

Borough Council of Wellingborough

In respect of the matter of the Earls Barton Neighbourhood Development Plan

FINAL DECISION STATEMENT (14 September 2015)

1. Overview

- 1.1 Following the successful independent examination of the Earls Barton Neighbourhood Plan, and following the resolution of Services Committee on 14 September 2015, the Borough Council of Wellingborough (BCW or the council) are pleased to confirm that the Plan will now proceed to a community referendum.

2. Background

- 2.1 The Earls Barton Neighbourhood Plan is the first Plan of its type to reach such an advanced stage within the borough. The Plan is a result of a significant level of endeavour shown by the Parish Council to shape the future growth of the village in a way that is in full conformity with the strategic aspirations of both the borough council and the North Northamptonshire Joint Planning Unit (NNJPU). This process has been aided wherever possible by a high level of collaboration between all three parties – the Parish Council, the borough and the NNJPU.
- 2.2 On the 28 June 2012 the entirety of Earls Barton Civil Parish was formally designated as a neighbourhood area for planning purposes by BCW in accordance with the Neighbourhood Planning (General) Regulations 2012. This served as the commencement of almost exactly two years of local level consultation and evidence gathering prior to the formal submission of the Plan to the council on 26 June 2014.
- 2.3 Upon receipt of the Plan, the council undertook a legal check of the process and the supporting documentation, confirming it as a legal submission by way of a notice issued on 2 July 2014. Past this point, the council resolved to submit to independent examination following a period of statutory publicity under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 2.4 In February 2015 the council appointed an external and independent examiner, Mr Richard High, to review whether the Plan meets the basic condition tests (as described in the Town and Country Planning Act 1990) and should therefore move forward to referendum. Mr High has since concluded his examination and returned a favourable recommendation that, subject to a number of minor amendments to the policies of the Plan it should proceed to referendum.

2.5 The commensurate review of the recommendations of the examiner is set out in Table 1, below. In short, it is the view of the council that all changes should be accepted and incorporated into the draft of the Plan to be presented for referendum. The option is also available to the council to make additional minor changes to the Plan, including those relating to grammar or formatting, providing that as a whole the document continues to comply with the basic conditions. BCW has therefore undertaken an editorial review of the Plan and has legislated to make a small number of insubstantial changes designed to ensure the Plan reads well and is entirely legible. These further changes are set out in Table 2. These changes will also be incorporated into the Plan to be made available for referendum.

3. Decision and response to recommendations

3.1 The council has made a number of modifications to the Plan submitted for independent examination following the issue of the examiner's report. The reason for each of these changes is set out in Tables 1 and 2 below, along with a clarification of the exact alteration made.

Table 1 – Examiner recommended changes

Examiner recommendation	Reason	Action taken
(Plan Objectives) On page 15 in the first bullet point below the objective headed Access delete 'direct' and insert 'good'	To ensure consistency of the objectives of the Plan with the presumption in favour of sustainable development.	Modification made as recommended. Any other direct reference to the objective within the Plan reviewed accordingly.
(Policy EB.G1) The following amendments to the criteria in Policy EB.G1 are necessary to be consistent with the presumption in favour of sustainable development: Reword the first criterion to read 'approximately 280 dwellings with an affordable housing contribution in line with policies elsewhere within the development plan and a range of house types in accordance with the needs identified in the latest published Housing Needs Survey or Strategic Housing Market Assessment; Reword the beginning of the second criterion to read 'approximately 6 ha of land for sports and leisure facilities...'	To ensure that the first two criteria of the policy are not unnecessarily rigid and are in line with the presumption in favour of sustainable development. To ensure that the penultimate criterion of the policy is more effective and can be applied effectively when determining planning applications.	Modifications made as recommended. Any other references made to the development aspirations at The Grange within the plan reviewed accordingly.

