

Kettering Borough Council

Broughton Neighbourhood Plan 2016 - 2031

Independent Examiner's Report

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28 May 2018

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Summary

I have been appointed as the independent examiner of the Broughton Neighbourhood Development Plan.

The Plan area is rural in character. The village of Broughton is located on a valley side with a long High Street that runs parallel to the contours. Over the years it has seen significant development to its edges, but retains a rural setting. Views are afforded through open spaces and gaps to the surrounding countryside and open land cuts into the village. The village has a number of facilities and services including a pub, shops and primary school. It has an interesting Pocket Park. A key landmark is the Church. Some 3 miles from Kettering, part of the A43 cuts through the Parish.

The Plan focuses on ensuring that new housing development is of a high quality and helps to meet local needs. The Plan seeks to protect the distinctive character of the area through the retention of important open spaces. It takes a locally distinctive approach to what sustainability means for the Parish. In addition it seeks to ensure that issues of concern for the community are not exacerbated through inappropriate development.

As well as the Plan, a complementary Neighbourhood Development Order has been produced. This is examined separately.

During the course of the examination I asked for further information about a number of issues. I am grateful to both bodies for their attention to this and for enabling the examination to run smoothly.

I have recommended a series of modifications which by and large are to help ensure that the Plan is a workable document that provides a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Kettering Borough Council that the Broughton Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Director, Ann Skippers Planning
28 May 2018



1.0 Introduction

This is the report of the independent examiner into the Broughton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Kettering Borough Council (KBC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan

¹ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Kettering Borough Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. This takes the form of two volumes which should be read together.

The Plan continued the work of an earlier Parish Plan. Work began on the Plan in February 2014 with a “scoping open” meeting. This led to several main themes that eventually became chapters in the Plan itself following on from themed consultation meetings throughout 2014.

A draft Plan was produced and consulted upon at a meeting in February 2016 to gather views.

Pre-submission consultation was held from 1 December 2016 – 19 January 2017 sensibly allowing for a little more time over the Christmas period. The consultation was publicised on social media, posters around the village, a door drop to every household in the village and on KBC’s website. Hard copies of the draft Plan were available at various locations throughout the village and electronic versions from the Parish Council website and Facebook pages. A number of organisations were notified direct of the consultation.

In addition the Parish Magazine with a village wide distribution has been used to give regular updates and raise awareness. The Steering Group have met representatives of various organisation including the local primary school throughout the production of the Plan and also attended the Village Show in 2015. Regular progress reports have been given at Parish Council meetings.

I consider there has been satisfactory engagement with the community throughout the process.

Submission (Regulation 16) consultation was carried out between 18 October – 29 November 2017. The Regulation 16 stage attracted 27 representations from different people or organisations. I have taken all the representations received into account.

4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner’s role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other

⁶ PPG para 055 ref id 41-055-20180222

material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required. Some representations suggest the inclusion of new policies or sites and I am sure the Parish Council will wish to consider these helpful suggestions in any review of the Plan.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

I sought clarification on a number of matters from the Parish Council and KBC in writing and my list of questions is attached to this report as Appendix 2.

I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

I made an unaccompanied site visit to the neighbourhood plan area on 6 March 2018.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Broughton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area was approved by Kettering Borough Council on 15 January 2014. The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 11 of the Plan.

Plan period

The Plan covers the period 2016– 2031. This is clearly stated on the Plan's front cover.

⁷ PPG para 055 ref id 41-055-20180222

⁸ *Ibid* para 056 ref id 41-056-20180222

⁹ *Ibid*

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰ Subject to any such recommendations, this requirement can be satisfactorily met.

6.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

¹⁰ PPG para 004 ref id 41-004-20170728

¹¹ NPPF paras 14, 16

¹² *Ibid* para 184

¹³ *Ibid* para 17

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁵

PPG states there is no ‘tick box’ list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

Whilst this has formed part of my own assessment, the Basic Conditions Statement (BCS) sets out how the Plan has responded to the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁸ constitutes the Government’s view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

Whilst this has formed part of my own assessment, the BCS contains a section that explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the North Northamptonshire Joint Core Strategy (JCS) 2011 – 2031 adopted on 14 July 2016 (a Part 1 Local Plan) and the saved and retained policies of the Local Plan 1995 (LP) adopted 30 January 1995.

