

# **HARPOLE NEIGHBOURHOOD PLAN**

Harpole Neighbourhood Plan Examination,  
A Report to South Northamptonshire Council

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## Introduction

### The Neighbourhood Plan

- 1 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 2 This Report provides the findings of the examination into the Harpole Neighbourhood Plan (referred to as the Neighbourhood Plan).
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

- 4 The Neighbourhood Plan was prepared for Harpole Parish Council by a steering group comprising Parish Councillors and local residents.
- 5 As set out in the opening chapter of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Harpole Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).
- 6 This Examiner's Report provides a recommendation with regards whether the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by South Northamptonshire Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Harpole Neighbourhood Area.

Role of the Independent Examiner

- 7 I was appointed by South Northamptonshire Council, with the consent of the Qualifying Body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 10 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Harpole Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

- 11 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan specifies that the document covers the plan period:

*"To 2029."*

- 12 I also note that Section 1.0 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan sets out that:

*"The proposed Neighbourhood Plan states the period for which it is to have effect. That Period is from the Plan being made up to 2029 (the same period as the West Northamptonshire Joint Core Strategy (WNJCS)."*

- 13 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

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

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

### **Basic Conditions**

- 17 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>2</sup>
  - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>
- 18 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

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

<sup>2</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

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

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

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

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

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

### European Union (EU) Obligations

- 1 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 2 In this regard, national advice states:  
  
*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>5</sup>).
- 3 This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.
- 4 A Strategic Environmental Assessment (SEA) Screening Report has been undertaken and this concludes that the Neighbourhood Plan:  
  
*“...is unlikely to have significant environmental effects and therefore SEA will not be required.”*

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

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

- 5 In reaching the above conclusion, the Screening Report noted, amongst other things, that the Neighbourhood Plan supports the implementation of policies in the adopted West Northamptonshire Joint Core Strategy. That document has been subject to SEA and assessed as having no significant environmental effects.
- 6 A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.
- 7 An HRA Screening Report has been produced and this concludes that an HRA is not required. This conclusion was reached on the basis that the Neighbourhood Plan's policies are:
  - 8 *"...in conformity with those in the West Northamptonshire Joint Core Strategy which has been subject to Appropriate Assessment."*
  - 9 None of the statutory consultees, Natural England, Historic England or the Environment Agency, have raised concerns with the above conclusions. In addition, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority,  
  
*"It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations"* (Planning Practice Guidance<sup>6</sup>).
- 10 South Northamptonshire Council has raised no objections or concerns in this regard. Taking this and the above into account, I conclude that the Neighbourhood Plan meets the basic conditions in respect of compatibility with European obligations.

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<sup>6</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

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

#### **Background Documents**

11 In undertaking this examination, I have considered various information in addition to the Harpole Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted 2014)
- Saved Policies of the South Northamptonshire Local Plan (1997)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Also:

- Representations received

12 In addition, I spent an unaccompanied day visiting the Harpole Neighbourhood Area.

Harpole Neighbourhood Area

- 13 A plan showing the boundary of the Harpole Neighbourhood Area is provided on page 34 of the Neighbourhood Plan.
- 14 Much of the Neighbourhood Area coincides with that of Harpole Parish, although areas of land within the Parish boundary to the north east and east of Harpole are excluded from the Neighbourhood Area. "Map 1" on page 34 provides clarity in this regard.
- 15 South Northamptonshire Council approved the designation of the Harpole Neighbourhood Area on 15 April 2013. This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### Introduction

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

### Harpole Neighbourhood Plan Consultation

- 18 A Consultation Statement was submitted to South Northamptonshire Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>7</sup>.
- 19 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Harpole Neighbourhood Area, having regard to Paragraph 183 of the Framework.
- 20 As noted earlier in this Report, the Neighbourhood Plan was produced by a steering group made up of Parish Councillors and local residents.
- 21 Consultation following the designation of the Neighbourhood Area took account of significant feedback from previous consultations, including the results of open meetings, questionnaires and an exhibition. Open Day events were subsequently held in February 2014 and July 2015, feedback from which informed the themes and content of the emerging plan. Further information was sought and gathered at an Open Weekend, held in May 2016.

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<sup>7</sup>Neighbourhood Planning (General) Regulations 2012.

