

MAIDWELL WITH DRAUGHTON NEIGHBOURHOOD PLAN

Submission Draft Version

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

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1.0 Summary

- 1.1 The Maidwell with Draughton Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the villages of Maidwell and Draughton and surrounding countryside.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies, to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policy MD3b;
 - Clarification of the wording of policies and the supporting text; and
 - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Maidwell with Draughton Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Maidwell with Draughton Neighbourhood Plan.
- 2.2 The Parish of Maidwell with Draughton lies 20 miles to the east of Daventry and 11 miles north of Northampton within the boundary of Daventry District Council. It is a rural parish with the historic villages of Maidwell and Draughton at its heart. At 2011 there were 323 people living in 138 dwellings. There were also 103 boarders at Maidwell Hall School.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Maidwell with Draughton Neighbourhood Plan (MDNP) by Daventry District Council with the consent of Maidwell with Draughton Parish Council in March 2019. I do not have any interest in any land that may be affected by the MDNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph

8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. 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);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: 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 2017.

2.6 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.7 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if it is to be extended, the nature of that extension.

2.8 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

- 2.9 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

- 2.10 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.11 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.12 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the MDNP 2018 – 2029.
- 2.13 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening statement for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.14 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

Legislative Requirements

Qualifying Body

- 2.15 The neighbourhood plan making process has been led by Maidwell with Draughton Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the MDNP Steering Group on behalf of the Parish Council.
- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

The Plan Area

- 2.17 The Neighbourhood Plan area is co-terminus with the parishes of Maidwell and Draughton. The area was designated by Daventry District Council on 5 June 2017 as a Neighbourhood Area. The Basic Conditions statement confirms that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

Plan Period

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan shows the date 2018 - 2029.

Excluded Development

- 2.20 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

- 2.21 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. Subject to the modifications proposed, the MDNP policies would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.22 The submitted Plan contains a section headed Non-Land Use Policies and Parish Actions which is clearly distinguished from the land use planning policies.
- 2.23 I am satisfied therefore that the MDNP satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.24 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.

- 2.25 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.26 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”
- 2.27 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
- 2.28 The NPPF of 2012 is referred to in this examination. Paragraph 214 of Appendix 1 of the February 2019 NPPF states that the policies of the 2012 NPPF will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. The footnote to this paragraph confirms that this applies to neighbourhood plans.
- 2.29 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to be used in determining decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan.
- 2.30 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that “*all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from*

expanding should be avoided unless they can be supported by robust evidence”.

- 2.31 Section 5 of the Basic Conditions Statement includes comments on how the MDNP has sought to deliver the core principles of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.32 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.33 Section 4.4 of the Basic Conditions Statement highlights how the MDNP has sought to deliver the three arms of sustainable development.
- 2.34 I am satisfied that the Plan has considered the future social, economic and environmental needs of the parish and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.35 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises the West Northamptonshire Joint Core Strategy was adopted in 2014 and the saved policies of the Daventry District Local Plan 1997. The Council is progressing the Settlements and Countryside Local Plan (Part 2) for Daventry District and submitted the Plan to the Secretary of State on 19 December 2018.
- 2.36 However, given how dated the Local Plan is, the MDNP has given considerable weight to the West Northamptonshire Joint Core Strategy and the evidence base of the emerging Local Plan, particularly in relation to housing provision. Table 2 of the Basic Conditions Statement provides a summary of how each of the Neighbourhood Plan policies is in general conformity with the Strategic Policies of the West Northamptonshire Joint Core Strategy (WNJCS) and the Saved Policies of the Daventry Local Plan (DLP).
- 2.37 The Council has made a number of comments on the wording of the policies and text of the MDNP to ensure general conformity with the strategic policies of the development plan. They have proposed a number of revisions to clarify the wording of the policies. Section 4.5 of the Basic Conditions Statement sets out an assessment of how the policies of the plan are in general conformity with strategic policies. I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.38 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.39 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Daventry District Council) that the plan is not likely to have “significant effects.”
- 2.40 A screening opinion for the purposes of Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken by Daventry District Council in May 2018 on the Regulation 14 draft Plan. DDC has confirmed that there were no significant changes to the Neighbourhood Plan from draft to submission that would require a review or addendum to the SEA and HRA screening reports.
- 2.41 The Screening Report concludes in paragraph 5.2 – 5.3 that:
- “A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken. The assessment finds that no significant effects will occur as a result of the implementation of the Maidwell with Draughton Neighbourhood Plan. The assessment also finds many of the policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy which have been subject to a full SA/SEA where no significant effects were identified.*
- “Consequently from the findings of the screening assessment it is recommended that a full SEA does not need to be undertaken for the Maidwell with Draughton Neighbourhood Plan.”*
- 2.42 The HRA Screening Assessment concludes in paragraphs 5.5 that:
- “A screening assessment to determine the need for HRA in line with regulations and guidance was undertaken It has found that many of the policies are in conformity with the policies of the West Northamptonshire Joint Core Strategy which was subject to full HRA which found no significant or in combination effects. It is considered that due to the plan demonstrating conformity with the West Northamptonshire Joint Core Strategy that it will not result in any significant effects, alone or in combination, upon the Upper Nene Valley Gravel Pits SPA/RAMSAR or the Rutland Water SPA/RAMSAR sites.”*
- 2.43 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the screening reports and they confirmed the conclusions of the SEA and HRA assessments that there were

unlikely to be significant environmental effects from the proposed plan. Their responses are included in Appendix E of the SEA / HRA Screening report.

2.44 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.

2.45 Paragraph 4.6.3.1 of the MDNP states that

“The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups. There was extensive consultation and engagement in identifying issues and objectives and the draft Neighbourhood Plan was consulted on as required by Regulation 14 of the Neighbourhood Planning (General).”