In the LP, Broughton is identified as a “Restricted Infill Village”; in these villages Policy RA3 restricts residential development to within the defined village limits as shown on

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

¹⁹ *Ibid* para 7

the Proposals Map and subject to a number of criteria including size, form, density and so on. In addition, open land is identified on the Proposals Map and development should not involve these areas as they are considered significant to the form and character of the village.

The JCS sets out the role of settlements indicating that infrastructure investment and the distribution of new housing, jobs and other development will contribute to creating a well connected network of settlements.²⁰ It indicates that sustainable urban extensions (SUE) are the building blocks for growth in North Northamptonshire. Kettering, the nearest town to the Parish has a SUE (Kettering East).

In the rural areas, the strategy is for limited development to meet local housing needs “unless meeting those needs would harm the form, character or setting of the village, result in coalescence or could not be served with suitable infrastructure”.²¹ Other than at the Growth Towns, Market Towns and four largest villages (of which Broughton is not one), the JCS indicates that additional housing development above the requirements in Table 5 other than small scale infilling in line with JCS Policy 11, will be resisted.²²

JCS Policy 11 directs development to the network of settlements. Development in rural areas is limited to that which would support a prosperous rural economy or to meet a locally arising need. It permits small scale infill development on suitable sites indicating that Part 2 Local Plans or neighbourhood plans may identify sites within or adjoining villages for local needs or may identify sensitive sites where infill development will be subject to special control or resisted. It explains that local and neighbourhood plans will identify sites within or adjoining villages to meet the needs identified in Table 5.

The JCS explains that the rural housing requirements identified in Table 5 should be accommodated through Part 2 Local Plan or neighbourhood plans. JCS Policy 29 sets this out. 480 dwellings in the rural area are identified for Kettering Borough.

Whilst this has formed part of my own assessment, the BCS outlines JCS policies and principles offering a short commentary on how the Plan responds to these.

Emerging planning policy

KBC is also in the process of preparing a Site Specific Part 2 Local Plan. Various background work and papers have been published and it is anticipated that a draft plan for consultation will be available in June/July 2018.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic

²⁰ JCS page 72

²¹ *Ibid* page 75

²² *ibid* page 75

Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²³

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

A Screening Report prepared by KBC dated August 2017 confirmed that a SEA would be required. The requisite consultation with the consultation bodies was carried out. KBC wrote to the Parish Council on 28 September 2017.

An undated Scoping Report has been submitted. This identifies other relevant policies, plans and programmes to help establish the baseline, outlines sustainability issues and problems, identifies sustainability objectives and develops the framework. In response to my query, the Parish Council has confirmed that the requisite consultation was carried out with the statutory bodies in December 2016. All three statutory bodies responded. The SEA indicates that as a result of this consultation, Historic England recommended a revision to one of the SEA objectives on cultural heritage.

A SEA has been submitted. This environmental report must be prepared in accordance with Regulation 12 of the EAPPR. I am mindful of PPG advice that the SEA “should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal”.²⁴ The same paragraph continues that “it should focus on the environmental impacts which are likely to be significant...it does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan”. In this case, the need for a SEA primarily arose from comments from Historic England that there may be significant environmental effects on the historic environment because of the proposed site allocation in Church Street and its location adjacent to the Broughton Conservation Area and potentially affecting other heritage assets.

The SEA addresses the likely significant effects on the environment of the plan and considers reasonable alternatives to the policies in the plan.

²³ PPG para 031 ref id 11-031-20150209

²⁴ *Ibid* para 030 ref id 11-030-20150209

Although the SEA does not refer to monitoring, something that is usually and usefully included, a monitoring and review section is included in the Plan itself. Given the nature of the Plan and its policies, I consider this, in this instance, to be sufficient.

In addition a non-technical summary is not provided, but the introductory section sets out the main elements of the report and the document itself is not of any great length. In these circumstances, I consider a non-technical summary is not something to be reasonably required.

Therefore I consider that the SEA has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with the advice in PPG referred to above. In my view, it has been prepared in accordance with Regulation 12 of the Regulations. Therefore EU obligations in respect of SEA have been satisfied.