- 22 The draft plan underwent a six week consultation period, then extended for a further week, during May, June and July 2016. Printed copies of the draft plan, together with representation and feedback forms were made available at All Saints Church, Harpole; and consultation letters were delivered to local businesses and landowners.
- 23 Evidence has been provided to demonstrate that the plan-making process was widely publicised. Consultation was supported by posters to publicise the plan and encourage volunteers to come forward. A dedicated link on the Harpole Action Team website, where documents were available for sharing and through which the steering groups could be contacted, was provided. There were articles in the local press, updates in the monthly Parish News and regular leafleting throughout the Parish.
- 24 The Consultation Report provides evidence to show that public consultation was central to the production of the Neighbourhood Plan. Community engagement was proactively encouraged and matters raised were duly considered. The reporting process was transparent.
- 25 Taking all of the above into account, I am satisfied that the consultation process was robust.
- 26 Further to the above, Harpole Parish Council produced and submitted a response to the representations received by South Northamptonshire Council during Regulation 16 Submission Consultation. This response included suggested revised Policies.
- 27 For clarity, Examination is for the Independent Examiner to examine the Neighbourhood Plan against the basic conditions. It is not an opportunity for the Qualifying Body to change the content of the Neighbourhood Plan - as such revisions would not, themselves, have undergone appropriate public consultation. Consequently, any such changes would leave the content of the neighbourhood plan vulnerable to legal challenge.

## **5. The Neighbourhood Plan – Introductory Section**

- 28 The Basic Conditions require consideration of whether or not the Neighbourhood Plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether or not it is in general conformity with the strategic local policies of the Local Plan.
- 29 The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.
- 30 There is a minor typographical error on page 8. I recommend:
- **Page 8, Para 3.7, line 2, change to "...yeomen..."**
- 31 For clarity, I recommend:
- **Page 9, Para 3.9, change second sentence to "*In around 1815, the Manning family built the Hall, out of...*"**
- 32 The number of Listed Buildings on page 12 is incorrect, I recommend:
- **Page 12, Para 4.10, change to "...25 Listed Buildings..."**
- 33 The references to the NIA on page 12 are inconsistent, I recommend:
- **Page 12, para 4.12, line 2, change to "...(NIA). The *Nene Valley NIA* is re-creating..." Line 5, change to "*The Nene Valley NIA will deliver...*"**

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

### Housing

#### **Policy H1 – New Housing in Harpole village**

- 34 South Northamptonshire Council is satisfied that the minimum housing target for the rural areas set out in the West Northamptonshire Joint Core Strategy (Core Strategy) has been met and there is no requirement for the Neighbourhood Plan to allocate housing sites.
- 35 However, national planning policy promotes sustainable development and it is important that the Neighbourhood Plan reflects the need to plan positively for sustainable growth to meet future needs.
- 36 The supporting text to Policy H1 recognises that guidance, such as the 2013 housing needs survey referred to, identifies a local need for housing over the plan period. However, as worded, Policy H1 and its supporting text set out a prescriptive and negative approach to the delivery of new housing, such that the Policy may serve to prevent the achievement of sustainable development, contrary to the basic conditions.
- 37 For example, the Policy “*only supports*” housing development subject to it being allocated by another planning document not controlled by the Neighbourhood Plan, or it being located within the village confines and meeting 13 separate requirements. Furthermore, the Policy seeks to impose an approach far more stringent than Green Belt policy to land outside the confines of the village. Consequently, the approach set out appears to unduly constrain residential development and there is no substantive evidence to demonstrate that it would provide for sustainable development to come forward.
- 38 In addition to the above, there is an absence of substantive evidence to support the statement in paragraph 6.16 that:

*“There are a number of potential windfall and brownfield sites available to accommodate the remaining 16 dwellings over the plan period.”*

