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Report on Northhill Parish Neighbourhood Plan 2019 - 2031

An Examination undertaken for Central Bedfordshire Council with the support of the Northhill Parish Council on the submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP(Nott), MRTPI

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Main Findings - Executive Summary

From my examination of the Northhill Parish Neighbourhood Plan (the Plan/NPNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Northhill Parish Council (NPC);
- The Plan has been prepared for an area properly designated – the Northhill Parish Neighbourhood Area shown on the Map on page 2 of the Submission Plan;
- The Plan specifies the period to which it is to take effect – 2019 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Northhill Parish Neighbourhood Plan 2019 - 2031

- 1.1. Northhill is a rural parish with the River Ivel forming its eastern boundary. The A1 Great North Road isolates a small, far eastern, part of the Parish whilst the A603 links Bedford to the A1 adjacent to the northern boundary. Northhill village is located some 8.6m (13.8km) south-east of Bedford and around 26.3m (42.3km) west of Cambridge. The Parish adjoins Biggleswade to the east and Sandy to the north-east – both rapidly growing market towns. The three main settlements are Northhill, Ickwell and Upper Caldecote and the Parish also includes smaller hamlets, Budna, Hatch, Lower Caldecote, Thorncote Green and Bells Brook. The total population at the 2011 Census was 2,270 residents occupying some 950 dwellings in a total area of around 1,680 hectares.
- 1.2 The Neighbourhood Plan Area was designated in February 2015 and the process of engagement activities planned and overseen by a Steering Group set up by the NPC and drawn from local volunteers and parish councillors. The process has taken over four years and has included workshops, surveys, drop-in sessions and public exhibitions. The

consultations have also drawn on the findings of previous initiatives, together with a Household Survey Questionnaire, a Housing Needs Survey carried out by the Bedfordshire Rural Communities Charity and a Green Infrastructure Plan. A Regulation 14 Consultation was carried out, supported by a Consultation Sheet of questions and an information leaflet, from February – April 2018. The Plan was submitted to Central Bedfordshire Council (CBC) on 18 November 2018.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the Examiner of the NPNP by CBC, with the agreement of the NPC.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent Examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent Examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The Examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;

- it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 and Schedule 2 to the 2012 Regulations prescribe a further Basic Condition for a neighbourhood plan. This requires that 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 2017¹.

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of CBC, not including documents relating to excluded minerals and waste development, consists of the adopted Core Strategy and Development Management Policies Development Plan Document 2009 (CSDMP) for the plan period to 2026. CBC has a draft Local Plan (CBLP) in preparation which was subject to a pre-submission Regulation 19 consultation during January and February 2018 and submitted for examination on 30 April 2018. Hearing sessions for the examination are taking place between 21 May and 26 July 2019. Whilst the NPNP must be in general conformity with the strategic policies in the CSDMP, the Steering Group has also taken note of the direction of the policies in the emerging CBLP in defining the NPNP policies, whilst recognising that the statutory Basic Condition test is against the adopted Development Plan. I shall make reference to the emerging plan, where appropriate, in my examination of the NPNP.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2018, replacing the previous 2012 NPPF, and a further revised NPPF was published in February 2019. The transitional arrangements for local plans and neighbourhood plans are set out in Paragraph 214 of the 2018 NPPF (and the subsequent 2019 version) which provides, "The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019". A footnote clarifies that, for neighbourhood plans, "submission" in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Northill Neighbourhood Plan was submitted to CBC in November 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Pre Submission Regulation 16 Northill Neighbourhood Development Plan 2019 - 2031;
 - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement;
 - the Basic Conditions Statement;
 - all the representations that have been made in accordance with the Regulation 16 consultation;

- the Strategic Environmental Assessment (SEA) Screening Opinion prepared by CBC (and submitted as Appendix 2 to the Basic Conditions Statement), November 2017; and
- NPC's response to my questions set out in my letters of 2 and 13 May and 17 June 2019².

Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 6 May 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations and the responses clearly articulated objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The NPNP has been prepared and submitted for examination by NPC which is a qualifying body for an area that was designated by CBC on 12 February 2015.
- 3.2 It is the only Neighbourhood Plan for the Northill Parish Neighbourhood Plan Area, and does not relate to land outside the designated Neighbourhood Plan Area.

² View at: <http://www.centralbedfordshire.gov.uk/planning/policy/neighbourhood-planning/examinations.aspx>

Plan Period

- 3.3 The Plan does not include an unambiguous statement of the period to which it is to take effect as required by the 2004 Act (section 38B(1)(a)). The NPC has since confirmed³ that the Executive Summary identifies the correct end date for the Plan as 2031 whilst the start date should be 2019 as a result of the time taken to submit the Plan for examination. The Vision Statement on page 19 should be amended to provide the correct Plan period and paragraph 1.1.8 amended accordingly, as shown in proposed modification **PM1**. In the interests of clarity, the Plan period 2019 – 2031 should also be stated on the front cover.

Neighbourhood Plan Preparation and Consultation

- 3.4 Initial meetings in the summer and autumn of 2014 led to a decision to proceed with a neighbourhood plan. An application for the designation of the Neighbourhood Plan Area was made by NPC to CBC and approved on 12 February 2015. The Parish Council set up a Steering Group formed from 10 local volunteers and 6 parish councillors to lead the neighbourhood planning process. Activities were conducted by members of this group, together with volunteer parishioners and expert consultants.
- 3.5 A series of workshops were instituted to explain the planning process and the identification of matters of importance and future development of the Parish. A wide-ranging publicity campaign was instigated including, amongst other things, circulation of an information leaflet, announcements in the village magazines and local press, and the setting up of a website. Issues identified in the initial consultation were fed into a series of launch workshops and outreach events during 2015. This led to a draft Vision Statement, followed by the identification of objectives, and then a consultation initiative involving the Household Survey Questionnaire.
- 3.6 The next stage involved a consultation session and progress exhibition in September 2015. Various other events and actions, including a housing needs survey, the development of a green infrastructure plan and a site assessments exercise, preceded the publication of the first draft Plan for informal public consultation in 2018. This was followed by the Regulation 14 consultation from 26 February to 11 April 2018 with 55 responses received.
- 3.7 The NPNP submission version was subject to Regulation 16 public consultation between 14 February and 29 March 2019. Sixteen responses were received. The consultation process is described in detail in the Consultation Statement (prior to the Regulation 16 consultation), and I am satisfied that it has complied with the publicity and submission requirements in Part 5 of the 2012 Regulations and has had regard for the advice in the PPG pertaining to plan preparation and engagement. I have

³ Letter dated 10 May 2019.

taken into account the responses to the Regulation 16 consultation in my examination of the NPNP.

Development and Use of Land

3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.10 The NPC has stated that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998)⁴, and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by CBC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.

4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are no European designated nature sites within the Neighbourhood Plan Area. There are nine sites varying from 12 to 79km from the NPNP boundary but CBC considers the effect of the Plan on these sites to be insignificant. Natural England agreed with this conclusion, indicating that it is not aware of significant populations of protected species which are likely to be affected by the Plan proposals or policies⁵. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

4.3 I have approached the assessment of compliance with the Basic Conditions of the NPNP as two main matters. These are:

⁴ Basic Conditions Statement, paragraph 5.1.

⁵ Email from Natural England dated 17 October 2017.

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies; and

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that a policy in a neighbourhood plan 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 evidence⁶.