The Environmental Report was published for consultation alongside the submission version of the Plan.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁵ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Screening Report of August 2017 confirmed that the Plan area lies about 10km from the Upper Nene Valley Gravel Pits Special Protection Area (SPA). A Habitats Regulations Assessment on the North Northampton Joint Core Strategy found there is potential for effects on the integrity of this SPA and RAMSAR site as a result of the policies and strategic and non-strategic sites in the JCS within 7.5km of the designated site. Recommendations were made for avoidance and mitigation measures.

An addendum to the Habitat Regulations Assessment (June 2015) was prepared to consider the implications of a number of modifications to the JCS. The overall conclusion was that given the changes made to the JCS, including the focused changes, it was considered that mechanisms to avoid adverse effects on the integrity of European sites have been incorporated into the plan and planning application determination procedures. It was therefore concluded that the JCS would not result in an adverse effect on integrity either alone or in combination with other projects and plans.

Natural England has indicated that the location and scale of the development proposed in the Plan would not represent a likely significant effect to any European site.

²⁵ PPG para 047 ref id 11-047-20150209

The Screening Report therefore concludes that the scale of the development in the Plan and the need for the Plan to be in general conformity with policies in the JCS means that the Plan would not have likely significant effects on any European sites alone or in combination with other plans and that a full HRA is not needed.

Given the nature, characteristics and distances of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the further basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with.

European Convention on Human Rights (ECHR)

There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

PPG²⁶ confirms that it is the responsibility of the local planning authority, in this case KBC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is KBC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is well-presented with an interesting foreword that sets the scene including a reference to Broughton in Hansard and a helpful contents page. It is generally easy to read and use. Policies are clearly discernible. A number of diagrams are to be found together with photographs which are interspersed throughout the document giving it a distinctive flavour.

Why should we do a Neighbourhood Plan in Broughton?

This section offers a short, but informative introduction to the Plan and contains the Vision Statement.

²⁶ PPG para 031 ref id 11-031-20150209

The Vision Statement is:

“The vision of the Broughton Neighbourhood Plan is to deliver future change in a managed way that is best suited to the village and wider Parish in which it sits, delivering for the first time ever, a bespoke response to specific local needs and a strategic solution as to how this will be accomplished.”

The vision is clearly articulated and I consider it offers a very good description of what neighbourhood planning is all about.

Procedure and Policy

This section contains a wealth of information and sets the scene. The diagram on page 7 of the Plan is useful in showing the links between various planning documents and is reproduced from the JCS. Therefore it would be useful to acknowledge this and add a simple reference.

Reference is made on page 8 of the Plan to “paragraph 3.11 and paragraph 1”. In response to my query on this, the Parish Council has confirmed that the reference should be to paragraphs 3.6 and 3.11 and Policy 8. So in the interests of accuracy, a modification is made to address this.

Page 7 also indicates that the Plan does not designate any sites as protected open spaces. In response to my query on this, the Parish Council confirms my own view that this is not correct as, for example the Plan later seeks to designate some areas of Local Green Space. A modification is then made to address this.

Reference is also made to the Neighbourhood Development Order (NDO) which is a separate document and also referred to in Policy 7 which I discuss later in this report. The NDO itself is subject to a separate examination report.

This section will also require some natural updating as the Plan progresses to being made.

- **Add a notation to the diagram on page 7 of the Plan that reads “*Reproduced from Figure 1 from the Joint Core Strategy*”**
- **Amend the first sentence on page 7 of the Plan to read: “Our own Neighbourhood Plan works within the context of the National Planning Policy Framework and the specific framework of the North Northants Joint Core Strategy Development Plan *and in particular paragraphs 3.6 and 3.11 and Policy 8 which set out the identified framework for place shaping...*” [retain remainder of sentence as existing]**
- **Amend the second paragraph on page 7 to read: “The Broughton Neighbourhood Plan does not attempt to designate any sites as protected**

open spaces in order to try and prevent development going ahead, but *does seek to maintain existing important green or open spaces that contribute to the environment, biodiversity or character for the benefit of the community. It identifies the specific sites...* [retain remainder of paragraph as existing]

Consultation

This section sets out information about the process followed and helpfully signposts the Consultation Statement for more details. This section will require some natural updating as the Plan progresses.