2.46 Two representations have stated that their human rights have been affected by the way that the consultation on the Plan has been carried out. I have considered whether the consultation process has met the statutory requirements below and from the evidence provided, I have no reason to believe that it has failed to address the Human Rights requirements.

2.47 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the MDNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

2.48 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

2.49 Consultations with the village community were undertaken during the early part of 2016 to consider what might be appropriate ‘village confines’ that confirm the areas for built development within each of the two main settlements in the parish. The District Council acknowledged that this work could be incorporated into the emerging Neighbourhood Plan.

2.50 A newsletter was sent to all residents and local businesses in March 2017 to publicise the exhibition of confines proposals followed by a public meeting for residents on 27 April 2017, to consider the responses to the consultation on village confines and whether to progress with the preparation of a Neighbourhood Plan.

- 2.51 The preparation of the Neighbourhood Plan then commenced with the following events:
- September – October 2017 Questionnaire survey underway
 - November - Newsletter to all residents summarising responses
 - December - Plan vision and objectives drafted
 - January 2018 - Data gathering and plan drafting
 - 10 April - 22 May 2018 - Pre-submission consultation with residents, local businesses, landowners and statutory consultees starts
 - December 2018 - Draft plan and supporting documents submitted to DDC.
- 2.52 The following methods for sharing ideas and feedback with local people were put into use:
- Open discussion at meetings of the Parish Council;
 - Presentations at interactive public meetings on progress with the Plan;
 - Surveying household priorities;
 - Focused meetings with key landowners, agents and employers;
 - Updates via the parish newsletter and Parish website;
 - Information on Parish website
- 2.53 A copy of the pre-submission draft Neighbourhood Plan document was distributed to all households and businesses in the parish in the week beginning 9 April 2018 to commence the statutory six week consultation stage in accordance with Regulation 14 of the Neighbourhood Plan Regulations. A questionnaire was attached to the draft document to encourage comment and feedback on its shape and content.
- 2.54 The draft Neighbourhood Plan was also distributed to each of the statutory consultees during this period and the responses received were taken into account in preparing the Submission draft Plan.
- 2.55 The responses received during the Regulation 14 consultation have been recorded in Appendix E of the Consultation Statement, together with the responses and amendments to the final Plan document.
- 2.56 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Daventry District Council between 10 December 2018 and 4 February 2019. Twenty nine responses were received.
- 2.57 From the evidence presented to me in the Consultation Statement, I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.58 This report is the outcome of my examination of the Submission Draft Version of the MDNP. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes

recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Daventry District Council.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is clearly and coherently presented with policies addressing the village confines, Green Space, landscape character, nature conservation, built heritage, housing, design, economy, community facilities and traffic. The policies are clearly distinguishable by surrounding boxes. There is a separate section setting out Non Land Use Policies and Parish Actions.
- 3.5 Policy boxes should contain only the policy wording; other explanatory text and photographs should be included in the justification. It would be helpful to plan users to renumber the policies so that they are all numbered numerically. The policies should be reviewed to ensure that there are written in a consistent format: sections of policies should be numbered, policy criteria identified by letters and sites by numbers. Bullet points in policies should be avoided. This will help plan users when referring to sites and criteria in reports and planning applications.
- 3.6 The Plan contains 3 Policies Maps of the whole parish and inset maps of each village. There are also maps showing the important open spaces and heritage assets. The maps are legible, and the key is linked to the relevant policies. It would be helpful to plan users if the Maidwell village map were shown at full page. DCC has noted that all maps with an Ordnance Survey base should contain clear licensing and copyright information. A number of

errors have been highlighted in the representations and these are included under the relevant policies or list of typographical errors at the end of my report as appropriate. It is essential that the document is carefully proofread before it is finalised.

- 3.7 Policy MD5 states that certain types of development “will be permitted”. The NPPF paragraph 11 states that “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.*” The decision making authority will consider the policies of the development plan as a whole as well as other material considerations in determining planning applications. A Neighbourhood Plan cannot determine whether a particular form of development will or will not be permitted.
- 3.8 Daventry District Council has made a number of suggestions to improve the clarity of the text of policies and their justifications. I have asked the Qualifying Body for their comments on these and recommended them where appropriate as modifications under the relevant policies.

The Neighbourhood Plan - Policies

Introduction

- 3.9 The introductory sections of the Plan provide a succinct summary of the background to the Plan, the strategic planning context and the consultation undertaken during the preparation of the Plan. It would be helpful to plan users to make it clear in section 3 of the Plan that full details of the consultation can be found in the Consultation Statement.
- 3.10 Whilst paragraph 2.3 acknowledges that the plan makers have sought to ensure that the MDNP is complementary to the emerging Local Plan, it may be helpful to note that the neighbourhood plan policies may be superseded by strategic or non-strategic policies that are subsequently adopted.
- 3.11 The Plan initially focussed on defining new village confines to confirm the areas for built development within the two villages to allow for growth over a ten year period. This work was then incorporated into the preparation of the Neighbourhood Plan. In its comments on the Regulation 14 draft Plan DDC considered that the confines for Maidwell as defined were too loosely drawn and could give rise to a level of development that would not be in conformity with the existing and emerging Local Plans. The village confines were revised following discussions with DDC officers.
- 3.12 The emerging Local Plan proposed Maidwell as an “Other Village” and Draughton as a “Small Settlement / Hamlet”. This meant that Draughton was a small settlement in the countryside where it would not be appropriate to define village confines.

- 3.13 Section 6 sets out the Vision and Objectives. The Vision is clear and has been subject to public consultation. The Objectives should provide a clear direction for the development of the policies of the Plan. However, the objectives do not include any to address the subjects of economy and employment, or nature conservation / biodiversity. It is also suggested that the list of issues in paragraph 4 should be checked to ensure that include all matters addressed in the Plan.
- 3.14 The Wildlife Trust has suggested that the Plan and its objectives should be strengthened to address the retention, protection, enhancement , future delivery and appropriate management of biodiversity and green infrastructure assets. I consider that these subjects are adequately addressed through strategic policies. The approach adopted in the MDNP to focus on the Local Wildlife Sites is considered to be appropriate.