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies

- 4.5 The Plan sets down a number of challenges facing the Parish, gleaned from extensive engagement with the community, providing a basis for a Vision of Northhill as a thriving, safe rural community. The Vision includes a number of bullet points identifying actions to achieve the Vision and is supported by 16 more detailed objectives grouped under 7 headings, providing the basis for developing the NPNP policies.
- 4.6 An important consideration for neighbourhood plans is the question of its contribution to meeting the local planning authority's housing requirement. The CSDMP indicated a requirement for a net addition of 17,950 homes for the plan period 2001 – 2026 based on three key policy drivers (the East of England Plan, the Milton Keynes and South Midlands Sub-Regional Strategy and the South East Plan) and with a focus for new development being within the larger settlements. However, small-scale allocations were to be made in the rural areas through the Site Allocations Development Plan Document (SADPD), including the settlements of Upper Caldecote (a large village), and Northhill and Ickwell (small villages). In the event, the Central Bedfordshire (North) SADPD, adopted in 2011, does not include allocations in any of these three settlements, although it does include allocations for an additional 400 dwellings in large and small villages distributed through the rural area.
- 4.7 The emerging CBLP (pre-submission version January 2018) proposes, through Policy SP1, a growth strategy to deliver 39,350 new homes across Central Bedfordshire for the CBLP period 2015 – 2035, which includes the

⁶ PPG Reference ID: 41-041-20140306.

addition of Luton's residual unmet housing need. The Growth Strategy Policy concentrates on strategic allocations to meet a major part of the housing requirement, but also includes the allocation of small and medium sites spread throughout Central Bedfordshire to "*enable our settlements to grow in ways that are sustainable, and respect and enhance the character and identity of our settlements and countryside*"⁷. Policy HA1 identifies a total of 5,505 dwellings on small and medium allocations for residential development, including HAS41 – Land at Thorncote Road (Close Field) for 21 dwellings and HAS42 – The Pound, Upper Caldecote for 33 dwellings, a total of 54 dwellings for the Parish area.

- 4.8 The evidence base for the NPNP includes a Housing Needs Survey Report completed in July 2015 by the Bedfordshire Rural Communities Charity. The report was requested by NPC to assess the need of local people for either affordable housing or market housing within Northill (Appendix 1, paragraph 1.1). In general terms, for affordable housing it recommended meeting 50% of the identified need over the next five years which would be 14 units, and "*a reasonable proportion*" of the need for market housing – a provision of up to 10 units.
- 4.9 The NPC also commissioned a wider Housing Needs Assessment Report from consultants AECOM Ltd published in December 2017 (Appendix 2) with the purpose, amongst other things, to clarify the type, tenure and quantity of housing needed to inform the Neighbourhood Plan housing policies. The report compared the results of four projections based on: the CBLP; the SHMA - OAN⁸; DCLG (as was) household projections; and one based on net completion rates 2001 – 2016. Although it suggested no justification for favouring any one projection, it recommended an initial housing projection for the Parish of 218 dwellings or 12 per annum over the period to 2035 (the plan period for CBLP). Based on this projection, the NPNP (Table 3 and paragraphs 4.3.4 - 4.3.5) reduces the total by 4 years for the shorter NPNP period, by a further 81 for outstanding permissions and houses under construction, and by a further 40 to take account of potential Rural Exception Sites. This leaves a total of 49 additional dwellings required for the period 2017 – 2031. However, the two allocations in the CBLP, referred to above, total 54 dwellings so the NPNP argues that no further market housing is needed until 2035.
- 4.10 The recommended projection must be approached with a degree of caution since it has been calculated on an average of the four projections referred to above, one of which is significantly lower (based on low net completion rates for the period 2001 – 2016) producing a projection of 56 homes over the Plan period. Whilst in general terms the recommended projection provides a total roughly corresponding to the total provision in

⁷ CBLP, pre-submission plan, paragraph 6.7.1.

⁸ Strategic Housing Market Assessment – Objectively Assessed Need.

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the CBLP allocations, it has to be concluded that the inclusion of a degree of flexibility would be a prudent measure.

- 4.11 The test for general conformity, however, is in relation to the extant strategic policies of the local plan – in this case the CSDMP and the Site Allocations DPD which, as I have indicated, make no specific allocations within Northill Parish area, rather focusing on the larger settlements. As a consequence, the Basic Conditions can be said to have been met. However, PPG⁹ advises that, where a neighbourhood plan is brought forward in advance of an up-to-date local plan being in place, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. In the case of Northill Parish, the NPC evidence is for a total residual requirement of 89 dwellings to 2031, including a potential 40 dwellings for Rural Exception Sites against the total of 54 dwellings provided by the allocations in the emerging CBLP to 2035 (although I accept that an adjustment may be made to take account of permissions granted since 31 December 2017).
- 4.12 Taking all of the above into account it is my conclusion that the development of the emerging CBLP allocations over the period to 2035 would provide for a rate of development of a little under 4 dwellings per annum (dpa) against a requirement – using the NPC figure of 89 dwellings – of just over 7 dpa. In other words, the allocations would provide for around 7 years land supply. In this respect, and whilst being in general conformity with the adopted strategic plans, given that no further allocations for general market housing are included in the NPNP, it can only be said to contribute to the achievement of sustainable development whilst meeting its own assessment of local housing need for the first seven years of the total NPNP period. It follows that it will be necessary to monitor the progress of development over the first five years of the NPNP and, if necessary, review the extent of the remaining allocations against housing need to the end of the Plan period. Therefore, in order to meet the Basic Conditions so far as having regard to national policy and guidance is concerned amendments are necessary to the text of section 4.3 Housing Requirements, and to Policy NP1 – specifically, the final sentence of paragraph 4.3.6 and paragraphs 4.3.7 – 4.3.8, whilst undoubtedly expressing locally held views do not contribute to the manner in which the housing requirement will be met and should be deleted. The textual amendments are set out in proposed modification **PM2**, whilst the amendments to the policy are dealt with separately under Issue 2.
- 4.13 CBC has not raised any concerns about the limited regard given to the proposed allocations within the emerging CBLP. However, Government advice in the PPG, referred to above, indicates the importance of

⁹ PPG Reference ID: 41-009-20190509.

minimising any conflicts between policies in the NP and the emerging Local Plan. Accordingly, the conclusion that the NPNP has met the housing requirement through the allocation of sufficient land cannot be reached unless the proposed allocations within the CBLP are formally recognised by the NPNP through an appropriate policy reference. I shall address this matter further in my consideration of Policy NP1.

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services

4.14 There are a total of 28 policies contributing towards the achievement of the Plan's vision. The policies are grouped into the 7 subject areas identified by the objectives arising from the Vision Statement: housing; water management; the natural environment; community health and wellbeing; local heritage; energy and business opportunities. These policies will now be considered individually against the Basic Conditions.

Housing

Policy NP1: Housing Requirement

4.15 The Policy addresses a number of matters. Firstly, it supports up to 40 rural exception homes on the sites allocated (sic) in policies NP8 – NP11; secondly, it seeks to protect the individual and distinct character of villages; thirdly, it provides criteria to be met in order to give support for a further 49 "market housing homes"; lastly, two general points requiring compliance with all other policies in the NPNP and that development should "*..not conflict with any aspiration in the Plan*". I shall consider each of these in turn.

4.16 Rural Exception Sites (RES) are intended, as the description makes clear, to be exceptions to normal housing policies, located where sites would not normally be used for housing. The NPNP makes this clear in paragraph 4.5.7: "*Rural Exception Sites cannot be allocated...*", although Policy NP1 offers support to rural exception developments "*..distributed across the sites **allocated** in policies NP8...*". Following further advice from CBC in response to the Examiner's questions¹⁰, there is no impediment in principle to the allocation of specific individual sites as RESs. However, this is a matter which should be addressed through Policy NP3, dedicated to providing for RESs and which I will consider in relation to that policy. In terms of Policy NP1, it is sufficient to indicate support for RESs. It follows that items 1 and 2 of Policy NP1 should be deleted and replaced by a statement of support for such developments subject to the provisions of

¹⁰ Examiner's additional questions dated 17 June 2019.

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Policy NP3. The question of allocating specific locations as RESs is given further consideration in respect of policies NP8 – NP11.