Broughton Village Boundary Designation

Village Boundary Policy 1

The opportunity to review the village boundary has been taken. This is to be welcomed given the boundary has not been changed since the LP.

The Plan sets out a series of principles that have governed the review together with an explanation of how the boundary has been designated. It takes its lead from work at Borough level on settlement boundaries. Paragraph iv. on page 13 of the Plan refers to this work, but in the fullness of time this is now out of date.

The most recent work at Borough level is a Background Paper on Settlement Boundaries (Update) for the emerging Site Specific Part 2 Local Plan dated April 2018. The principles on pages 13 and 14 of the Plan are identical to those in the April 2018 Update bar principle 4 which explains that boundaries do not necessarily need to be continuous depending on the nature and form of any particular settlement. Given this does not apply to Broughton, it is not relevant to include it.

In addition, the proposed settlement boundary, shown clearly on page 12 of the Plan, differs slightly from that being put forward by KBC. Nevertheless, the boundary has been defined according to the principles, is consistent and is appropriate.

However, given that paragraph iv. is now out of date, a modification is made in respect of this paragraph.

This policy defines a new village boundary for the Plan period. This is in line with the supporting text to JCS Policy 11 which indicates that neighbourhood plans may define village boundaries to clarify the application of criteria 2b and 2c of Policy 11 and will help to achieve sustainable development. It meets the basic conditions.

- **Delete paragraph iv. on page 13 of the Plan**

Chapter 1 A Strategy for Broughton Parish

Seven core objectives for the Plan are contained in this short chapter. All are clearly worded and stem from the engagement that has taken place with the community and the identification of several ‘themes’.

A Strategy Statement indicates that planning policies will apply the core objectives defining the specific strategic and sustainable direction for the Parish.

Chapter 2 Sustainability Solution for Broughton

This chapter begins with a diagram on page 17 of the Plan that distils the core objectives into a wider strategy. Referring to the NPPF and the JCS, it explains that it is important to define what sustainability means for Broughton Parish.

A Sustainable Solution Statement on page 22 sets out the aims for the policy. Amongst other things, it clearly seeks to ensure that local needs are addressed. It does not however prevent any other more widely identified needs being addressed in itself.

Sustainability Policy 2

This policy seeks to ensure that development is directed to sites within the village boundary and that development responds to the identified needs of the village. This element of the policy is clear and accords with LP Policy RA3 and the strategy of the JCS and in particular Policies 11 and 30. It allows for up to date information about local needs to be factored in so that any ‘gaps’ in housing stock can be addressed. This again will, in my view, allow for housing that is required and reflects local demand and help to rebalance a mix of housing and communities.²⁷

However criterion b) refers back to the Plan’s seven core objectives indicating that any development should respect the objectives. Whilst the objectives on page 16 of the Plan are in themselves clearly worded and appropriate for inclusion in the Plan as its objectives as overarching aims for the Plan that will help to deliver its vision, it is more difficult to see how they could be included in a policy. This is because it would be difficult, if not impossible, for any applicant or developer to be able to demonstrate how a specific proposal would respect these broad statements of intent which should provide a framework for the policies in the Plan. As a result, this element of the policy is recommended for deletion so that the policy provides the practical framework for decision making advocated by the NPPF.²⁸

In addition to make it clear that rural exceptions housing in accordance with national policy and JCS Policy 13 is acceptable, a modification to the supporting text is recommended. This will also help to address my appreciation that sites are generally

²⁷ NPPF para 50

²⁸ *Ibid* para 17

likely to be infill sites of smaller size within the settlement boundary and may not generate any, or at least any significant amount of, affordable housing to help address these needs.

- **Delete part b) from the policy and, as a consequence, delete “: a)” from the policy**
- **Remove the capital “D” from the word “Development” in the first sentence of the policy**
- **Add at the end of paragraph xvii. on page 21 of the Plan: “*in line with Policy 13 of the JCS.*”**

Chapter 3 Historical Development of Broughton Village

This chapter shows how the village has evolved through a series of maps.