Recommendation 1: Add the following to the end of paragraph 2.3 “*The neighbourhood plan policies may be superseded by strategic or non-strategic policies that are subsequently adopted.*”

Revise the first objective to read “To protect *and enhance* the landscape, *biodiversity* and heritage of the Plan area.”

Add a new objective: “*To promote opportunities for the development of employment opportunities of an appropriate scale.*”

Add the following at the beginning of paragraph 3.1.4 “*Full details of the consultations carried out are available in the Consultation Statement.*”

Review list of issues set out in paragraph 4.

- 3.15 Paragraph 7.1.4 notes that all policies of the Plan must be considered together in forming a view of a development proposal. The NPPF paragraph 11 states that “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.*” The decision making authority will consider the policies of the development plan as a whole that is the Local Plan and Neighbourhood Plan as well as other material considerations in determining planning applications. It is suggested that this paragraph should be revised to better reflect national policy.

Recommendation 2: Revise paragraph 7.1.4 to read: “*Planning applications must be determined in accordance with the development plan, that is the Local Plan and the Neighbourhood Plan, unless material considerations indicate otherwise.*”

Policy MD1 Village Confines and Development Principles

- 3.16 The policy supports development in the village confines of Maidwell. Criterion d) states that development in the countryside will only be allowed in exceptional circumstances. The clarity of this statement should be improved by stating that development in the countryside will be supported where it accords with national and strategic policies.
- 3.17 DDC has commented on the wording of paragraph 4.5.4 and proposed revisions to better reflect the approach to development in the two villages as set out in the emerging Local Plan. I agree with the revisions proposed.
- 3.18 DDC has also commented on the wording of paragraph 7.2.1 stating that it needs to be revised to reflect the wording of Policy MD1 which makes provision for limited development within the village confines of Maidwell only. They comment that paragraph 7.2.2 should be revised to say that development “may be acceptable”. I agree that the revisions help to improve the clarity of the Plan.
- 3.19 DDC has commented on criterion c) which refers to “maintaining important views within the village” and notes that these are not defined in the Plan neither have they been consulted on. I agree that the lack of evidence on this subject would mean that it would not be possible for decision makers to apply this part of the policy consistently and it does not therefore conform with national planning guidance.
- 3.20 Historic England has commented that criterion a) should state “conserving and enhancing” to reflect national planning guidance. I agree with this suggestion.
- 3.21 Paragraph 7.2.2 refers to “Limits to Development”. This should be revised to “village confines” in the interests of consistency.
- 3.22 A number of representations have been received that support the village confines boundary as defined in the submission draft plan. Others have commented on their suitability; in summary:
- that it only includes part of their gardens;
 - that Maidwell Hall School and Manor Farmyard have been excluded;
 - others have referred to the need to provide land for the future sustainable development of the village;
 - another proposes the inclusion of a parcel of land north of Draughton Road, Maidwell;
 - others have noted the significance of the historic area of the village.
- 3.23 Village confines are a planning tool to help to define the area of the village that is considered suitable for future development. They should be drawn up following agreed criteria; they do not have to follow boundaries or to take account of the historic development pattern of the settlement. Where the Plan makes provision for future housing and other development, it should be

supported by evidence that there are sufficient opportunities available to deliver the planned level of growth, this may be through windfall and infill development as well as through site allocations. In any case the level of growth should be in general conformity with the strategic policies for the settlement.

- 3.24 Housing development in the plan area has been limited. Since 2013, only 4 dwellings have been completed and there are 2 dwellings currently with planning permission.
- 3.25 I am satisfied that there has been adequate consultation on the village confines and that they have been defined to take account of the emerging strategic policy for the plan area that defines Maidwell as an “Other Village” where development is to be limited to windfall and infill development as well as some development to meet local needs.
- 3.26 I note that the Parish Council has objected to the designation of Maidwell as a third tier settlement - an “Other Village” - in the settlement hierarchy of the emerging Local Plan and they have proposed that it should be designated as a “Secondary Service Village”. If the designation is changed, it may present the opportunity for the MDNP to be revised with a view to considering the allocation of some land for housing development.
- 3.27 It is not my role to consider whether other parcels of land may be suitable for development.
- 3.28 I have noted that Maidwell Hall School has indicated a desire to expand the facilities at the school in the future. They have concerns that the position of the village confines may limit the potential for them to do this. DDC has confirmed that strategic policies would be applied to consider such development. In the circumstances, I consider that the village confines as defined would not unduly restrain appropriate development of Maidwell Hall School.

Recommendation 3: Revise Policy MD1 as follows:

Revise criterion a) to read “*Conserving and enhancing*”

Revise criterion c) to read: “*Positioning development in order to maintain the landscape settings of the villages and across the parish:*”

Place criterion 2d) as a new point after point 1 of the policy and revise to read: “*Development proposals outside the Maidwell village confines will be supported where they accord with national and strategic planning policies.*”

Revise the second sentence of paragraph 4.5.4 to read: “*This could accept a small amount of growth in Draughton of 1-2 properties in the Plan period, where it accords with Policy RA6 of the emerging Local Plan, and approximately 13-14 dwellings in Maidwell over the plan period within the village confines.*”

Revise paragraph 7.2.1 to read: “Any new development within the village of Maidwell should be focused on the built up area of the village. Development in the rural parts of the parish including Draughton will only be acceptable exceptionally and will need to satisfy national and strategic policies on development in the countryside.”

Revise the first and last sentences of paragraph 7.2.2 to read: “...development *may be acceptable in principle*...”. “...within the agreed *village confines*.....”