- 4.17 The text supporting the Policy at paragraph 4.3.9 indicates that the proposed allocations in the CBLP satisfy both CBC and NPNP sustainability criteria and that development of these sites would contribute to CBC's housing target. However, there is no direct support for the CBLP allocations in Policy NP1. This is an important omission which should be addressed in order to meet the Basic Conditions. In line with emerging Policy H4 of the CBLP, provision should be made for an element of affordable housing to be provided by these allocations.
- 4.18 Item 3 of the Policy does not address the matter of the housing requirement, but is a statement of intent to ensure that new developments respect the character of the villages. It should logically form part of item 4. Turning to item 4, on the face of it this provides support for housing development for unallocated sites up to 10 dwellings provided identified criteria are met (windfall sites). This could form a useful part of the response to meeting the housing requirement. It would provide a degree of flexibility to ensure delivery of an appropriate level of housing, bearing in mind the cautionary conclusion I have reached regarding the recommended housing requirement projection and to ensure a measure of choice. However, the application of a predetermined upper limit for the Plan period would defeat the purpose of introducing an element of flexibility.
- 4.19 The wording of some criteria is problematic and requires amendment in order to meet Basic Conditions. Criterion (c) refers to back-land development "*as defined within this plan*". The definition, in paragraph 4.8.1 states that this is "*the development of land which sits behind the existing building line with little or no frontage onto the public highway, for example residential gardens*". The wording is similar to the definition of back-land development in the reasoning for Policy HQ8 in the emerging CBLP (paragraph 17.7.1), except that the CBLP policy includes a qualification, for example that sites on which development would be resisted are those which "*..are against the existing pattern and grain of development*". Policy NP5 states that "*development of back-land sites within or outside the settlement envelope will not be supported*" but this statement is not similarly qualified. The result is a policy which is too restrictive.
- 4.20 The criterion (e) makes reference to "the settlement envelope". I have assumed this refers to settlement envelopes defined in the CBC adopted North Local Development Framework by Policy DM4. In order for Policy NP1 to properly inform decision making it is necessary to include the settlement envelope on the Policy Map as shown in the proposed modification.

- 4.21 Criterion (f) should be deleted as it is contrary to national advice¹¹ that affordable housing should not be sought for developments that are not major developments (defined as 10 or more homes or an area of more than 0.5 ha).
- 4.22 Item 5 is unnecessary since development plans must be read as a whole and proposals are subject to the provisions of all relevant policies, and item 6 does not provide a clear and unambiguous statement to assist a decision maker in determining a planning application. Both of these sentences should be deleted from the Policy. Appropriate amendments to the Policy are provided by proposed modification **PM3** to ensure that the Basic Conditions are met.

Policy NP2: Housing Mix

- 4.23 The Policy seeks to address the wishes of local residents, expressed through the participation exercises, and redress the balance of the local housing mix – currently biased away from smaller homes perceived locally as important to promote affordability. These are important considerations and the Policy is, in principle, in line with national guidance in the NPPF, paragraph 54, that in rural areas, local planning authorities *"should be responsive to local circumstances and support housing developments that reflect local needs"*. It also reflects the provisions of the CBLP emerging Policy H1. However, the text of the Policy, as drafted, unnecessarily distinguishes between affordable and market housing when in practice, it should apply to both. It is also unduly restrictive in its interpretation of what might be an appropriate smaller dwelling and places a further restriction on developers by a requirement to meet identified needs from two specific sources. These matters should be addressed through revised wording as indicated by proposed modification **PM4** in order to meet the Basic Conditions.

Policy NP3: Rural Exception Affordable Homes

- 4.24 Sites intended to be covered by this Policy are an exception to normal allocation policies, and the text at paragraph 4.5.7 advises that *"Rural Exception Sites cannot be allocated"*. In answer to the Examiner's questions of 17 June, NPC has stated the Steering Group understood that *"the neighbourhood plan could not overtly 'allocate' rural exception sites"*, but following discussions, CBC officers undertook to supply *"suitable wording"* so that the Steering Group's intentions *"and therefore the wishes of the parishioners, could be realised"*. Responding to the same questions, CBC confirmed that *"Rural Exception Sites are not usually allocated"*, but that CBC *"are supportive of the approach in Northill Neighbourhood Plan"*. It follows that the identification of up to four sites

¹¹ Written Ministerial Statement 28 November 2014.

by Policies in the Plan, and by inclusion on the Policy Map as delineated allocations, does have the support of CBC which has confirmed that it has no outstanding concerns regarding the NPNP. Paragraph 54 of the NPPF does not preclude the approach outlined above.

- 4.25 Neither the adopted CSDMP, Policy CS8, nor CBLP, Policy H5, seek to allocate specific RESs, a point emphasised by CBC in its response to the Examiner's questions. Essentially, each of these policies identifies circumstances in which proposals for RES would be supported, and provide criteria against which they would be assessed. In this respect Policy NP3 can be said to be in general conformity with the Local Development Plan and in line with the emerging policy. Policy NP3 goes further in identifying three sites for RES development to take place "*one site at a time*", and a fourth site, subject to further consideration. Taking account of the responses to the Examiner's questions this is, in principle, acceptable.
- 4.26 It is, however, also necessary to take account of the deliverability of the proposals¹² and the supporting text to Policy NP3 indicates that recent exception site development has satisfied current local demand for affordable housing and that it not expected that RESs will come forward immediately¹³. A further consideration is whether the sites proposed to be allocated through Policy NP3, identified in policies NP8 – NP11, are themselves capable of meeting the requirements and criteria set down in CSDMP, Policy CS8: Exceptions Schemes. For the reasons in respect of each site that I have stated in paragraphs 4.35 - 4.44 (below) I have concluded that the Basic Conditions are not met by those policies and so, taking account of the circumstances where there is no immediate prospect of a rural exceptions scheme being proposed for any of those sites, I have recommended that they should not be included in the NPNP at this time.
- 4.27 In view of my analysis, above, I have concluded that it would be inappropriate for Policy NP3 to provide specific support for individual sites which are not required to meet any identified need at the present time and which in any event do not sufficiently meet the requirements of adopted Policy CS8. A more flexible approach would be to provide support for the development of RESs provided that the criteria in Policy NP3 are met. The allocation of specific RESs could follow at an appropriate time when a local need is identified, such as upon review of the NPNP in the future.
- 4.28 The criteria included in the Policy are, in some cases, general in nature which should apply to all new developments (criteria 5 – 7). Other criteria are too restrictive – for example in requiring that "*affordable housing*

¹² PPG Reference ID: 41-005-20190509.

¹³ NPNP, paragraphs 4.5.11 – 12.

must be completed before any market housing is provided on the site" (criterion 4) or requiring developments to be *"in a courtyard style"* (criterion 8). These would not follow advice in the NPPF¹⁴ that sites and the scale of development should not be subject to such policy burdens as to threaten the viability of the development.

- 4.29 In summary, I have concluded that, in order to be in general conformity with the adopted CSDMP and in line with the emerging policies of CBLP, Policy NP3 should be replaced by a generic policy, providing support for Rural Exception Sites subject to an amended list of criteria. An appropriately worded replacement policy is provided by proposed modification **PM5** in order to meet the Basic Conditions. The wording of paragraph 4.5.7 should also be amended, replacing *"cannot"* with *"are not usually"* as shown in the proposed modification.

Policy NP4: Residential Infill

- 4.30 Policy NP4 provides specific criteria to be met by proposals for infill development within settlement envelopes. An initial problem with the Policy is that an adequate definition of infill is not provided, although the Policy is in general conformity with CSDMP, Policy DM4. The supporting text indicates that it involves the development of a small gap in an otherwise built-up frontage but does not define small – usually accepted for planning purposes as for no more than 2 dwellings¹⁵. The problem is compounded by paragraph 2 which introduces the concept of redevelopment of single properties for two or more dwellings – effectively a windfall small site. For clarity, the Policy should be limited to the usual definition of infill development and the criteria limited to exclude those matters applicable to all development proposals. The latter which include criterion (b: landscaping requirement) should be included in Policy NP6 which provides criteria which all residential developments must meet. Proposed modifications in **PM6** provide appropriate amendments with which the Policy meets the Basic Conditions.

Policy NP5: Back-land & Garden Development

- 4.31 The Policy is intended to ensure development proposals enhance the character and distinctiveness of the local area by resisting development sitting behind the existing building line with little or no frontage onto a public highway. It includes garden development which follows Government guidance which suggests plans should consider the case for policies to resist the inappropriate development of residential gardens¹⁶. It is also closely related to the emerging CBLP, Policy HQ8. However, as

¹⁴ NPPF, paragraph 173.

¹⁵ CBLP, paragraph 9.2.5.