Chapter 4 Development in Broughton

This chapter explains that the locally evidenced housing target for the Parish is 87 dwellings over the period 2011 – 2031 and includes a table provided by KBC to this effect. There is some overlap with information given later in this chapter on housing numbers. The information is important and I have asked for the most up to date information to be provided and I discuss this later in my report. In the meantime, this part of the Plan and the next policy refers predominately to design. Therefore I consider it would provide a clearer and more practical framework, if this information was moved from this section to an updated appendix as background information at this stage of the Plan’s preparation.

Paragraph xxi. on page 39 of the Plan refers to a site at Carter Avenue, currently a garage block and owned by KBC. The paragraph indicates that the site is included in the Plan as a site allocation. In fact, there is no such site allocation, but the site does fall within the settlement boundary and so the principle of redevelopment, should this be considered at some future point, is acceptable. As there is no site allocation, this paragraph should be deleted in the interests of accuracy. The following paragraph xxii. also needs to be deleted as a consequential amendment.

- **Move paragraphs i. – v. and the table on pages 30 and 31 of the Plan to a new appendix [note there are two paragraphs numbered “ii.” and both should be moved]**
- **Delete existing paragraphs xxi. and xxii. on page 39 of the Plan in their entirety**
- **Consequential renumbering of paragraphs will be required**

Development Design Policy 3

Given that the Plan identifies that new development has not addressed the housing needs of the village, there is a clear desire to rebalance the housing stock so that a “full lifetime circle within the village”²⁹ can be provided. This is regarded as key to the sustainability of the village and allows residents to remain in the village. It reflects the drive in the JCS to increase the self-reliance of villages and its general approach in seeking to meet needs as locally as possible whilst recognising the diversity of settlements throughout the Borough.

The Housing Needs Survey identifies a surplus of larger homes and a need for smaller, one and two bed, properties. Of course it must be remembered that the Housing Needs Survey only deals with affordable housing need rather than market housing need. Nevertheless there is an increase in the requirement for smaller homes Borough wide as the JCS identifies a significant increase in 60+ age groups and a trend for smaller households. This is coupled with a historic lower supply of smaller homes.

Alongside this, there is a desire to ensure that new development is seen as an “asset” through high quality design and place making together with respect for the historic village and its setting. This chimes with the overarching principles in the JCS.

Development Design Policy 3 is a criteria based policy which seeks to ensure that all new development is of high quality design and respects its local context. As a result it takes account of the NPPF which indicates that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.³⁰ It is in general conformity with the JCS which recognises that the quality of development has sometimes been an issue and in particular Policy 8. Subject to some changes to the wording of some of the criteria discussed below, it will meet the basic conditions.

Criterion a. refers to the need for new development to, amongst other things, “minimise the visual impact of the development”. I consider this is a phrase that could be open to interpretation and argument and therefore it is too imprecise. To address this and ensure that the policy takes account of the NPPF and guidance in PPG, a modification is recommended.

Criterion b. requires the use of renewable and efficient energy solutions where possible. I consider the language used with some amendment will incorporate sufficient flexibility. The criterion also reflects the tenor of JCS and in particular JCS Policy 9.

The Parish Council has confirmed that the intention of criterion c. was the relationship between a new dwelling and its neighbours with particular regard to privacy. With some modification, the criterion will be clearly worded and achieve its intent.

²⁹ Page 32 of the Neighbourhood Plan

³⁰ NPPF para 56

Criterion d. refers to parking. It requires all development to deliver off-street parking and on-street visitor and delivery provision.

Criterion e. supports the development of large plots or gardens subject to satisfactory design, parking and landscaping.

Both criteria d. and e. are clearly worded.

There are two typos in the policy to correct in the interests of accuracy.

- **Delete the words “...minimise the visual impact of the development...” from criterion a. and replace with “...ensure that the visual impact of the development is acceptable and...” [retain remainder of criterion a. as existing]**
- **Change criterion b. to read: “All new development is encouraged to utilise sources of renewable energy and efficient energy solutions, wherever possible and appropriate to do so, to offset additional carbon usage.”**
- **Change criterion c. to read: “The effect of any new dwelling on the living conditions of any nearby or affected occupiers must be acceptable and particular regard should be given to the privacy of existing residents.”**
- **Correct the spelling of the words “Confirmity” and “Culturual” in the policy to “Conformity” and “Cultural”**

Development Policy 4

The Plan contains a great deal of information on pages 40 – 47 of the Plan in its preamble to Policy 4. I have already suggested that similar information on housing numbers is moved to an updated appendix of the Plan as background information. Likewise the information on pages 40 – 47 requires some updating and could more usefully be found in this appendix. As a result a number of modifications are required to these pages and to Policy 4.