<p>Reword the first part of the penultimate criterion to read 'The provision of vehicular access that will not result in an unacceptable harm in terms of highway safety or increased congestion along the A4500 at peak times and...'</p>		
<p>(Policy EB.GD1) The policy refers to 'any proposals' (plural) but the criteria refer to 'it' (singular). This reads awkwardly and would be resolved by the insertion of 'in each case' after 'provided that...'</p> <p>In the 5th bullet point reword the last part to read '...in accordance with the needs identified by (the*) most up to date published Strategic Housing Market Assessment or Housing Needs Survey;'</p> <p>Reword the last bullet point to read 'development that does not meet these criteria will not be supported'.</p>	<p>To aid the flow and usability of the policy. To ensure that the policy does not include unduly onerous criteria relating to the demonstration of housing need.</p>	<p>Modifications made as recommended. *Note: BCW insertion to aid the flow of the sentence</p>
<p>(Key diagram) To correct omissions by error, replace the Earls Barton Neighbourhood Plan Key Diagram with the amended version submitted on 18th March 2015 and attached as Appendix 3 (of the examiner's report) (subject to further modifications in respect of Policy EB.OS1)</p>	<p>To overcome a clerical error made during the drafting of the Plan and to ensure that the settlement boundary is applied consistent with the intent of the Plan.</p>	<p>Modification made as recommend and Fig 3 of the Plan to be replaced by the updated map.</p>
<p>(Policy EB.GD2) Delete the last criterion in Policy EB.GD2 In the last sentence of the supporting text at the bottom of page 22 delete 'in exceptional circumstances'.</p>	<p>To ensure that the policy wording is not unduly onerous. To ensure that the supporting text reads well (syntax).</p>	<p>Modifications made as recommended.</p>
<p>(Policy EB.D1) Reword the second criterion of policy EB.D1 to read 'demonstrably protect, conserve or enhance...'</p>	<p>To ensure that the policy is reasonable in every respect and conforms with the NPPF.</p>	<p>Modification made as recommended.</p>
<p>(Policy EB.D1) Delete the 4th bullet point in policy EB.D1.</p>	<p>To bring policy EB.D1 in line with ministerial advice issued on 25 March 2015 that post-dated the drafting of the</p>	<p>Modification made as recommended.</p>

	Plan.	
<p>(Policy EB.OS1) In policy EB.OS1 in the second line insert after ‘...protected from development’ ‘that is not consistent with their function as Local Green Spaces’ and continue with the remaining existing wording. Delete the spaces numbered O4, O5, O6, O7 and O10. On the Key Diagram delete the spaces which will not be designated as Local Green Spaces and number the remaining ones to identify them.</p>	<p>To bring policy EB.OS1 in line with the intent behind Local Green Space designation, as set out in paras 76 and 77 of the NPPF.</p>	<p>Modifications made as recommended. The remaining Local Green Spaces to be renumbered O1 to O6 as a result of deletions.</p>
<p>(Policy EB.LB1) Reword the third criterion to read ‘where off-street vehicular access or parking is provided it would not have a harmful effect on adjoining residential or non-residential uses’.</p>	<p>To ensure that policy EB.LB1 is not unduly onerous.</p>	<p>Modification made as recommended.</p>
<p>(Policy EB.T1) Reword Policy EB.T1 to read ‘Proposals (of no more than x sq m) that would generate a substantial requirement for parking within the ‘areas of constrained access’ both listed below and identified on the Key Diagram will only be permitted where they can demonstrate that adequate provision has been made for off-street parking.’</p>	<p>To ensure that policy EB.T1 is not unduly onerous.</p>	<p>BCW accept that modifications should be made to this policy to ensure that it is not unduly onerous. At the same time it is also the view of the Council that sufficient evidence is not available to justify the setting of a rigid threshold. Having consulted further on this matter with NCC Highways it is proposed to amend this policy with an approach that requires the likely impact of off-street parking need, and the likely effects of parking, to be assessed on a case by case basis. The proposed wording put forward by BCW, in agreement with NCC, is as follows: ‘Proposals that generate a significant number of trips within the ‘areas of constrained access’</p>

		both listed below and identified on the Key Diagram will only be permitted where they can demonstrate that adequate provision has been made for off-street parking.'
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Table 2 – BCW proposed changes