¹⁶ NPPF, paragraph 48.

drafted, the Policy implies a parish-wide ban on all back-land sites, without providing – within the Policy - a definition of what constitutes such a site. As a consequence, there is a lack of clarity and precision to ensure the Policy can be applied with consistency¹⁷. It is also necessary to identify the harm that would result from development contrary to the Policy aims. Suggestions for amended wording are provided by proposed modification **PM7**, the inclusion of which will ensure the Policy meets the Basic Conditions.

Policy NP6: Residential Design

4.32 This Policy provides a useful tool for decision makers to assess the design quality of proposals, in line with the NPPF guidance¹⁸ that plans should set out the quality of development that will be expected for the area. It is also in general conformity with CSDMP, Policy DM3 which seeks to ensure high quality developments, and in line with the emerging CBLP, Policy HQ1. The word “*normally*” should be deleted in the first sentence since it introduces a note of ambiguity, begging the question: which circumstances would amount to not normal? Criterion (d) does not define what sort of boundary treatment would be considered “*high quality*” so that compliance might be difficult to assess. It would be better and more useful to state a general requirement for a landscape scheme to accompany proposals, to include details of boundary treatment. Appropriate amendments are included in proposed modification **PM8** to ensure the Basic Conditions are met.

Policy NP7: Residential Density

4.33 Policy NP7 seeks to ensure the density of new development is in keeping with the local context, and to prevent “*over-development*” of the site. There is no indication of what over-development might entail, although there is reference to the CBC Design Guide (2014) indication that densities below 25 units per hectare are appropriate in rural locations. Government advice¹⁹ indicates concern that developments should “*optimise the potential of the site to accommodate development*” whilst responding to local character. In this instance, the NPNP gives particular emphasis to meeting the identified need which includes a range of smaller dwellings (Policy NP2 in its drafted form refers to the need for one, two and three bedroom houses).

4.34 The CSDPM does not include a policy which sets density requirements. Policy HQ1 in the emerging CBLP provides criteria to ensure new developments are of high quality and includes a requirement for careful

¹⁷ PPG Reference ID: 41-041-20140306.

¹⁸ NPPF, paragraph 58.

¹⁹ NPPF, paragraph 58, third & fourth bullets.

consideration to be given to the density of all housing proposals to ensure efficient use of land, whilst *“reflecting the existing character of the surrounding area”*. In order to ensure the Policy has had regard to the Government’s advice in the NPPF and therefore meet the Basic Conditions proposed modifications are provided by **PM9**.

Policy NP8 – NP11: Sites Suitable for Rural Exception Housing

4.35 Section 5, which includes policies NP8-NP11, seeks to identify and allocate sites suitable for rural exception housing in line with Policy NP3, selected *“..on the basis of their availability, achievability and sustainability, combined with parishioner preferences”*²⁰. A Site Assessment Report (SAR) initially considered 60 possible sites based on parishioners, landowners and the CBC Call for Sites. It used criteria drawn up from the CBC Draft Site Assessment document, alongside which a list of 10 site determination questions *“considered to be most important by the parishioners”* was compiled. I have noted that the grade of agricultural land was not used as a determining factor as the available information was considered insufficiently accurate. However, I have also noted that Question D in the site determination questions - *“Is the site to the rear of existing properties?”* - appears to have been a significant factor in determining whether some proposed allocations are deemed to be unsuitable for development. As a consequence, some doubt may be attached to the results of the selection process and I shall consider each policy/site against the context and criteria provided by CSDMP Policy CS8 and the general thrust of emerging Policy H5.

Policy NP8: Site 1 (Site ref. 17)

4.36 The NPNP reports (paragraph 5.1.1) that the land has been subject of several planning applications, none of which have been approved. It is adjacent to the Upper Caldecote settlement envelope, where CBC has indicated that it would prefer to see additional exception housing²¹. However, in this respect, a degree of caution should be exercised since it is remote from the settlement in relative terms as a consequence of the envelope being extended to include around 300m of ribbon development on either side of Hitchin Road. There are open fields to the rear of the site, and between the site and the roundabout to the south. To the rear of those fields is a travellers’ site, whilst opposite there is a farm shop and garden centre separated from the residential development by an open field.

4.37 The SAR indicates that development would impact on Grade 1 agricultural land (albeit in the context of the reservations around the accuracy of the

²⁰ NPNP, introduction to Section 5.

²¹ Consultation Statement, Feedback from Regulation 14 consultation.

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information, as per paragraph 4.35 above). It also indicates that the site is not within Flood Zone 3, but has a low risk of surface water flooding with a reported incident some 15 years ago due to a blocked drain. However, a response to the Regulation 16 consultation includes photographs of significant surface water flooding stated to have occurred as recently as 2014, suggesting there may be an underlying problem.

- 4.38 The site does not relate well to the built up area of the settlement, contrary to the criteria in CSDMP, Policy CS8 and the final bullet point of CBLP, Policy H5. It would further distort the compact form of the settlement, effectively forming a visual intrusion into open countryside. As a result, the allocation would not be appropriate and Policy NP8 does not meet the Basic Conditions.

Policy NP9: Site 2 (Site ref. 20)

- 4.39 Site 2 is the frontage of a larger open field adjacent to the Ickwell Green settlement envelope. The form and character of the settlement is important: historically the character was that of a small settlement of dwellings clustered around a substantial village green. In more recent times housing has developed in ribbons to the north, west and east of the compact core of the village. From the east, the approach to the village is rural and open in character until the ribbon development provides an edge to the village which is more urban in character than the core of the settlement. The proposed allocation would effectively extend this development by some two-thirds of its current frontage into the adjacent open countryside. As a result, it is not well related to the compact form of the settlement, contrary to the criteria in CSDMP, Policy CS8 and the final bullet point of CBLP, Policy H5. The allocation did not have the support of CBC at the Regulation 14 consultation²². As a consequence of the above, the allocation would not be appropriate and the Policy does not meet the Basic Conditions.

Policy NP10: Site 10(Site ref.28)

- 4.40 Site 10 is fundamentally flawed when considered against the CSDMP, Policy CS8, since there is no settlement envelope for Hatch or Thorncote Green. The NPNP, paragraph 5.3.1, acknowledges this to be the case but considers the site to be infill between the two small hamlets. This is not a convincing argument since neither settlement is well defined on the ground. The core of Thorncote Green, if it can be said to have one, is some distance to the west, with open fields and isolated dwellings either side of Hatch Road in between, whilst to the east there is a small group of dwellings, itself isolated from the main development at Hatch by open fields. The proposed allocation is not within Flood Zone 3, but at

²² Ibid.

Regulation 14 consultation, CBC advised that there are adjacent field drains which have not been modelled for flood risk so that a detailed assessment by any prospective developer would be necessary. Irrespective of this, the allocation is contrary to the requirements of CSDMP, Policy CS8 and so the Policy does not meet the Basic Conditions.

Policy NP11: Further Sites (Site refs. 24a and 19)

- 4.41 *Site Ref. 24a:* The site is part of a larger parcel of land identified by parishioners at workshops which was subdivided into three parts for assessment. Site 24a is the northernmost subdivision, being separated from the Settlement Envelope by some 100m. The site was not liked by many parishioners but was shown by the assessment as immediately available for development. At Regulation 14 stage it appeared to have the support of CBC,²³ although the comment was qualified by a general expression of preference for Caldecote for additional housing as Northill “*has had too much development for a small village*”. During my visit, I walked to the site from the centre of Northill and my impression was one of remoteness. Although there is an isolated frontage property to the north of the site and Copelands Farm opposite, the character of the immediate surroundings is countryside, reinforced by the Greensand Ridge Walk along its northern boundary. Allocation of this site would not be in accord with CSDMP, Policy CS8.
- 4.42 *Site Ref. 19:* This site is directly opposite site ref. 20, on the south side of Ickwell Road. It shares similar characteristics, being a large open field adjacent to the settlement envelope. The NPC’s analysis of the land south of Ickwell Road as a potential LGS²⁴ indicates that it “*presents a visual amenity when approaching the village from Upper Caldecote*”. From my visit, I concur with that analysis. Development of the site would extend the compact built form of Ickwell Green into the open countryside to a significant extent, contrary to the criteria in CSDMP, Policy CS8 and the final bullet point of emerging Policy H5. Its allocation as a RES did not have the support of CBC at the Regulation 14 consultation. For all of these reasons the allocation would not be appropriate.
- 4.43 In summary, there are features of each of the proposed site allocations in policies NP8 – NP11 which are not in general conformity when assessed against the requirements of CSDMP, Policy CS8, leading me to the regrettable conclusion that none should be allocated for affordable housing development under Policy NP3. It is also clear that allocation of any one of these sites would not be in accord with the requirements of CBLP, Policy H5, particularly in respect of relating well to the existing pattern of development of the settlement and being in keeping with the

²³ Consultation Statement, Feedback table.