Policy MD2a Protecting Local Green Space

- 3.29 The policy proposes the designation of two areas as Local Green Spaces. The Brampton Valley Way picnic area is in the countryside outside both villages but is easily accessed from both as it is alongside the lane and close to the footpath linking the two villages and includes a small well landscaped car park. It is part of a long distance footpath and is designated a Local Wildlife Site. Whilst footpath routes do not usually satisfy the criteria to be designated as Local Green Space, the area clearly forms a focus for recreational activities in the area. The boundaries of the area are not clearly defined and it should be limited by the footbridge to the south and the edge of the car park to the north.
- 3.30 The second site is a small grassed recreation and amenity area to the rear of the Loder Hall. A representation has noted that the boundary of site b) shown on Map 3 is incorrect. It is recommended that the boundary should be verified and corrected as necessary.
- 3.31 The wording of the policy should be revised to delete reference to the NPPF criteria from the policy itself. The policy for managing future development within the areas should be revised to refer to “very special circumstances” in accordance with NPPF paragraph 78. The assessment of the sites against NPPF criteria should be placed in the justification or an appendix. The sites should be shown on the Policies Map and numbered.

Recommendation 4: Revise Policy MD2a to read:

“The following sites are designated as Local Green Spaces:

- 1. Part of Brampton Valley Way;**
- 2. Recreation area at rear of Loder Hall, Harborough Road, Maidwell.**

Development that will harm the permanent open character of these Local Green Spaces will only be supported in very special circumstances.”

The sections headed NPPF criteria, the photographs and the inset maps should be placed in the justification.

The sites should be numbered on the Policies Map. The boundary of site a) should be limited by the footbridge to the south and the edge of the car park to the north. The boundary of site b) should be corrected on Fig 10, Fig 25, Policies Map 2 and Important Open Space - Maidwell Map 3.

Policy MD2b Protecting Other Important Open Space

- 3.32 This policy designates 14 verges and visibility spays and an area of unfarmed land as important open spaces. The policy seeks to resist development on them that would impact on their function as green space. An exception is made for enabling development such as highway visibility splays and access.
- 3.33 Anglian Water has commented that there are a number of sewers or water mains within the boundaries of the green spaces. They have requested that a further exception should be made for access to utility infrastructure. As works to utility infrastructure are usually carried out as permitted development and would not result in the permanent loss of the sites, it is not considered necessary to make an exception for this form of development in the policy. Reference to it may be included in the justification.
- 3.34 With the exception of site d) in Draughton, all the sites are highway verges maintained by the Highways Authority. It is not usually necessary to protect verges as green spaces in view of their limited scale and nature. However the Plan recognises the contribution of the verges to the character of the villages.
- 3.35 Site d) in Draughton is of a very different nature; it is a small area of woodland on the edge of the village. If it is to be protected it would be more appropriate for this to be through a Tree Preservation Order. It is recommended therefore that it should be deleted from Policy MD2b.
- 3.36 DCC has commented on the use of the terms “diversity” and “enabling development”. It is considered that the term “diversity” is not appropriate in these circumstances; it is suggested that the term “distinctiveness” would better reflect the intentions of the policy. “Enabling development” refers to development that would usually be considered harmful but is considered acceptable because the resulting benefits outweigh the harm, usually in the context of achieving the conservation of historic buildings. Revisions to the policy wording are proposed to clarify it.

Recommendation 5: Revise Policy MD2b as follows:

“The following areas are designated as Important Open Spaces. They should be safeguarded and enhanced as green spaces. Exceptions to this would include where the land is required to provide highway visibility splays or access.” List of sites. Delete site d).

The reasons for designating the sites (their contribution to local *distinctiveness*, amenity and the historic context) should be included in the justification.

Include reference to the need to access utility infrastructure in the justification.

Move the photographs to the justification.

Delete site d) from the Policies Map and VIOS Draughton Map 2. Delete from the key to the Map on page 43. Correct typographical errors on key.

Policy MD3a Protecting and Enhancing Landscape Character

- 3.37 The policy sets out matters to be taken into account in considering proposals for development in order to protect and enhance landscape character. The policy relies on the findings of the Daventry Landscape Character Assessment 2017 and relevant sections are summarised in section 4.3.7.
- 3.38 Emerging Local Plan Policy ENV1 sets out a detailed approach to maintaining the distinctive character and quality of the District's landscapes based on the 2017 Daventry Landscape Character Assessment. It lends support to the identification of suitably evidenced local landscape designations in Neighbourhood Plans. It would be helpful to plan users to make reference to the strategic policy.
- 3.39 Policy MD3a identifies locally distinctive features relevant to the plan area to supplement the matters set out in the emerging strategic policy. The Wildlife Trust has commented that there is priority Ancient Woodland Habitat within the Local Wildlife Sites. However, there is no reference to any areas of ancient woodland in section 4.3. Additional text is proposed to refer to ancient woodland. It is recommended that criterion a) is revised to "ancient woodland" and a description of the areas is included in section 4.3. The term "historic woodland" should be avoided as it is not a term used in England.
- 3.40 The punctuation of the policy should be improved to include "or" at the end of each criterion. The typographical error in criterion b) should be corrected.
- 3.41 DDC has commented on the wording of paragraph 4.3.4 and noted that "*landscape character assessment is a process used to identify and describe variations in the character of the landscape. It is undertaken for a range of purposes, including providing evidence for land use policies and decisions, however, it is not a decision making tool in itself*". I have recommended revisions to the wording of this paragraph to better define the landscape character assessment process.

Recommendation 6: Revise Policy MD3a as follows:

Revise the first paragraph to read ".....Neighbourhood Plan area as defined in the Daventry Local Landscape Character Assessment 2017 in accordance with the Local Plan policy. In addition, development proposals should:

Revise criterion a) to read “Protect areas of *ancient woodland*”.

Delete “and” from criterion b) from between “local” and “landscape”.

Punctuate the criteria with a semi colon and “and/or” after criteria a) and b).