- 39 In respect of this, there is nothing to demonstrate that the housing needs survey referred to in the supporting text *“clearly indicated the maximum need for housing in Harpole”* as suggested in paragraph 6.1.8. Rather, it appears to simply provide guidance relating to the point in time at which the survey was carried out.
- 40 The imposition of a maximum figure for housing would create a significant and fundamental conflict with the National Planning Policy Framework (the Framework), as it would not allow for any new residential development above the maximum figure, no matter how sustainable it was demonstrated to be. Such an approach would not meet national policy's presumption in favour of sustainable development.
- 41 Taking each part of Policy H1 in turn, South Northamptonshire Council has expressed concerns that the village confines identified by *“Map 2”* are not the result of a clear methodology. It went on to suggest several changes to *“Map 2,”* to reflect the methodology used to determine village confines elsewhere across the District. However, even if these changes were made, there is no substantive evidence to demonstrate that the revised boundary would provide *“...potential windfall and brownfield sites...”* such that opportunities for sustainable growth were provided for.
- 42 Whilst Criteria (b) is clear in its support for small scale development to relate well to the existing layout of the village, it is unclear how residential development can reflect the *“size, role and function”* of Harpole. This is an imprecise term that fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 43 In this regard, Planning Practice Guidance<sup>8</sup> is explicit:

*“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.”*

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<sup>8</sup> Paragraph: 042 Reference ID: 41-042-20140306

- 44 Criterion (c) seeks to prioritise brownfield sites. However, the Neighbourhood Plan does not provide any evidence of there being brownfield sites within the village, nor any reason why a development that is sustainable should not come forward, regardless of whether it is brownfield, or whether there may be a brownfield site elsewhere.
- 45 With further reference to the need for precision, no indication is provided of what the “*key principles*” of the guidance referred to in Criterion (e) might be, nor of what part of the Building for Life standards referred to would be “*relevant*.”
- 46 Page 15 of the Neighbourhood Plan helpfully identifies the need for its Policies to be considered as a whole. Consequently, there is no need to cross reference other Policies in the Neighbourhood Plan in Criteria (g) and (i).
- 47 No indication is provided of how one, or a small number of dwellings can contribute to the delivery of a mix of housing types and tenures “*to meet the needs of the community*,” or why they should do so. There is no evidence to demonstrate that this part of the Policy has regard to Paragraph 173 of the Framework, which requires plans to be deliverable and viable.
- 48 No indication of how the Neighbourhood Plan “*actively discourages*” courtyard parking (Criterion (k)) is provided and no indication is provided of what the consequences might be if a development proposal comprising courtyard parking were to come forward.
- 49 Criterion (l) fails to provide for the balanced consideration of the effects that might arise from a proposed development, allowing for harm to be weighed against benefits. In simply stating that there should be no impact on residential amenity, the Policy may prevent sustainable development from coming forward and there is no evidence to the contrary.
- 50 It is not clear how, or whether, all residential development can “*respect natural and built features*” on the site. Development may replace natural features, involve demolition and the plan itself promotes brownfield development. Again, the approach set out may prevent sustainable development from coming forward and there is no substantive evidence to the contrary.

- 51 The penultimate paragraph of Policy H1 seeks to impose requirements more stringent than Green Belt policy. No justification is provided for this onerous approach which may serve to prevent sustainable development from coming forward, contrary to the basic conditions.
- 52 The final part of Policy H1 simply re-iterates part of another Policy from another document, over which the Neighbourhood Plan has no control. Whilst it is acknowledged that it is important to reference the Strategic Urban Extensions as they effect the Neighbourhood Area, this can more appropriately be achieved in the supporting text.
- 53 Taking all of the above into account, I recommend:
- **Policy H1, delete and re-word as “New housing development within the built-up area will be supported where it comprises infill development; is small scale and relates well to the existing layout of the village; is of a high standard of design and makes a positive contribution to the surrounding environment and landscape; ensures safe access by vehicles, pedestrians and cycles; and respects residential amenity.”**
  - **Add a new paragraph underneath Para 6.1.7 “It is noted that the development of the SUE’s within Harpole Parish will be in accordance with Policies N4 and N9A of the West Northamptonshire Joint Core Strategy.”**
  - **Delete Paras 6.1.6 and 6.1.8**
  - **Delete Map 2**
- 54 Subject to the above, Policy H1 sets out a positive approach to sustainable development and meets the basic conditions.