Page number or reference	Amendment to Plan
1. Introduction	In the 2 nd paragraph insert 'covering the Parish' after 'statutory development plan'. (accuracy)
Para 1.2	Rename 'Earls Barton Neighbourhood Plan Area' (accuracy)
Para 1.2	Reword first sentence 'The area covered by this Neighbourhood Plan incorporates the entirety of Earls Barton Civil Parish, including the village at its core'. (flow)
Para 1.3	Reword the first sentence 'The Government's intention, set out in the Localism Act 2011, was for local communities...' (accuracy)
Para 1.3	Sentence beginning 'This means that they must conform to European Union...' change 'Environmental' and 'Habitats' to all lower case. (grammar)
Para 1.3	Beginning of 3 rd paragraph reword first sentence to read 'Emerging policy should also be a matter that is considered by the Neighbourhood Plan' to ensure that the wording is more targeted and reads well. (flow)
Para 1.3	Second sentence onwards of 3 rd paragraph to be reworded to read 'The North Northamptonshire Core Spatial Strategy, covering the period 2001-2021, and the saved policies of the Borough of Wellingborough Local Plan, were both under review during the preparation of this Neighbourhood Plan. Including the withdrawn Preferred Options Site Specific Proposals Development Plan Document this Neighbourhood Plan has had full regard of the evidence underpinning these three documents.' This rewording is both neater and also ensures that the final adopted Neighbourhood Plan reads as a contemporary document in the context of higher level policy. (to ensure the plan remains contemporary and flow)
Para 1.5	Remove capital letter from 'National'. (grammar)
Para 1.5 (p9)	Reword the final sentence of the 4 th paragraph to read ' <i>...Likely Significant Effects</i> arising from the plan provided that the following measures were translated into its policies:' Format the bullet list with figures i), ii) and iii) to ensure legibility. Begin each bullet with the following respectively: i) The strengthening of the design objective of

	<p>the plan to commit to the protection, enhancement...</p> <p>ii) A policy to ensure...new residents; and</p> <p>iii) Consideration of measures to monitor...</p> <p>The following amendments will all ensure that this section reads and flows well. (formatting and flow)</p>
Section 2	Reformat all sub-headings and number 2.1, 2.2 etc consistent with the rest of the Plan document. (formatting)
Section 2	The footnote does not have a corresponding reference point within the text. This should either be inserted at an appropriate point or more usefully be integrated into the introductory text of the 1 st paragraph. (formatting)
Section 2	Add space between the 1 st sentence and the 2 nd sentence of the 2 nd paragraph. (formatting)
Section 2	Add a comma after 'Barker Shoes' in the 3 rd paragraph. (grammar)
Section 2 (p11)	Reword the 1 st sentence of the 5 th paragraph to read '...with shared ownership levels falling below the national average.' (flow)
Section 2 (p11)	Reword the 2 nd sentence of the 5 th paragraph so it reads "However, the Housing Needs Survey prepared in support of this Plan, published in October 2012, identifies that all forms of rent and home ownership are unaffordable for the lower quartile income group although Housing Benefit may be available to the lowest income group.' This amendment recognises that a fresh Housing Needs Survey may be prepared during the lifetime of the Plan. (to ensure the plan remains contemporary)
Section 3	Reformat all sub-headings and number 3.1, 3.2 etc consistent with the rest of the Plan document. (formatting)
Section 3	In 1 st paragraph remove the word 'also' after 'NPPF' (flow)
Section 3	In 3 rd paragraph add a full stop after 'It is not against development.' and then begin a new sentence. (structure)
Section 4	Development objective: change 1 st bullet to 'Allocate land for approximately 280 new dwellings' to bring it in line with the examiner's recommended change to the corresponding policy. (consistency with examiner recommendations)
Section 4	Design objective: Remove capital 'D' from development in 4 th bullet. (grammar)
Section 6	Prior to the paragraph beginning 'To aid understanding...' insert a new formatted heading within a green box that reads '6.2 Policy format'. This is due to the fact that this paragraph represents a change in sub-section, from the explanation of the village boundary to an overview of the format of policies. Change all numbered headings in Section 6 accordingly (6.2 to become 6.3 etc) (formatting)
Section 6	Policy EB.G1: Following the paragraph entitled evidence