Add the following to paragraph 4.3.9.2 “*Northamptonshire Wildlife Trust has confirmed that the Local Wildlife Sites in the Neighbourhood Plan all contain priority Ancient Woodland Habitat within them.*”

Revise paragraph 4.3.4 to read: “.....It is a *process which identifies and describes variations in the character of the landscape based on the interaction between landform....influence. Its role is to describe the intrinsic character or features of value within a landscape.*”

Policy MD3b Special Landscape Areas

- 3.42 The Special Landscape Area was designated in the 1997 Local Plan. The emerging Local Plan is supported by a review of the Special Landscape Areas throughout the District. The MDNP is proposing to revise the Special Landscape Area to retain the area to the south and west of Draughton that the emerging Local Plan is proposing to delete.
- 3.43 DDC has commented that if the MDNP wishes to designate an area of local high quality landscape that will endure beyond the adoption of the Part 2 Local Plan, it needs to be supported by appropriate independent evidence.
- 3.44 The QB has stated that they have relied on the Daventry Landscape Character Assessment 2017 as evidence to justify retaining the Special Landscape Area. However the Landscape Character Assessment is a description of the various landscape character types including landscape condition. It includes a landscape strategy to protect and enhance key features. It does not provide the qualitative assessment of landscape necessary to define a Special Landscape Area.
- 3.45 Many local planning authorities have moved away from defining Special Landscape Areas and rely on the descriptions of landscape of the Landscape Character Assessment. However DCC have decided to retain the designation in their emerging Local Plan and have undertaken a comprehensive review based on agreed criteria to define the Special Landscape Area.
- 3.46 I am not satisfied that the retention of the Special Landscape Area on the 1997 boundary in the vicinity of Draughton is based on any robust evidence that justifies overriding the findings of the comprehensive review undertaken by DDC.

- 3.47 Policy MD3b does not set out any locally distinct matters for considering proposals in the Special Landscape Area. Consequently, I am recommending that the policy should be deleted.

Recommendation 7: Delete Policy MD3b. Revise Policies Map to delete the Special Landscape Area. Revise section 4.3.8 to refer to the review of Daventry District Special Landscape Areas and consequent revisions to the Special Landscape Areas in the MDNP area.

Policy MD3c Local Wildlife and Biodiversity

- 3.48 The policy identifies four Local Wildlife Sites and sets out a policy to consider development in them.
- 3.49 DDC and the Wildlife Trust have highlighted the need to correct the omission of the Brampton Valley Way as a Local Wildlife Site.
- 3.50 The policy repeats the wording of part of emerging Local Plan Policy ENV5 concerning Local Wildlife Sites. As it does not add any locally distinctive policy requirements, I shall recommend that the policy should be revised to state that proposals will be considered against the strategic policy. The photograph should be removed from the policy and placed in the justification.
- 3.51 The policy only refers to Local Wildlife Sites. As it does not consider other matters of enhancing biodiversity, the title should be revised accordingly.

Recommendation 8: Revise Policy MD3c as follows:

Delete “and Biodiversity” from the Policy title.

Revise the first paragraph of the policy to read: “Development affecting Local Wildlife Sites *will be considered against Local Plan Policy ENV5.*”

Add “*Brampton Valley Way*” to the list of sites and show on the Policies Map.

Remove the photograph from the policy and place it in the justification.

Policy MD4 Heritage

- 3.52 Paragraph 4.4.4 refers to the MDNP creating a Local List of heritage assets and the second part of Appendix D describes and shows them on maps. This is the only evidence that has been presented in support the selection of sites for inclusion in the proposed Local List. According to the PPG, Local List assets should be evidenced by consideration against published criteria (such as that produced by Historic England) to ensure a consistent approach, however, there is no evidence that such an approach has been applied here.

- 3.53 DDC has informed me that they are in the process of compiling a Local List. Through this process they would consider any assets identified through a neighbourhood plan provided that they were supported by evidence. DDC suggests that the MDNP should describe the assets as being non-designated heritage assets and state that their designation would be subject to further discussion with the District Council. I concur with this suggestion.
- 3.54 Paragraph 7.5.1 refers to “local character buildings”, it is recommended that this is replaced with “non-designated assets” in the interests of consistency.
- 3.55 Policy MD4 is entitled “Protection of Heritage (including Listed Buildings) but it only relates to non-designated heritage assets. It should be revised to reflect the content of the policy.
- 3.56 DDC has also commented that the maps on pages 55-56 would benefit from the addition of reference numbers in line with the descriptions on pages 52-54 to enable their identification (including assets outside the villages on map D3 which are currently identified by letters). I agree that this would improve the clarity of the Plan for users.
- 3.57 The revisions to the policy will ensure that the policy accords with national planning guidance.

Recommendation 9: Revise Policy MD4 as follows:

Revise the title to “Protection of *Non-Designated Heritage Assets*”.

Revise the first paragraph to read “Proposals which would affect non-designated heritage assets should demonstrate that consideration has been given to retaining:”

Add at the bottom of the policy: “Non-designated heritage assets are listed in Appendix D and shown on Figures D1, D2 and D3.”

Revise paragraph 4.4.4 to read: “*A number of locally important non-designated heritage assets have been identified and these are listed in Appendix D.*”

Revise paragraph 7.5.1 to read: “*Non-designated heritage assets including buildings, structures and sites are identified in Appendix D. Further evidence will be collated to demonstrate the significance of these sites and features so that they may be considered by Daventry District Council in preparing their Local List of Non-Designated Heritage Assets.*”

Revise the title of Appendix AD2 to read: “*Non-Designated Heritage Assets*”.

Revise the first paragraph of this Appendix to read: “*This Appendix lists non-designated heritage assets which include buildings, structures and sites. Further evidence will be collated to demonstrate the significance*”

of these sites and features so that they may be considered by Daventry District Council in preparing their Local List of Heritage Assets.”

Improve the clarity of the mapping and show the reference numbers of the assets on the maps so that they can be readily identified.