²⁴ Appendix 4 to the Plan, page 85.

surrounding character. Additionally, in some cases, there are amenity or environmental concerns arising from the proposed allocation.

- 4.44 It is clear that NPC, and in particular the Steering Group, has put a great deal of effort into the site assessment process and the fact that there are issues in respect of each of their chosen allocations is, I appreciate, a disappointment. However, paragraph 4.5.12 of the NPNP concludes that *"it is not therefore expected that sites for rural exception affordable homes will come forward immediately"*. It is my conclusion therefore that, rather than include flawed allocations at this stage, for which there are no immediate proposals in prospect, the generic policy NP3, together with the detailed site assessment report will (subject to taking into account the identified shortcomings) provide an appropriate framework for the future consideration of any proposal for an affordable housing scheme aimed to meet an identified local need. For these reasons, I consider that policies NP8 – NP11 do not meet the Basic Conditions and should be deleted, together with the supporting text contained in Section 5 of the NPNP, as shown in proposed modification **PM10**.

Water Management

Policy NP12: Flood Risk & Drainage Management

- 4.45 Section 6 of the NPNP deals with water management and provides one Policy dealing with flood risk and drainage management. The Policy follows national advice in the NPPF²⁵, notably in taking a proactive approach to dealing with flood risk, and ensuring flood risk is not increased through development. The Policy is in general conformity with the adopted CSDMP, particularly the range of measures included in Policy CS13. It also follows the approach contained in the emerging CBLP, including policies CC3, CC4 and CC5. The Anglian Water response to the Regulation 16 consultation indicates general support for the Policy, following changes made after the Regulation 14 consultation. It has requested changes to criterion 7 which clarifies the requirements of this part of the Policy in line with advice in the PPG²⁶.
- 4.46 Criterion 5 includes *"Opportunities are sought for betterment of flood risk..."*. The word betterment has a specific connotation in planning use and its meaning in the context of flood risk appears obscure: *"a reduction in flood risk"* would give clarity. Changes should be made in the interests of clarity so that the Basic Conditions are met and are set out in proposed modification **PM11**.

²⁵ NPPF, paragraphs 94 and 103.

²⁶ PPG Reference ID: 41-041-20140306.

Caring for Our Natural Environment

Policy NP13: The Preservation & Protection of Green Spaces

4.47 The designation of Local Green Space (LGS) through local and neighbourhood plans, introduced through the NPPF allows communities to identify and protect green areas of particular importance to them. The NPPF includes three criteria which green areas must meet in order to be designated including, importantly, that the space should be local in character and not an extensive tract of land²⁷. Policy NP13 seeks to designate 13 sites as LGS, of varying character and size. I looked at these during my site visit and in my view not all of these meet the NPPF criteria. I shall deal with each site separately.

- Ickwell Green: 4.3ha; This is the traditional centre of the village and is clearly extensively used by local residents: indeed, during my visit May Day celebrations were in progress.
- Caldecote Green: 1.65ha; A linear area of space which has a particular local character and is used as a recreational route.
- Thorncote Green: 0.72ha; This site is 'Common Land' at the centre of the village and is a visual focus of the settlement.
- Northill Green and Village Pond: 0.28ha; a delightful focus contributing to the village's distinctive character.
- Flitton Scar: 7.82ha; an area of woodland with a public footpath running north-south through the woods. It is slightly separate from the village itself and coppiced for ash and is a breeding and rearing location for pheasant. In itself, a public right of way is not a justification for designating a site as LGS and the commercial use suggests the designation would not be appropriate.
- Home Wood and medieval fishponds: 75.02ha; Although the NPC suggest the site is "compact"²⁸ 75ha is on any basis a substantial tract of land which does not meet criterion 3 in the NPPF, paragraph 77. Designation does not meet the criteria and would be inappropriate.
- College Wood: 13.58ha; This is a substantial area of woodland. It may well be a wildlife habitat but it is relatively remote from the village, it is extensive and is not local in character. Designation does not meet the criteria and would be inappropriate.
- Caldecote Playing Fields: 2.54ha; The site is clearly playing fields for the local community and, I understand, hosts the annual village show, and is a feature of the locality.
- Land East of Ickwell and West of Palmer's Spinney: 12.8ha; The site is a large tract of open countryside. The importance of the site is based on wildlife habitat and visual amenity. However, it is an

²⁷ NPPF, paragraph 77.

²⁸ NPNP, Appendix 3, page 85.

extensive area of land and it does not meet the criteria for designation.

- Ickwell Bury Parkland including serpentine lake, walled garden and dovecote: 77.53ha; The parkland is a Grade 2 Park and Garden associated with a late 17th Century country house, destroyed by fire in 1937. It is currently a private home and largely farmland. The site is a substantial tract of land and therefore inappropriate for designation as LGS. In any event, there would be no additional benefit from its designation.
- Land to the rear of the Crown Public House, Northill: 1.01ha; This is an old walled garden associated with the Crown and part of its grounds. Whilst it does contribute to the character of its surroundings, and is not an extensive tract of land, public access is in association with the commercial activity of the public house and designation is therefore inappropriate.
- Northill Lower School Playing Field: 0.47ha; The playing field is not an extensive area of land and has a tennis court which, I understand, is available to hire for public use. However, it is part of an active Church of England Voluntary Aided school site and designation would place restrictions on the manner in which the school might wish to use the site in future. It is therefore inappropriate for designation as LGS.
- Hatch Common: 0.09ha; the Common is a small piece of land adjacent to a byway and, in visual terms, is part of its local character for which the designation is appropriate.

4.48 From the above analysis it is clear that several of the proposed designations do not meet the criteria set down in the NPPF and should be deleted in order to meet the Basic Condition that the Neighbourhood Plan should have regard to national policy and advice. I consider the remaining sites suitable for designation as LGS. Appropriate amendments to the Policy to meet the Basic Conditions are shown in the proposed modification **PM12**.

Policy NP14: Conserving & Improving the Environment

4.49 The local community clearly values the rural character of the Parish area and Policy NP14 seeks to ensure its conservation in general terms. This is in line with the advice in the NPPF, paragraph 109, that planning policies contribute to and enhance the natural and local landscape. It is also in general conformity with the CSDMP, Policy DM14 which seeks to protect landscape quality. However, as drafted, the Policy gives no clear and unambiguous indication of what might constitute an improvement to the rural nature of the Parish, making it difficult for a decision maker to apply the Policy consistently. The text should not limit the enjoyment of the countryside solely to parishioners. Suggestions for an amended text are

included in proposed modification **PM13** to ensure the Basic Conditions are met.

Policy NP15: Ancient Woodlands

4.50 The NPPF, paragraph 118 includes ancient woodlands and ancient or veteran trees within irreplaceable habitats which should be protected “*unless the need for, and benefits of, the development clearly outweigh the loss*”. Policy NP15 is broadly in line with this advice. However, the Policy does not specify what, if any, additional measures would constitute “*special protection*” which would apply to Home and College Woods that would not apply to any other ancient woodlands. The text of Item 2 extends the protection beyond ancient woodlands to include any trees of arboricultural or amenity value. This is inappropriate and overlaps the protection afforded by Tree Preservation Orders. The text of Item 3 does not limit the requirement for a tree survey to proposals affecting ancient woodlands but could be applied to any proposals for development. Additionally, the Policy does not allow for exceptional circumstances. Textual amendments are provided by proposed modification **PM14** to address these matters and to ensure the Basic Conditions are met.