**Policy H2: Ensuring a mix of types, sizes and tenures**

- 55 It is not clear how all residential development – including the development of single dwellings - can demonstrate how it contributes to an appropriate mix of housing types and tenures. In this regard, I am mindful of the Neighbourhood Plan's stated support for smaller schemes and the fact that national policy does not require the provision of affordable housing on schemes of less than eleven dwellings. Taking all of this into account, it appears that the first part of Policy H2 does not have regard to Paragraph 173 of the Framework in respect of viability and deliverability.
- 56 The second part of the Policy largely refers to other policies in other documents not controlled by the Neighbourhood Plan.
- 57 The first sentence of the final paragraph of Policy H2 supports the integration of affordable and market housing, where affordable housing is provided. This has regard to Paragraph 69 of the Framework, which seeks to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other and ensure that development does not undermine community cohesion.
- 58 However, the last sentence of the Policy is imprecise. No definition of "*concentrations*" is provided. No indication is provided of how many houses, or what proportion of house types or tenures would equate to a "*concentration*" and the policy does not, therefore, provide a decision maker with a clear indication of how to react to a development proposal.
- 59 In the above regard, it may be that developing tenures of housing in the same location can help provide for efficient and effective management and operational requirements and there is no evidence to the contrary. I also note comments raised by Northamptonshire Police, that in an area where different tenures of housing are "*pepper-potted*," their direct experience is of an increase in problems related to anti-social behaviour.
- 60 Taking all of the above into account, I recommend:
- **Policy H2, delete first two paragraphs, ("All proposals for new housing...Council's housing policy.")**
  - **Delete last sentence ("Development that leads...supported.")**
  - **Change title to "*Integrating tenures.*"**

Built Environment and Heritage Assets

**Policy H3 – Design Principles**

- 61 Good design is recognised by the Framework as comprising:
- “a key aspect of sustainable development...indivisible from good planning.”*  
(Paragraph 56)
- 62 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:
- “...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”*
- 63 Policy H3 seeks to promote good design and has regard to national policy.
- 64 As set out, Policy H3 could have unforeseen consequences, as it supports *“all new development”* subject to meeting the criteria set out. Taking an extreme example for the purposes of emphasis, it is not inconceivable that a nuclear power station or animal waste incinerator could meet the requirements of Policy H3. I address this in the recommendations below.
- 65 Criterion (f) in Policy H5 provides an unnecessary cross-reference, taking earlier comments in this Report into account.
- 66 I recommend:
- **Policy H3, first paragraph, last sentence, change to *“A proposal for development should, where appropriate and viable, demonstrate that it takes into account the following:”***
  - **Delete Criterion (f)**

**Policy H4 – Development within Harpole Conservation Area**

- 67 Chapter 12 of the Framework, *“Conserving and enhancing the historic environment,”* recognises heritage assets as an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance; and Policy BN5 of the Core Strategy seeks to protect the historic environment and landscape in accordance with the requirements of national policy.
- 68 Policy H4 aims to safeguard and where possible, enhance the Harpole Conservation Area. In so doing, the Policy is in general conformity with the Core Strategy and has regard to national policy. However, in a similar manner to Policy H3, the wording of the opening paragraph of Policy H4 runs the risk of unforeseen circumstances and this is addressed in the recommendations below.
- 69 It is not clear how development proposals can *“give priority to the retention of other significant buildings,”* or why they should need to do so. No explanation or further information is provided in this regard. This part of the Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.
- 70 No substantive evidence is provided to demonstrate that, in all circumstances, it will be appropriate or necessary for all development to:
- “...reflect the proportion of opening to wall (solid to void) found in the elevations of traditional buildings and employ robust detailing, avoiding use of applied features.”*
- Without clear justification, such a requirement is unduly prescriptive and Criterion (c) fails to have regard to Paragraph 59 of the Framework. There is also a superfluous *“the”* in Criterion (d) and this is addressed in the recommendations below.
- 71 Criterion (e) is imprecise, as no information is provided in respect of which buildings comprise *“traditional buildings which contribute to townscape quality.”* Furthermore, no detail is provided in respect of what such buildings might be re-used for.

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

- **Policy H4, first paragraph, change last sentence to “...its setting. *Development proposals in the Conservation Area should:*”**
- **Criterion (b), change to “Seek to avoid the loss of significant buildings, as defined in the Harpole Conservation Area Appraisal;**
- **Delete Criterion (c)**
- **Criterion (d), first line, delete “...the...”**
- **Delete Criterion (e)**

Green Infrastructure and Landscape Character

**Policy H5 – Protecting Local Green Space**

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

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

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

- 75 National policy establishes that:

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

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

- 77 Policy H5 designates nine areas of Local Green Space. The Neighbourhood Plan provides evidence to demonstrate that each Local Green Space identified meets the tests set by national policy and I note earlier in this Report that the Neighbourhood Plan has emerged through robust consultation.