Policy MD5 Housing Provision

- 3.58 The Plan does not set out a housing requirement for the Plan period, although paragraph 4.5.4 proposes about 13 – 14 dwellings in Maidwell and 1 - 2 in Draughton. DCC has informed me that there were only 4 completions since 2013 and there are currently 2 dwellings with planning permission. I am satisfied that the MDNP is supporting the delivery of housing in these rural communities to support the delivery of the extant and emerging strategic policies.
- 3.59 Policy MD5 sets out the details of the type of housing that will be supported and identifies some design requirements. The PPG advises that policies in neighbourhood plans should take account of the latest and up-to-date evidence of housing need. The policy should clarify that housing need is determined through the latest evidence.
- 3.60 DDC has commented that paragraph 4.5.2.3 states that the 2017 Housing Needs Survey did not reveal any respondents in need of affordable housing and advises that the policy and paragraph 7.6.1 should reflect this finding. The paragraph states that “The provision of smaller and more affordable dwellings” was identified by the MDNP survey. This may be construed as a requirement for more affordable social housing which was not demonstrated through the Housing Needs Survey. To improve the clarity of the policy it is recommended that the words “and more affordable” housing should be deleted from Policy MD5 and paragraph 7.6.1.
- 3.61 There are a number of typographical errors in the wording of the policy that need correcting.

Recommendation 10: Revise Policy MD5 as follows:

“Proposals for new housing development should *contribute to meeting the housing need in the parish as identified in the latest Housing Needs Survey*. Provision of smaller dwellings will be encouraged..... accommodation.”

“New housing development will be supported within the village confines where it is:”

First bullet – revise to “village”

Second bullet – revise to “village environment”

Delete “and more affordable” from paragraph 7.6.1.

Policy MD6 Design and Energy Efficiency

- 3.62 The policy sets out a number of factors to be taken into account in the design of new development throughout the plan area.
- 3.63 DDC has commented that it would be helpful to plan users to have defined the local character that is considered to be important for development to respect. The NPPF states that design policies should be based on an understanding and evaluation of the defining characteristics of an area. It is apparent that such an assessment has not been undertaken as part of preparing the MDNP. This may be something that the Parish Council may wish to consider progressing to provide supplementary guidance to the Plan through for example a Village Design Statement.
- 3.64 DDC has highlighted that criterion a) should refer to “existing and future residents” and that criterion f) should be simplified and the term “honest materials”, which is not an accepted planning term, should be deleted. I agree that these suggestions would improve the clarity of the policy.
- 3.65 The second sentence of the policy is negatively worded and does not provide any guidance on the design of the development that will be expected. I am therefore recommending that it be deleted.

Recommendation 11: Revise Policy MD6 as follows:

**Delete the second sentence of the first paragraph of Policy MD6:
“Development will not be supported....located.”**

Revise criterion a) to read: “....residential amenity of existing and future residents by reason of....”

Revise criterion f) to read: “Uses materials appropriate to the context of the site, with a preference for local and traditional materials.”

Policy MD7 Local Economy and Employment

- 3.66 I make no comments on this policy which supports the development of small scale businesses.

Policy MD8 Protecting Community Facilities

- 3.67 The policy sets out the evidence required to support an application for a change of use of a community facility to a non-community use. Modifications are proposed to avoid the use of the term “will only be permitted” in accordance with paragraph 3.7 above and to improve the clarity of the wording of the policy.

- 3.68 DCC has commented that it would not be realistic to require alternative provision to be accessible by public transport in all cases, particularly away from the A508 and suggests that this should be deleted. I agree that this requirement may be unrealistic and recommend that it should be deleted.
- 3.69 The recreation ground at Loder Hall is designated as a Local Green Space under Policy MD2a and there is no need to include it under this policy in addition.
- 3.70 The community facilities should be numbered to distinguish them from the criteria and shown on the Policies Map. The photographs should be moved to the supporting text.

Recommendation 12: Revise Policy MD8 as follows:

Revise the first paragraph to read: “*The existing community facilities listed below will be safeguarded and enhanced for community use. Proposals for the change of use of any of the community facilities to a use other than for health, education or community uses, including as a village hall, clubhouse, health centre, school or children’s day nursery, should demonstrate that:*”

Delete “public transport” from criterion a). Add “or” after criterion a).

Revise criterion b) to read “Satisfactory evidence of *active marketing* over a minimum period of 12 months has demonstrated that

Delete “and Recreation Ground” from facility d).

Number the facilities and show on the Policies Map.

Move photographs to supporting text.

Policy MD9 Traffic Management, Transport & Local Connectivity

- 3.71 The first point in Policy MD9 supports road safety and traffic management measures. It is considered that this is not a land use planning policy and should be included as a Parish Action,

Recommendation 13: Delete the first bullet point from Policy MD9 and include as a Parish Action.

Non-Land Use Policies and Parish Actions

- 3.72 This section sets out action points concerning the improvement of road safety and transport.

- 3.73 Section 8.3 addresses the future monitoring and review of the Plan. This should be moved to a new section and the paragraph numbering corrected.

Recommendation 14: Move section 8.3 to a new section on Monitoring and Review.

Implementation of Neighbourhood Plan

- 3.74 This section proposes the Parish Council's priorities for investment from the developer contributions and community infrastructure levy. It may be more appropriate to position the text under section 8.

Recommendation 15: Reposition the text from paragraph 9.1 under section 8, retaining the numbering.

Other Policies

- 3.75 The Wildlife Trust has noted that the MDNP area straddles a north – south sub-regional green infrastructure corridor and contains the disused rail line Green Infrastructure Corridor. There is also a lobe of the Nene Valley Improvement Area.
- 3.76 Emerging Local Plan Policy ENV4 addresses Green Infrastructure. However, it may be helpful to plan users to refer to the Green Infrastructure Plan and to include a description and a diagrammatic map of the green infrastructure corridors in section 4.3 of the Plan. The Qualifying Body has proposed the following text to be included in a new paragraph 4.3.9.4 which I recommend for inclusion.