Policy NP16: Protecting Natural Habitats

4.51 The CSDMP, Policy DM15, seeks to protect natural habitats and wildlife species from the impact of development, in line with national advice in the NPPF, paragraphs 117-118. The NPNP, Policy NP16, seeks to protect local wildlife and habitats, in general conformity with the strategic local development plan policy and following the national guidance. The terminology of this Policy and Policy NP17 concerned with improving green infrastructure overlaps and creates confusion over their respective application. For clarity, references to green infrastructure should be deleted from Policy NP16. There should be a general reference to designated sites, such as those referred to in the supporting text, whilst the use of the term “*extend*” in the context of the natural environment in the final sentence is ambiguous and should be replaced with “*enhance*”. The amendments shown in proposed modification **PM15** will ensure the Basic Conditions are met.

Policy NP17: Improving the Green Infrastructure

4.52 The improvement of the local green infrastructure is an important consideration throughout Central Bedfordshire and green infrastructure plans have been produced for many parishes, including Northill²⁹. The Northill GI Plan is intended to inform the NPNP in addition to being a valuable tool in its own right and is endorsed by CBC. It includes an

²⁹ Northill Parish Green Infrastructure Plan, 2016 (‘the Northill GI Plan’).
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action plan with potential actions and priorities for those actions. As drafted, Policy NP17 does not give clear and decisive guidance for decision makers, simply seeking improvements to and connectivity between wildlife areas and green spaces. It could be strengthened by specific reference to the Northill GI Plan in the Policy. The supporting text to CSDMP, Policy DM16, refers to the importance of green infrastructure and makes specific reference to the Northill GI Plan and the importance of implementing key green infrastructure opportunities. Suggested amendments to the text are provided by proposed modification **PM16** to ensure general conformity with the strategic local development plan policy and that regard has been had to national advice in order to meet the Basic Conditions.

Community Health & Wellbeing

Policy NP18: Additional Provision of Outdoor Play & Leisure Facilities

4.53 The introduction to Section 8 of the NPNP, Community Health and Wellbeing, quotes extensively from PPG³⁰ on the characteristics of a healthy community. The Plan acknowledges that the Parish is well provided with sporting facilities but also identifies deficiencies. Policy NP18 seeks to encourage the provision of additional facilities, including some specific identified provision. This is in general conformity with the CSDMP, Policy CS3 and follows national guidance in the NPPF³¹ and so meets the Basic Conditions.

Policy NP19: Provision of an Additional Catering Outlet

4.54 The NPC has provided evidence that the local community would support an additional restaurant, cafe or similar facility and, from a business survey, evidence that local businesses have expressed an interest in providing a catering outlet, although within their existing premises (NPNP, paragraph 8.3.5). Whilst a suitable location has not yet been identified, the Policy as drafted would provide in principle support for any such related application and I am satisfied it meets the Basic Conditions.

Policy NP20: Allotments & community Growing Spaces

4.55 Local authorities, including parish councils, have a statutory duty to establish allotments where a demand can be shown³². The NPNP, quoting from a CBC Leisure Strategy (undated), recognised an established need for 15 allotments in Upper Caldecote. However, I have not been able to locate collaborating evidence to identify the source of the 15 allotment

³⁰ PPG Reference ID: 53-005-20140306.

³¹ NPPF, paragraph 73.

³² Small Holdings and Allotments Act 1908, Section 23.

requirement, for example through waiting lists. Appendix 6 to the NPNP provides details of 6 potential sites, including 4 at Upper Caldecote, one at Lower Caldecote and one at Ickwell. Five of the sites are privately owned. The sites are not identified on a map. Policy NP20 states that proposals for the provision of allotments will be strongly supported, but paragraph 8.5.3 indicates that the potential locations would require further investigation for suitability and there would need to be negotiation with the appropriate landowner. Paragraph 8.5.3 of the NPNP appears to indicate that the landowners have not at this stage been notified that the sites are under consideration.

- 4.56 In the circumstances I have outlined, there cannot be any certainty that any of the identified sites would be suitable, or that the landowners would be willing partners. However, as public responses to the Plan do in themselves indicate a need for provision, which is in line with the promotion of healthy communities in paragraph 69 of the NPPF, I support the intent of the Policy but recommend in order to meet the Basic Conditions that paragraph 8.5.3 be added to Appendix 6 as a community aspiration³³. I also propose a modification (**PM17**) to the Policy itself to reflect the fact that there is no definitive assessment of the need.

Policy NP21: Increasing Opportunities for Walking, Cycling & Horse Riding

- 4.57 NPPF, paragraph 75 advises that planning policies should protect and enhance public rights of way, including taking opportunities to provide better facilities for users. Policy NP21 has had regard to the advice and seeks to address this issue. It is also in line with Policy EE12 in the emerging CBLP and in general conformity with Policy CS4 in the CSDMP in so far as ensuring convenient access for walking and cycling. The first sentence would benefit from amendments to the text in the interests of precision and to include reference to protection as an important aspect of planning policy. Additional amendments are necessary to item 3 of the Policy to clarify the status of the "new routes" identified on the Policy Map. The reference should be to the Policy rather than Policies Map to reflect the title on the map. With the proposed modifications shown in **PM18**, the Policy meets the Basic Conditions.

Valuing Our Local Heritage

Policy NP22: Listed Buildings & Buildings, Structures or Sites of Historic Worth

- 4.58 The first sentence of the Policy is unnecessary. The Policy's purpose should be self evident. It should be deleted.

³³ PPG Reference ID: 41-004-20190509.

- 4.59 In addition to Listed Buildings, this Policy relates to “*buildings, structures or sites of historic significance appearing on a list identified by parishioners as locally significant*”. The NPPF, paragraph 135, makes it clear that the impact of development on a non-designated heritage asset is a material consideration in determining a planning application, for example in consideration of the exercise of permitted development rights³⁴. Whilst the NPC has compiled a list of 21 properties, structures and sites deemed to be in need of protection (Appendix 10) there is no evidence that this has been subject to the sort of process set down by Historic England in its advice, which includes testing through public consultation. A number of the items on the list appear to be privately owned properties and it is a matter of concern that there appears to be no evidence of a proper process of setting up and running a local list, including consultation. As a consequence, the second paragraph should be amended to exclude reference to the identified list and the fourth item relating to un-named structures on the River Ivel, should be deleted.
- 4.60 The fifth paragraph indicates specific instances of actions which the NPNP supports. The only point at issue here is that there is no mention of which particular assets are of concern. An amendment to the first sentence indicating that the support covers all heritage assets would be appropriate.
- 4.61 The suggested amendments provided by proposed modification **PM19** would ensure the Policy is in general conformity with the strategic local development plan, and is in line with the emerging Policy HE3 in the CBLP. It would also ensure that the Policy has taken account of national advice and guidance and so meets the Basic Conditions.

Policy NP23: Conservation Areas

- 4.62 The Policy provides criteria to be met by development proposals within Conservation Areas or adjacent to them: in other words, affecting the setting of the Conservation Area. The Policy is in general conformity with the CSDMP, Policy CS15, and also has regard to Policy HE3 in the emerging CBLP. It is also generally in line with advice in the NPPF, particularly paragraphs 137-138 and so meets the Basic Conditions.
- 4.63 The Policy is intended to apply to development proposals within and adjacent to Conservation Areas. It follows that the areas to which it will apply should be identified on the Policy Map. The boundaries of the 2 Conservation Areas should therefore be included on the Map, and reference made to these in the first line of the Policy as shown in proposed modification **PM20**. It is a convention that the term “Conservation Area” commences with capital letters at all times.

³⁴ Historic England Advice Note 7, paragraph 13.

Generating & Conserving Energy

Policy NP24: Community Energy

4.64 The NPC has taken a common-sense approach to proposals for renewable energy generation, attempting to provide a positive strategy to their location in line with government advice in the NPPF, paragraph 97, 3rd bullet, whilst providing criteria to minimise their impact. In general terms, it is in conformity with the CSDMP, Policy DM1. However, the expectation that proposals would have no adverse impact, for example on heritage sites or visual assets, is unrealistic. Paragraph 10.4.1 indicates that discrete siting and suitable screening to maintain the local character will be expected. However, the average height of wind turbines on mainland Britain is 75 metres, suggesting that in many cases neither of these requirements would be achievable. Specific consideration should be included for the location of wind farm developments in order to take account of the emerging CBLP, Policy CC2 and minimise any conflict, having regard to the advice in the PPG³⁵. As a consequence, it is necessary to amend the text of the criteria as shown in proposed modification **PM21** in order to meet the Basic Conditions.