	insert reference to the additional evidence consulted during Regulation 16 consultation and considered by the examiner entitled 'Earls Barton Neighbourhood Plan Housing Site Selection Process' for completeness. (consistency with final agreed evidence base)
Para 6.3	In the paragraph beginning 'The Neighbourhood Plan acknowledges...' change the 3 rd sentence to read 'These developments will be supported subject to their ability to demonstrate they will have no adverse effects on amenity of neighbouring...' (grammar)
Para 6.4	Add a paragraph break after the 3 rd paragraph beginning 'The design and heritage...' (formatting)
Para 6.6	Change the 2 nd sentence of the 3 rd paragraph to read 'It also contains a post office, small library, two estate agents, a fish and chip shop, an Indian restaurant and a limited range of additional eateries.' (grammar)
Para 6.6	In the 4 th paragraph change the 3 rd sentence to read 'The emerging Joint Core Strategy identifies Earls Barton as one of the key villages in the rural area with a role in providing community infrastructure...' (accuracy)
Para 6.7	This very long paragraph should include paragraph breaks at the sentences beginning 'Earls Barton is within...'; 'The nation has increased the stock...' and; 'net job creation within the Borough...' (formatting and flow)
Para 6.8	Include paragraph breaks at the sentences beginning 'The village is becoming more congested...' and 'New development which potentially exacerbates...' (formatting and flow)
Para 6.8	Change the wording of the 5 th sentence to read '...of particular concern to local residents aligned with parking issues...' (grammar)
Section 7	Change the 1 st paragraph to read 'The Earls Barton Neighbourhood Plan covers the period between 2011 and 2031 to tie in with the plan period of the Joint Core Strategy. It is currently intended, however, to review the current plan after a period of 5 years.' (flow, grammar and accuracy)
Section 8	In the table setting out the monitoring targets change the indicator for the 6 th target (Green Space) to 'No reduction in 6 designated areas'. (consistency with examiner recommendations)
Appendix 1	Delete reference to 'Code for Sustainable Homes' from the Glossary. (consistency with examiner recommendations)
Appendix 1	Change the 1 st sentence in the definition of 'Localism Act' to 'An Act of Parliament which gained Royal Assent in November 2011'. (accuracy)
Appendix 1	Delete reference to 'Principal Village'. (accuracy)
Appendix 1	Alter reference to read 'Scheduled Ancient Monument' (accuracy)
Appendix 1	In the definition of 'Use Classes' insert the qualifying statement 'Selected Use Classes referred to in this Plan are defined as follows:' before the list of Use Classes as

	this list is not a comprehensive reproduction of the Order. (accuracy)
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- 3.2 The Council have considered the appropriate area to be covered by the referendum for the Plan and concur with the examiner. Accordingly, the referendum area should cover the whole of Earls Barton Civil Parish only.
- 3.3 The examiner recommends that, in the event that the suggested amendments set out in Table 1 are taken into account that the Plan meets the Basic Conditions in full. As detailed above the Council resolve to accept all amendments and in which case similarly concur that the Plan meets the Basic Conditions in full. A number of additional changes are proposed by the Council, as set out in Table 2, that will aid the usage of the Plan through corrections of grammar, formatting, consistency or matters of fact. No additional changes are proposed by the Council to the statutory policies of the Plan.
- 3.4 In line with the requirements of the Localism Act 2011 it is therefore proposed to hold a referendum to determine whether the Plan should be incorporated into the development plan of the Borough. The following question will be posed at the referendum, in line with the Neighbourhood Planning (Referendum) Regulations 2012 (as amended):
- “Do you want the Borough Council of Wellingborough to use the neighbourhood plan for Earls Barton to help it decide planning applications in the neighbourhood area?”*
- 3.5 The date on which the referendum will take place is agreed as 29 October 2015.