78 Whilst the location of each Local Green Space is shown on “*Map 3*,” their detailed boundaries are not clearly identifiable. Given the importance of the designation, there should be no scope for confusion and I address this in the recommendations below.

79 I recommend:

- **Provide detailed plans, clearly showing the boundaries of each Local Green Space against an Ordnance Survey background. Provide the plans either above or below Table 1 on pages 23/24**
- **Retain “*Map 3*” on page 36**

## **Policy H6 – Green Wedges**

- 80 A clearly expressed objective of the Neighbourhood Plan is the prevention of coalescence with Northampton. Policy H6 identifies three large tranches of land on “Map 4” on page 37 of the Neighbourhood Plan. Within these, the Policy seeks to prevent any development that would “*significantly intrude.*” This part of the Policy is imprecise as no definition is provided of what a significant intrusion, as opposed to an intrusion, might comprise.
- 81 As recognised by South Northamptonshire Council, there is a District-wide requirement to identify land to increase the housing supply in line with housing needs. The introduction of “*green wedges*” which would effectively prevent development and therefore rule out areas for consideration would fail to have regard to the Framework, which seeks to “*boost significantly the supply of housing*” (Paragraph 47).
- 82 In addition, I am mindful of the absence of substantive technical evidence to support the proposed “*green wedges.*” For example, there is nothing to justify the precise boundaries of the proposed designations; or why it is the specific locations identified, rather than any others, that meet the purpose of the Policy. This is of particular concern, given that the proposal fails to have regard to national policy.
- 83 The supporting text to the Policy refers to Policy ENV8 in the South Northamptonshire Local Plan. This Policy predates the Framework and given that there is conflict, it is the more recent national policy that must take precedence.
- 84 However, notwithstanding the above, it is the intention of Policy H6 to prevent coalescence. Such an approach has regard to Paragraph 58 of the Framework, which requires developments to:
- “...respond to local character and history, and reflect the identity of local surroundings.”*
- 85 In this regard, I am mindful that South Northamptonshire Council has suggested an alternative approach to preventing development that may harm identity or setting, or lead to coalescence. I take this into account in the recommendations below.

86 I recommend:

- Delete the wording of Policy H6 and replace with ***“Development proposals in the Neighbourhood Area should respect the distinct identity of Harpole village, Northampton town and the open gaps between them. Development should not result in the loss of the visual and physical separation of these areas such that it would harm their setting or identity, or result in coalescence. The implementation of this Policy must not prevent the bringing forward of development in accordance with Policies N9A and N4 of the West Northamptonshire Joint Core Strategy.”***
- Page 22, Para 6.3.13, delete “Policy EV8” heading and related text
- Delete the Table following Policy H6 on page 25
- Delete Map 4

**Policy H7 – Provision of New Structural Greenspace and Wildlife Corridors**

87 Policy H7 simply refers to something that Harpole Parish Council supports. It sets out a local aspiration rather than a deliverable land use planning Policy controlled by the Neighbourhood Plan. Effectively, the Policy states support for another Policy in another document. However, it comprises a key local aspiration and I address this below.

88 I recommend:

- **Delete Policy H7. Replace with a “*Community Action: Structural Greenspace and Wildlife Corridors.*”**
- **Provide the text from the former Policy H7 below this new heading. NB, the text should be removed from the blue box. A Community Action is not a planning policy. As the text does not comprise a Policy, it should be re-worded as follows, “...*(a) ensures that...habitats. The Parish Council supports the provision of a mixture...this locality in landscaping schemes. (b) protects and enhances...(c) demonstrates how...sites can be avoided...compensated.*” Delete rest of text**
- **Delete Paragraph 6.3.14**

**Policy H8 – Design Principles for Country Park**

89 This Policy sets out prescriptive requirements for a Country Park. No information is provided to demonstrate that Policy H8 can control or deliver these requirements. Consequently, the Policy comprises a local aspiration. There is nothing to demonstrate that the Policy has regard to Paragraph 173 of the Framework.