Policy NP25: Low Carbon Development

4.65 The Policy is in general conformity with the CSDPM, Policy CS13, and has had regard to national policy and advice in the NPPF, paragraph 95. In addition, the Policy is in line with Policy CC1 in the emerging CBLP. The first part of the Policy referring to other policies within the NPNP is unnecessary since the Plan should be read as a whole and proposals for development should be tested against all relevant policies. In the interests of clarity, the reference should be deleted as shown in proposed modification **PM22**. The Policy meets the Basic Conditions.

Business Opportunities

Policy NP26: Supporting Local Enterprise

Policy NP27: Access & Scale

4.66 I have considered these Policies together since they both provide criteria against which proposals for the development of existing or new businesses would be measured. To avoid confusion for users of the Plan, it would be better to provide one policy with one set of criteria. There are a number of issues which need to be addressed with these Policies: firstly, there is no generally agreed definition of what constitutes a small-scale development for businesses and the application of an arbitrary ceiling of

³⁵ PPG Reference ID: 41-009-20160211.

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150 sqm is unnecessarily restrictive; a requirement to have no adverse impact on neighbours is also unduly restrictive and overlaps the requirement regarding loss of amenity to neighbours. In respect of Policy NP27, the A1 is part of the major road network to which individual accesses are subject to control. As a consequence, the limitation applied to access implied by NP27 would not be enforceable in practice. Finally, it should be noted that Policy EMP3 in the emerging CBLP requires development for employment generating uses to be located within or adjacent to settlement envelopes. Whilst the NPNP is not required to be in general conformity with the strategic policies of the emerging Local Plan, this is a sensible requirement. An appropriately worded replacement for the two Policies is included as proposed modification **PM23** in order to meet the Basic Conditions by having had regard to national advice and policy and being in general conformity with the strategic Local Development Plan policies.

Policy NP28: High-Speed Connectivity in New Development

4.67 The NPPF paragraph 42 supports high quality communications and Policy NP28 has had regard to this advice. The CSDMP does not include specific policy guidance for telecommunications infrastructure but the matter is addressed by the CBLP, particularly Policy HQ5 concerning Broadband and Telecommunications Infrastructure. Policy NP28 provides guidance generally in line with HQ5. However, in the interests of precision, it would be beneficial to make minor amendments to the first sentence of the Policy as shown in proposed modification **PM24**. With these modifications, the Policy meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Northhill Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of Policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Northhill Parish

Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The Neighbourhood Plan is quite obviously the result of a great deal of hard work by the Parish Council and the local community, and particularly by the Steering Group. The efforts of those involved are commendable. Northill is a rural parish with a relatively small population and so the commitment of those involved and the willingness to seek out and take on board professional advice is especially notable. The resulting Neighbourhood Plan has been compiled with care and consideration for national advice and local planning policies. The resulting Plan is clearly written and addresses the concerns and land use aspirations of the local community. Subject to the recommended modifications, it will provide a clearly articulated basis for local decisions and the management of development.

Patrick T Whitehead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Neighbourhood Plan page no./ other reference	Modification
PM1	<p>Front Cover</p> <p>Page 10</p> <p>Page 19</p>	<p>Amend the title to: “Northill Parish Neighbourhood Plan <u>2019 – 2031</u>”;</p> <p>Amend the final sentence of paragraph 1.1.8 as follows: “...it will then be in force from 2018<u>9</u> – 2031.”</p> <p>Amend the second sentence of the Vision Statement to read: “...in our parish over the next 15 years <u>for the twelve-year period ending in 2031.</u>”</p>
PM2	Pages 22-24	<p>Amend Table 3 by deletion of the final two lines.</p> <p>Paragraph 4.3.6: delete the final sentence.</p> <p>Delete paragraphs 4.3.7 and 4.3.8 in their entirety.</p> <p>Amend the final sentence of paragraph 4.3.9 as follows: “Development of these two sites, together with the 44 market dwellings already developments approved since December 2017 would negate the need for further market housing until 2035 <u>provide for the development needs of the Parish during the first part of the Plan period.</u>”</p> <p>Amend the first sentence of paragraph 4.3.10 as follows: “The NP will be monitored and reviewed where necessary during <u>the first five years of its lifetime, for example....</u>”.</p>

PM3	Page 24	<p>Policy NP1</p> <p>Delete items 1 and 2 of the Policy in their entirety and replace with the following:</p> <p>"1. Development of the following allocations for housing purposes will be supported in principle:</p> <p>a) Land at Thorncote Road (Close Field), Northhill amounting to 0.86 ha for a total of 21 dwellings;</p> <p>b) The Pound, Upper Caldecote amounting to 1.74 ha for a total of 33 dwellings.</p> <p>2. Proposals for the development of these sites should include a proportion of affordable housing in line with CBC policies, subject to a viability assessment.</p> <p>3. Support will also be given for the development of up to 40 dwellings within the Plan period on Rural Exception Sites to meet identified local housing need, subject to meeting the requirements of Policy NP3."</p> <p>Delete Item 4 and replace with the following:</p> <p>"In addition to the allocated sites, and to provide an element of flexibility, residential development within settlement envelopes will be supported provided the following criteria are met:</p> <p>a. The site is small in scale – up to 10 dwellings;</p> <p>b. The site is not within flood zones 3a or 3b shown on the Environment Agency's flood maps;</p> <p>c. The proposal is not for back-land development as defined by Policy NP5;</p> <p>d. The development would not</p>
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		<p>lead to coalescence between settlements.</p> <p>The Policy Map should be amended to show the settlement envelopes for Upper Caldecote, Ickwell and Northill.</p>
PM4	Page 27	<p>Policy NP2</p> <p>Amend the Policy text as follows:</p> <p><u>"Both rural exception affordable housing and market All new housing developments will must include a mix of housing types and sizes to meet the needs of the local community as identified by up-to-date evidence identified requirement from the latest Housing Needs Survey and CBC Housing register. This will should include a range of one, two and three bedroom smaller houses and bungalows and, where appropriate, those suitable for older residents, the disabled and those with reduced mobility"</u>.</p>
PM5	Page 30	<p>Policy NP3</p> <p>Delete the Policy in its entirety and replace with the following:</p> <p><i>"Policy NP3: Rural Exception Sites</i></p> <p><i>Proposals for the development of Rural Exception Sites outside of but adjacent to the identified settlement envelopes for a total of up to 40 dwellings will be supported provided the following criteria are met:</i></p> <ol style="list-style-type: none"> <i>1. The site is small in scale – no more than 10 dwellings – and in a sustainable location well related to an existing settlement;</i> <i>2. Meet an identified local affordable housing need, identified through a housing needs survey or by the CBC Housing Register;</i> <i>3. Should remain affordable in</i>

		<p>perpetuity through a Section 106 legal agreement or Unilateral Undertaking;</p> <p>4. The design should respect the character of its surroundings;</p> <p>5. The development may include a small proportion of market housing, subject to site specific viability testing.</p> <p>The first sentence of paragraph 4.5.7 should be amended to read:</p> <p>"Rural Exception Sites cannot <u>are not usually allocated</u>".</p>
PM6	Page 33	<p>Policy NP4</p> <p>Paragraph 1 of the Policy should be amended as follows:</p> <p><i>"1. Within the settlement envelope boundaries of the parish, planning permission for residential development proposals on infill sites will be permitted supported, subject to the following criteria:"</i></p> <p>Criterion (b) should be deleted and replaced by an appropriate criterion in Policy NP4.</p> <p>Amend paragraph 2 as follows:</p> <p><i>"2. <u>For the purposes of tThis policy infilling development is defined as the development of a small gap in an otherwise built-up frontage for no more than two dwellings also applies to applications for two or more properties on a site previously occupied by a single property.</u>"</i></p>
PM7	Page 34	<p>Policy NP5</p> <p>Amend paragraph 1 of the Policy as follows:</p> <p><i>"1. Proposals for development of back-land sites, including residential garden land within or outside of the</i></p>