Recommendation 16: Add the following as a new paragraph 4.3.9.4:

“The Daventry Green Infrastructure Plan has identified the network of sub-regional and local green infrastructure corridors. There are priority Ancient Woodland Habitat areas present within the extent of the designated Local Wildlife Site (LWS) areas at the sites referred to as “Scotland Wood” and “Short Wood (Daventry)”. The Brampton Valley Way, running through the Neighbourhood Development Plan area, is also already designated as a set of contiguous Local Wildlife Site areas. This is an existing ‘North / South trending’ major, strategic, Sub-Regional Green Infrastructure (GI) Corridor route; which also includes within it a ‘parallel’, separate, Disused Railway Line GI Corridor route too. There is also a ‘lobe/arm’ of the, much larger, Nene Valley Nature Improvement Area (NIA) zone which overlaps with a portion of the southern area of the Maidwell Parish.”

Include a diagrammatic map of the Green Infrastructure corridors in section 4.3.

Typographical Errors

- 3.77 There are a number of typographical errors and aspects of the Plan that require correction and / or updating. I have listed below the errors that have been pointed out to me; however, in preparing the final Plan, DDC, in consultation with the QB, should check the Plan and make corrections and minor modifications where necessary.

Revise paragraph 2.6.1 to read “...closed in *October 2018*,”

Revise paragraph 2.6.4 to read “Consultation on the *Proposed Submission* draft”

Revise paragraph 4.1.1.3 to read “*the emerging Part 2 Local Plan*” instead of WNJCS.

Correct the list of Policies in Part 2 of the Local Plan in the table in section 5 as indicated by DDC.

Correct paragraph 7.3.1 to read “within and *outside* the villages”

Correct title of Fig 23 “Bridleway”

Correct the key to the Maps on page 43.

DDC, in consultation with the QB, should check the Plan and make corrections and minor modifications where necessary.

4.0 Referendum

- 4.1 The Maidwell with Draughton Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Daventry District Council that the Maidwell with Draughton Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Daventry District Council on 5 June 2017.

5.0 Background Documents

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

- Maidwell with Draughton Neighbourhood Plan Submission Draft Version 2018- 2029
- Maidwell with Draughton Neighbourhood Plan Basic Conditions Statement
- Maidwell with Draughton Neighbourhood Plan SEA / HRA Screening Statement May 2018
- Maidwell with Draughton Neighbourhood Plan Consultation Statement
- Maidwell with Draughton Housing Needs Survey 2017
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- West Northamptonshire Joint Core Strategy 2014
- Daventry District Local Plan 1997 saved policies
- Settlements and Countryside Local Plan (Part 2) Submission draft 2018
- Daventry Landscape Character Assessment 2017
- Daventry District Special Landscape Area Study March 2017

6.0 Summary of Recommendations

Recommendation 1: Add the following to the end of paragraph 2.3 *“The neighbourhood plan policies may be superseded by strategic or non-strategic policies that are subsequently adopted.”*

Revise the first objective to read *“To protect and enhance the landscape, biodiversity and heritage of the Plan area.”*

Add a new objective: *“To promote opportunities for the development of employment opportunities of an appropriate scale.”*

Add the following at the beginning of paragraph 3.1.4 *“Full details of the consultations carried out are available in the Consultation Statement.”*

Review list of issues set out in paragraph 4.

Recommendation 2: Revise paragraph 7.1.4 to read: *“Planning applications must be determined in accordance with the development plan, that is the Local Plan and the Neighbourhood Plan, unless material considerations indicate otherwise.”*

Recommendation 3: Revise Policy MD1 as follows:

Revise criterion a) to read *“Conserving and enhancing*

Revise criterion c) to read: *“Positioning development in order to maintain the landscape settings of the villages and across the parish:”*

Place criterion 2d) as a new point after point 1 of the policy and revise to read: *“Development proposals outside the Maidwell village confines will be supported where they accord with national and strategic planning policies.”*

Revise the second sentence of paragraph 4.5.4 to read: *“This could accept a small amount of growth in Draughton of 1-2 properties in the Plan period, where it accords with Policy RA6 of the emerging Local Plan, and approximately 13-14 dwellings in Maidwell over the plan period within the village confines.”*

Revise paragraph 7.2.1 to read: *“Any new development within the village of Maidwell should be focused on the built up area of the village. Development in the rural parts of the parish including Draughton will only be acceptable exceptionally and will need to satisfy national and strategic policies on development in the countryside.”*

Revise the first and last sentences of paragraph 7.2.2 to read: *“...development may be acceptable in principle...”. “....within the agreed village confines.....”*

Recommendation 4: Revise Policy MD2a to read:

“The following sites are designated as Local Green Spaces:

- 1. Part of Brampton Valley Way;**
- 2. Recreation area at rear of Loder Hall, Harborough Road, Maidwell.**

Development that will harm the permanent open character of these Local Green Spaces will only be supported in very special circumstances.”

The sections headed NPPF criteria, the photographs and the inset maps should be placed in the justification.

The sites should be numbered on the Policies Map. The boundary of site a) should be limited by the footbridge to the south and the edge of the car park to the north. The boundary of site b) should be corrected on Fig 10, Fig 25, Policies Map 2 and Important Open Space - Maidwell Map 3.

Recommendation 5: Revise Policy MD2b as follows:

“The following areas are designated as Important Open Spaces. They should be safeguarded and enhanced as green spaces. Exceptions to this would include where the land is required to provide highway visibility spays or access.” List of sites. Delete site d).

The reasons for designating the sites (their contribution to local *distinctiveness*, amenity and the historic context) should be included in the justification.

Include reference to the need to access utility infrastructure in the justification.

Move the photographs to the justification.