90 Recognising the local aspiration, I recommend:

- **Delete Policy H8**
- **Replace with “*Community Action: Country Park. The Parish Council support the delivery of a Country Park in accordance with the policies of the West Northamptonshire Joint Core Strategy. The Parish Council will seek to work with other parties to ensure that the Country Park will: (bullet points to follow here)*”**
- **The Community Action is not a Policy and the text should not be within a blue box**

**Policy H9: Green Infrastructure and Biodiversity**

91 Paragraph 109 of the Framework requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible. The general intention of Policy H9 has regard to this.

92 Part of the opening paragraph of Policy H9 comprises a statement rather than a land use planning Policy and I address this in the recommendations below.

93 As set out, Policy H9 seeks to impose a list of requirements upon all development in the Neighbourhood Area, regardless of relevance. In the absence of any evidence to the contrary, the Policy is onerous and fails to have regard to Paragraph 173 of the Framework, as referred to earlier, or to Paragraph 193, which requires supporting information for applications to be limited to:

*“...that which is relevant, necessary and material to the application in question.”*

94 The last sentence of the Policy comprises a general reference to Maps 5 and 6.

95 Taking the above into account, I recommend:

- **Policy H9, delete first paragraph and replace with “*New development should, wherever possible and viable, have a positive impact on green infrastructure and biodiversity.*” Delete rest of Policy**
- **Move last sentence of Policy to the end of Para 6.3.16**

**Policy H10 – Protecting and Enhancing Local Landscape Character in Harpole Parish**

96 As set out above, Paragraph 58 of the Framework requires development to:

*“...respond to local character and history, and reflect the identity of local surroundings.”*

97 Policy H10's intention of protecting and enhancing local landscapes has regard to this.

98 As worded, Policy 10 requires all development to include landscaping schemes to enhance local landscape character. This is an onerous requirement and there is no evidence to demonstrate that it has regard to Paragraph 173 of the Framework.

99 The Policy goes on to refer to *“the fringes of the villages”* but provides no definition in respect of what areas these comprise and consequently, it is an imprecise term that fails to provide a decision maker with a clear indication of how to react to a development proposal. Further, no evidence is provided to demonstrate that it would be relevant for all development in *“the fringes”* to aim to meet the eight requirements set out.

100 The Policies of the Neighbourhood Plan are only applicable to the Neighbourhood Area. Given this and in the absence of any evidence, it is not clear how Policy H10 can seek to preserve the *“setting”* of the Neighbourhood Area. Further, the preservation of the current landscape setting of the village and Parish could place an obstacle in the way of any development coming forward, no matter how sustainable.

101 No information is provided in respect of why all development should be required to enhance woodland. No detail is provided of what the *“skyline...visual boundaries”* are and it is therefore not clear how development can ensure this is retained, or why it should need to do so.

102 No detail is provided in respect of precisely what the views to the west, north and east of Larkhall Lane comprise and it is therefore not clear how it can be ensured that these are retained.

103 *“Visually exposed landscapes”* are not defined and it is not clear how encroachment into something that is not defined can be ensured.

104 Taking the above into account, I recommend:

- **Policy H10, replace first two sentences with “*New development should respect the landscape character of the Neighbourhood Area. Where viable and appropriate, development should:*”**
- **Replace Criteria (a) and (b) with “*(a) Protect areas of historic local woodland.*”**
- **Delete Criteria (c), (d) and (g)**

Traffic and Transport including Pedestrian Safety and Countryside Access

The titles of Policies H11 to H14 inclusive are preceded by "Draft." I recommend:

- **Delete "Draft" before the title of each of the Policies H11 to H14, inclusive**

**Policy H11 – Traffic Management and Transport Improvements**

105 The first part of Policy H11 seeks to promote highway safety and has regard to Paragraph 58 of the Framework, which supports the creation of safe and accessible environments.

106 The rest of the Policy comprises a list of aspirations in respect of things the Parish Council would like to see implemented, further to the receipt of developer contributions and Community Infrastructure Levy (CIL) payments.

107 Paragraph 204 of the Framework states that:

108 *Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development."*

109 No evidence is provided to demonstrate that any of these tests have been met in respect of the aspirations identified.