		<p><u>settlement envelopes, will not be supported where it would result in significant harm to the character and appearance of the local area</u>”.</p> <p>Add a second paragraph to the Policy as follows:</p> <p>“2. Back-land sites include residential garden land and any land which sits behind existing development with little or no frontage onto a public highway”.</p>
PM8	Page 36	<p>Policy NP6</p> <p>In the first sentence of paragraph 1, delete the word “normally”;</p> <p>Replace criterion (d) as follows:</p> <p>“d. Proposals are accompanied by a scheme to provide hard and soft landscaping, including the treatment of all boundaries, appropriate to the development and its setting;”</p>
PM9	Page 37	<p>Policy NP7</p> <p>“1. The density of any new development should be in keeping with the immediate local context respecting the rural nature of the parish, <u>whilst ensuring the efficient use of land and meeting identified local housing needs.</u> Proposals that would lead to over-development of a site will be resisted.”</p>
PM10	Pages 38 - 45	<p>Policies NP8 – NP11</p> <p>Section 5 of the Plan, comprising policies NP8 – NP11, together with the supporting text at paragraphs 5.1.1 – 5.5.3 and the concluding paragraph, should be deleted.</p> <p>It will be necessary to renumber subsequent policies and supporting text within the Plan consequent upon these modifications.</p>

PM11	Page 52	<p>Policy NP12</p> <p>Amend the final sentence of criterion 5 to read:</p> <p><i>"Opportunities are to be sought for betterment of <u>reduction</u> in flood risk to relieve pressure..."</i>;</p> <p>Amend criterion 7 as follows:</p> <p><i>"Developers must liaise with Anglian Water and prepare a rigorous drainage plan strategy to demonstrate that the capacity within the local foul sewage network is available or could be made available in time to serve any and all development <u>proposals</u>. The plan strategy must show the adequacy of the local sewer system and that new connections will not increase the risk of flooding. The discharge of surface water to existing public foul or combined sewers is not permitted"</i>.</p>
PM12	Page 56	<p>Policy NP13</p> <p>The following should be deleted from the Policy:</p> <p><i>"e. Flitton Scar; f. Home Wood and the Medieval Fishpond area within it; g. College Wood; i. Land east of Ickwell Green & West of Palmer's Spinney; j. Ickwell Bury parkland, including the serpentine lakes, walled garden and dovecote; k. Land rear of the Crown Public house, Northill; l. Northill Lower School Playing Field;"</i></p>
PM13	Page 58	<p>Policy NP14</p> <p>Amend the text of the Policy as follows:</p> <p><i><u>"Applications for dDevelopments contributing to the <u>conservation</u>"</u></i></p>

		<u>or enhancement of the rural character nature of the countryside parish and improving it, whilst and creating further opportunities for parishioners to enjoy it's enjoyment, will be supported".</u>
PM14	Page 58	<p>Policy NP15</p> <p>Item 1 should be deleted in its entirety;</p> <p>Item 2 should be amended as follows:</p> <p><u>"Developments which damage or result in the loss of ancient trees or woodlands ,trees-of-good arboricultural and amenity value including Home and College Woods, will not be permitted unless there are exceptional circumstances and compensatory measures are provided."</u></p> <p>Item 3 should be amended as follows:</p> <p><u>"Proposals having a potential impact on ancient woodlands should be accompanied by a tree survey that establishes the health and longevity of any affected tree".</u></p>
PM15	Page 59	<p>Policy NP16</p> <p>Amend the first item as follows:</p> <p><u>"1. The Policy protects the distinctive wildlife and habitat features, including designated sites, and green infrastructure in the parish will be protected from degradation through any harmful impact arising from housing or commercial developments or changes in land use."</u></p> <p>Amend Item 2 as follows:</p> <p><u>"2. Development proposals that would incur the loss or degradation of existing natural habitats and/or part of the green infrastructure will not be permitted..."</u></p>

		Amend the text of Item 3 by replacing “ extend ” with “ enhance ”.
PM16	Page 60	<p>Policy NP17</p> <p>Amend the text of the first paragraph as follows:</p> <p><u>“1. Proposals that seek will contribute to the improvement wildlife areas and green spaces and/or the connectivity between them of the Parish’s green infrastructure will be supported. ”</u></p> <p>Insert new second paragraph as follows:</p> <p><u>“2. Developments will not be supported which would have an adverse impact on the existing green infrastructure or on the implementation of green infrastructure projects identified in the Northhill Green Infrastructure Plan”.</u></p> <p>Renumber the second paragraph accordingly.</p>
PM17	Pages 65-66	<p>Policy NP20</p> <p>The second sentence of the Policy should be deleted.</p> <p>The supporting text at paragraph 8.5.3 should be added to Appendix 6 as a community aspiration.</p> <p>Subsequent paragraph re-numbering will be required.</p>
PM18	Page 71	<p>Policy NP21</p> <p>Amend the first sentence as follows:</p> <p><u>“1. Development proposals which incorporate measures to protect and improve facilities for walking, cycling and horse-riding will be supported.”</u></p> <p>Amend item 3 as follows:</p> <p><u>“3. Encouragement will be given to</u></p>

		<i>the creation of Priorities for new routes <u>rights of way</u>. <u>Priorities for new routes</u> as shown on the <u>Policy</u> Map are:"</i>
PM19	Page 75	<p>Policy NP22</p> <p>Delete the first sentence commencing "1. This policy....".</p> <p>Amend the second paragraph as follows:</p> <p><i>"<u>Planning permission will not be granted supported for development that would result in the loss or damage to, either listed buildings or, In respect of any buildings, structures or sites of historic non-designated asset of local importance identified on a local heritage list, account will be taken of the scale of any identified harm and the significance of the asset. significance appearing on the list identified by parishioners as locally significant (together with justifications for their inclusion) as set out in Appendix 10 of the Plan.</u>"</i></p> <p>Amend the third paragraph as follows:</p> <p><i>"Development affecting heritage assets must pay particular regard to the need to conserve and/or enhance their settings and any architectural or historic features of significance."</i></p> <p>Paragraph 4 should be deleted in its entirety.</p> <p>Amend the first sentence of paragraph 5 as follows:</p> <p><i>"<u>In respect of all heritage assets</u> The plan supports the following:"</i></p>
PM20	Page 76	<p>Policy NP23</p> <p>The boundaries of the two Conservation Areas should be shown on the Policy Map, and the first sentence of the Policy</p>

		<p>amended as follows:</p> <p><u>"Within and adjacent to the Conservation Areas, defined on the Policy Map, development proposals...."</u></p>
PM21	Page 79	<p>Policy NP24</p> <p>Amend the wording of the criteria as follows:</p> <p><u>"a. developers ensure the location will ensure there will be no unacceptable adverse impact on heritage sites, the character of the landscape, and in terms of noise, pollution or visual and residential amenity assets. In the case of wind farm developments, they should be located in areas identified as suitable for wind developments; and"</u></p>
PM22	Page 80	<p>Policy NP25</p> <p>Delete the first part of the first sentence as follows:</p> <p><u>"Subject to the development being found to be acceptable when judged against other policies in this Neighbourhood Plan, innovative approaches to the construction of low carbon developments,..."</u></p>
PM23	Page 83	<p>Policies NP26 and NP27</p> <p>Replace the two policies as drafted with the following:</p> <p><u>"Policy NP26: Supporting Local Enterprise</u></p> <p><u>Support will be given to small-scale development of new businesses or the extension of existing businesses provided that:</u></p> <p><u>a. the proposal will be located within or adjacent to a settlement envelope;</u></p> <p><u>b. the design and scale of the</u></p>

		<p>proposal is appropriate to the location;</p> <p>c. there is no unacceptable impact on local roads;</p> <p>d. adequate off-street parking is provided;</p> <p>e. there is no unacceptable impact on neighbouring properties or the existing infrastructure;</p> <p>f. there will be the potential for local job opportunities;</p> <p>g. there is no unacceptable loss of amenity to neighbouring occupiers through loss of privacy or visual intrusion."</p>
PM24	Page 84	<p>Policy NP28</p> <p>Amend the first sentence of the Policy to read:</p> <p>"All new residential, commercial and community premises should <u>shall</u> be served, <u>where available</u>, by a superfast full fibre broadband network <u>connections</u>."</p>