy is in general conformity with the strategic policies included in the North Northamptonshire Joint Core Strategy 2011-2031 applying in the Neighbourhood Area and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
256. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong competitive economy, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the

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

Recommended modification 26:

In Policy BE5

- **delete parts a) and d)**
- **in part e) delete “or is part of farm diversification”**

Conclusion and Referendum

257. I have recommended 26 modifications to the Submission Version Plan.

258. I am satisfied that the Neighbourhood Plan⁵⁷:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

⁵⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁵⁸

I recommend to North Northamptonshire Council that the Cottingham Parish Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

259. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁵⁹ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”⁶⁰. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Corby Borough Council (now subsumed in North Northamptonshire Council) as a Neighbourhood Area on 4 June 2015.

Annex: Minor Corrections to the Neighbourhood Plan

260. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.⁶¹ If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

261. The Methodist Church state section 5.1 of the Neighbourhood Plan should be corrected to refer to a Church not a Chapel and be updated to state the Church is closed for worship. The representation

⁵⁸ This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁵⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁶⁰ Planning Practice Guidance Paragraph 059 Reference ID: 41-059-20140306 Revision 06 03 2014

⁶¹ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

also states the last two sentences of section 9.2.4 should be replaced by a statement the Church closed for worship and public use in 2021. The Parish Council confirms it is content to update the text in this respect and add the comment the future of the Church is uncertain. I am able to recommend the correction of errors including any relating to update of matters. Minor corrections are also requested in respect of Appendix 10 to refer to Church not chapel and to correct the location map. I recommend these changes are made.

262. The Policy Index presented at page 57 of the Neighbourhood Plan should be adjusted: to add Policy H1; remove the Community Actions; and correct the policy title BE4 to be “Farm Diversification”.

Recommended modification 27:

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

Planning Policy Officers of North Northamptonshire Council submitted a representation that the paragraphs of the Neighbourhood Plan should be numbered. Whilst I agree the numbering of paragraphs would assist users of the Neighbourhood Plan, I am unable to recommend a modification in this respect as it is not necessary to meet the Basic Conditions or other requirements I have identified.

Chris Collison
Planning and Management Ltd
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25 November 2021
REPORT END