110 Taking the above into account and in recognition of the aspirations of the Parish Council and in the interest of enabling the Neighbourhood Plan to identify the projects that the Parish Council would like to see come forward, I recommend:

111 Delete everything after the first sentence of Policy H11

- **Provide a new "Community Action: Developer Contributions, Community Infrastructure Levy and New Homes Bonus. The Parish Council is keen to ensure that payments received go towards the delivery of the following: (list of bullet points here)." For clarity, this is not a Policy and should not be contained within a blue box**
- **Delete Para 6.4.4**

**Policy H12 – Footpaths/cycleways/connectivity**

112 Paragraph 75 of the Framework states that:

*“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...”*

113 The first part of Policy H12, which supports improvements to the public rights of way network, has regard to national policy.

114 The next part of the Policy is unclear. It requires *“all proposals”* to meet three detailed criteria. If this relates to all proposals for development, then the Policy fails to have regard to Paragraph 173 of the Framework, in respect of being deliverable and viable. If it relates to all proposals for the enhancement and improvement of footpaths and cycleways, then it could be placing onerous barriers in the way of the very thing the Policy is trying to achieve.

115 Under the terms of the Policy, any proposal to improve any part of the footpath network, no matter where or how small, should include *“enhanced public access...appropriate signage from residential areas...new footpaths and cycle routes linking to existing and new networks including circular walks for dog walking and...”* and so on. There is no evidence to demonstrate that such requirements are viable, deliverable, necessary, or even relevant. Rather, they are onerous and fail to have regard to Paragraph 73 of the Framework.

116 Taking the above into account, I recommend:

- **Policy H12, delete first bullet point and replace with *“To maximise accessibility and support biodiversity, the following will be supported: (three remaining bullet points here)”***

Community Facilities

**Policy H13 – Protection of Existing Community Facilities**

117 Paragraph 58 of the Framework promotes:

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

118 Policy H13 seeks to protect and allow for the development of community services and facilities and thus has regard to national policy.

119 It may be that, whilst there could be a demand for a community facility, it simply is not viable for it to exist. For example, it might be proven that there is a demand for a facility by one person. In such a case, Policy H13 would seek to prevent a change of use. This could result in a community facility becoming vacant without any prospect of re-use for health, education or community type uses and fails to have regard to the presumption in favour of sustainable development set out in national policy and Core Strategy Policy SA.

120 Taking the above into account, I recommend:

- **Policy H13, part 2., change to“ ...demonstrated that continued use as a community facility *is no longer viable.*”**

**Policy H14 – Community Facilities and Community Infrastructure Levy**

- 121 Like Policy H7 before it, Policy H14 simply sets out a local wish-list and indicates the type of projects the Parish Council would like to see come forward. The Policy fails to have regard to Paragraphs 173 and 204 of the Framework and there is no evidence to the contrary.
- 122 In addition to the above, Policy H14 is aimed at all development in the Neighbourhood Area. Such an approach would require the development of a household extension, for example, to support proposals for improved community facilities and infrastructure in the Parish. There is no evidence to demonstrate that such a requirement has regard to national or local strategic planning policy.
- 123 Again, in the interests of indicating local aspirations, I recommend:
- **Delete Policy H14**
  - **Create new *“Community Action: Community Facilities and Community Infrastructure Levy. The Parish Council will seek to work with other parties with the aim of ensuring that development within the Parish makes a proportionate contribution towards improved community facilities and infrastructure in the Parish. In this regard, the Parish Council will seek to use funds received through Community Infrastructure Levy to give priority to the following projects: (list of bullet points here)”***
  - **For clarity, the Community Action is not a Policy and should not be contained in a blue box**

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

124 The recommendations made in this Report will have a subsequent impact on Policy, page and paragraph numbering.

125 I recommend:

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

## **8. Summary**

126 Taking all of the above into account, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

127 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

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

## **9. Referendum**

129 I recommend to South Northamptonshire Council that, subject to the modifications proposed, **the Harpole Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

130 I am required to consider whether the Referendum Area should be extended beyond the Harpole Neighbourhood Area.

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

132 Consequently, I recommend that the Plan should proceed to a Referendum based on the Harpole Neighbourhood Area approved by South Northamptonshire Council on 15 April 2013.

**Nigel McGurk, March 2017**  
**Erimax – Land, Planning and Communities**

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