A number of tables are contained on pages 40 – 47 of the Plan. KBC has confirmed that Table A on page 40 is taken from the Site Specific Proposal Local Development Document Housing Allocations Assessment of Additional Sites and Update (October 2013) rather than the 2012 Options Paper. The first issue is then to correct the reference on page 40 of the Plan.

The second issue is that reference is made in Table A to site RA/127. KBC confirms that this site was resolved to be identified as a draft housing allocation on 4 October 2017. However, if the Plan is made, then KBC indicate they would withdraw this site from the emerging Part 2 Local Plan process. The site falls partly within and partly outside the proposed settlement boundary put forward in this Plan. The issue of whether this site

should remain as a draft housing allocation in the emerging Part 2 Local Plan is a matter for KBC.

The issue is related to the rural housing requirement for Kettering Borough, and explained on pages 30 and 31 of the Plan. Of course, as time has passed, some updating is needed. KBC has confirmed that the overall requirement in the JCS for the rural area is 480 dwellings. Taking completions and commitments into account together with a windfall allowance, the overall requirement to be allocated through neighbourhood plans or the emerging Part 2 Local Plan is 140. Whilst work is ongoing, a figure of 87 dwellings was provided to Broughton. This figure did not include an allowance for windfall development and is of course not a maximum.

Before leaving this table, there is one further issue. A 'green box' on page 42 discusses phasing. It appears in a similar coloured box to the planning policies contained in the Plan and I am concerned that this could lead to confusion. Placing this in the appendix will void any such confusion and the green box should be removed.

Table B then seeks to illustrate how this agreed figure of 87 dwellings will be provided. The table sets out the completions and commitments. KBC confirm there is one update in that the permission for 1 dwelling at Headlands Farm has now expired. This then should be deleted from the table and the figure adjusted accordingly.

There is then one other issue in relation to Table B. As I have already mentioned, the site at Carter Avenue is not identified in the Plan as an allocation. It also appears in the table as part of the housing figure to be provided. As it is not an allocation, this would then be a windfall site. Therefore the reference to Carter Avenue should be deleted from Table B in the interests of accuracy and the figure adjusted accordingly.

Table B makes a windfall allowance that I consider to be reasonable and so this figure remains as it is.

The updates and corrections result in an overall figure of 92. KBC confirms that it is content that the level of housing provision identified in the Plan takes into account the latest available evidence on housing needs and means that the Plan, along with the draft housing allocations in other settlements currently being progressed through the Part 2 Local Plan would meet the minimum rural housing requirement for the Borough identified in the CS. This then assists in the achievement of sustainable development and is an example of the Parish Council and local planning authority working collaboratively on agreeing the relationship between the policies in the emerging Part 2 Local Plan, the emerging neighbourhood plan and the adopted development plan as PPG indicates.³¹

Turning now to Table C, KBC has provided me with an updated position in relation to each of the sites included in this table. Given the explanation in the Plan that this Table is shown solely for reference purposes, I do not consider there is any merit in continuing

³¹ PPG para 009 ref id 41-009-20160211

to include it in the Plan or as part of the new appendix and therefore it should be deleted alongside paragraph numbered xxix..

The Plan then refers to a gypsy and traveller site indicating that support for any increase in the number of pitches on this site would not be forthcoming. In addition reference is made to “no further development” on the site in Table C (recommended for deletion).

The JCS makes it clear that it is important to provide for the housing needs of a range of specific groups. The National Planning Policy for Traveller Sites requires local planning authorities to plan positively for the needs of travellers.

In response to a query, KBC confirms that the site now has a total of 21 pitches in total. It is their intention to produce a Gypsy and Traveller Site Allocation Policy Development Plan Document. A draft consultation is scheduled to take place later this year. I note that JCS Policy 31 sets out criteria for new site allocations and applications for planning permission which addresses the concerns expressed in the Plan about residential amenity for residents and effect on landscape amongst other matters.