Delete site d) from the Policies Map and VIOS Draughton Map 2. Delete from the key to the Map on page 43. Correct typographical errors on key.

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Revise the first paragraph to read “.....Neighbourhood Plan area as *defined in the Daventry Local Landscape Character Assessment 2017 in accordance with the Local Plan policy. In addition, development proposals should:*

Revise criterion a) to read “Protect areas of *ancient woodland*”.

Delete “and” from criterion b) from between “local” and “landscape”.

Punctuate the criteria with a semi colon and “and/or” after criteria a) and b).

Add the following to paragraph 4.3.9.2 “Northamptonshire Wildlife Trust has confirmed that the Local Wildlife Sites in the Neighbourhood Plan all contain priority Ancient Woodland Habitat within them.”

Revise paragraph 4.3.4 to read: “.....It is a process which identifies and describes variations in the character of the landscape based on the interaction between landform....influence. Its role is to describe the intrinsic character or features of value within a landscape.”

Recommendation 7: Delete Policy MD3b. Revise Policies Map to delete the Special Landscape Area. Revise section 4.3.8 to refer to the review of Daventry District Special Landscape Areas and consequent revisions to the Special Landscape Areas in the MDNP area.

Recommendation 8: Revise Policy MD3c as follows:

Delete “and Biodiversity” from the Policy title.

Revise the first paragraph of the policy to read: “Development affecting Local Wildlife Sites *will be considered against Local Plan Policy ENV5.*”

Add “*Brampton Valley Way*” to the list of sites and show on the Policies Map.

Remove the photograph from the policy and place it in the justification.

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Revise the title to “Protection of *Non-Designated Heritage Assets*”.

Revise the first paragraph to read “Proposals which would affect non-designated heritage assets should demonstrate that consideration has been given to retaining:”

Add at the bottom of the policy: “Non-designated heritage assets are listed in Appendix D and shown on Figures D1, D2 and D3.”

Revise paragraph 4.4.4 to read: “*A number of locally important non-designated heritage assets have been identified and these are listed in Appendix D.*”

Revise paragraph 7.5.1 to read: “*Non-designated heritage assets including buildings, structures and sites are identified in Appendix D. Further evidence will be collated to demonstrate the significance of these sites and features so that they may be considered by Daventry District Council in preparing their Local List of Non-Designated Heritage Assets.*”

Revise the title of Appendix AD2 to read: “*Non-Designated Heritage Assets*”.

Revise the first paragraph of this Appendix to read: “*This Appendix lists non-designated heritage assets which include buildings, structures and sites. Further evidence will be collated to demonstrate the significance of these sites and features so that they may be considered by Daventry District Council in preparing their Local List of Heritage Assets.*”

Improve the clarity of the mapping and show the reference numbers of the assets on the maps so that they can be readily identified.

Recommendation 10: Revise Policy MD5 as follows:

“Proposals for new housing development should *contribute to* meeting the housing need in the parish as *identified in the latest Housing Needs Survey*. Provision of smaller dwellings will be encouraged..... accommodation.”

“New housing development will be supported within the village confines where it is:”

First bullet – revise to “village”

Second bullet – revise to “village environment”

Delete “and more affordable” from paragraph 7.6.1.

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Delete the second sentence of the first paragraph of Policy MD6: “Development will not be supported....located.”

Revise criterion a) to read: “....residential amenity *of existing and future residents by reason of....*”

Revise criterion f) to read: “Uses materials appropriate to the context of the site, *with a preference for local and traditional materials.*”

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Revise the first paragraph to read: “*The existing community facilities listed below will be safeguarded and enhanced for community use. Proposals for the change of use of any of the community facilities to a use other than for health, education or community uses, including as a village hall, clubhouse, health centre, school or children’s day nursery, should demonstrate that:*”

Delete “public transport” from criterion a). Add “or” after criterion a).

Revise criterion b) to read “Satisfactory evidence *of active marketing* over a minimum period of 12 months has demonstrated that

Delete “and Recreation Ground” from facility d).

Number the facilities and show on the Policies Map.

Move photographs to supporting text.

Recommendation 13: Delete the first bullet point from Policy MD9 and include as a Parish Action.

Recommendation 14: Move section 8.3 to a new section on Monitoring and Review.

Recommendation 15: Reposition the text from paragraph 9.1 under section 8, retaining the numbering.

Recommendation 16: Add the following as a new paragraph 4.3.9.4:

“The Daventry Green Infrastructure Plan has identified the network of sub-regional and local green infrastructure corridors. There are priority Ancient Woodland Habitat areas present within the extent of the designated Local Wildlife Site (LWS) areas at the sites referred to as “Scotland Wood” and “Short Wood (Daventry)”. The Brampton Valley Way, running through the Neighbourhood Development Plan area, is also already designated as a set of contiguous Local Wildlife Site areas. This is an existing ‘North / South trending’ major, strategic, Sub-Regional Green Infrastructure (GI) Corridor route; which also includes within it a ‘parallel’, separate, Disused Railway Line GI Corridor route too. There is also a ‘lobe/arm’ of the, much larger, Nene Valley Nature Improvement Area (NIA) zone which overlaps with a portion of the southern area of the Maidwell Parish.”

Include a diagrammatic map of the Green Infrastructure corridors in section 4.3.

Typographical Errors

Revise paragraph 2.6.1 to read “...closed in *October* 2018,”

Revise paragraph 2.6.4 to read “Consultation on the *Proposed Submission* draft”

Revise paragraph 4.1.1.3 to read “*the emerging Part 2 Local Plan*” instead of WNJCS.

Correct the list of Policies in Part 2 of the Local Plan in the table in section 5 as indicated by DDC.

Correct paragraph 7.3.1 to read “within and *outside* the villages”

Correct title of Fig 23 “Bridleway”

Correct the key to the Maps on page 43.

DDC, in consultation with the QB, should check the Plan and make corrections and minor modifications where necessary.