There is no policy in the Plan relating to provision or the particular site; therefore this commentary, now out of date anyway, does not relate to any policy or site allocation. It can therefore only be retained in the Plan as factual information. Therefore some amendments to the relevant paragraphs are recommended and it may be more appropriate to locate this information elsewhere in the Plan, but this is a matter of presentation.

The next part of the Plan contains a “summary and issues” section, but as the preceding information is recommended to be moved to an appendix, this element can be retained, but the title should change.

Moving on to the policy itself, Development Policy 4 is a criteria based policy. The first element refers to the site allocations in Table B. Most of the sites in Table B are completed or under construction developments and others are commitments. It has been established that although the Plan makes a number of references to the Carter Avenue site there is no corresponding policy in the Plan that allocates this site. Church Street is the subject of Policy 7 and a proposed NDO. Church Street also falls within the proposed settlement boundary subject of Village Boundary Policy 1 and Sustainability Policy 2 which supports development in principle on this site. In any case, Table B has now been recommended to move to a background appendix. Sustainability Policy 2 specifically refers to a Broughton specific response to gaps in housing stock which have been identified as smaller units. Taking all these issues together, criterion a) is no longer required.

Criterion b. restricts development beyond the village boundary to the re-use of agricultural buildings and exception sites in line with JCS Policies 13 (Rural Exceptions) and 25 (Rural Economic Development and Diversification). As this criterion effectively repeats policies in the JCS it is not necessary as it simply duplicates policy. It should therefore be deleted.

Criterion c. supports small scale housing defined as one or two bedroomed properties on the “identified strategic sites”. However, it has already been established that only one site is identified and is subject to Policy 7 and this requirement can be included in the site specific policy and so is redundant.

Criterion d. seeks to apply Development Design Policy 3 to all new dwellings and extension development. Development Design Policy 3 would apply to any development in the Parish thereby including new development and extensions. There is therefore no need for this criterion.

As a result, it is recommended that Development Policy 4 be deleted alongside its conformity information. This also adds succor to the recommendation that its accompanying text and the tables should be moved to an appendix.

- **Delete “Site Specific Local Development Document 2012” from paragraph xxiii. on page 40 of the Plan and replace with “*Site Specific Proposal Local Development Document Housing Allocations Assessment of Additional Sites and Update (October 2013)*”**
- **Move existing paragraphs xxiii. - xxviii. to a separate appendix together with Tables A and B to join the relocated information from pages 30 and 31**
- **Remove the ‘green box’ from the phasing paragraph currently on page 42 of the Plan [wording can be retained as is]**
- **Update Table B by deleting the reference to Headlands Farm and updating the sub-total figure accordingly to “80”**
- **Update Table B by deleting the reference to Carter Avenue and amending the sub-total figure accordingly to “87”**
- **Update Table B by amending the “BNP Housing Allocation Total” to “92”**
- **Delete Table C from the Plan**
- **Delete subheading “Table C” and paragraph xxix. from the Plan**
- **Amend paragraphs xxx. to xxxii. on page 45 of the Plan to read: “*A Gypsy and Traveller Site exists in the Parish. The size of the site has increased over recent years to 21 pitches in total. Policy 31 of the JCS sets out the criteria to be applied for applications for planning permission for gypsy and traveller accommodation. KBC has confirmed it is their intention to produce a Gypsy and Traveller Site Allocation Policy Development Plan Document and a draft consultation is scheduled for late 2018.*”**
- **Retitle the section of the Plan on pages 48 and 49 to “Issues”**

- **Delete Development Policy 4 in its entirety including the “Conformity” references**
- **Consequential amendments may be necessary**

Chapter 5 Strategic and Windfall Opportunities and Development Order in Broughton

This chapter is in two parts: A and B. Part A addresses windfall and what is termed “strategic” opportunities in Broughton. Two policies (Strategic Site Policy 5 and Windfall Policy 6) follow.

The Plan explains the LP and JCS refer to the acceptability of “small scale” development, but there is no definition of what this means. Coupled with this are concerns about so called small scale development that has already taken place that individually and cumulatively are viewed as inappropriate. Additionally, there are concerns about the ability of infrastructure to cope with further development.

The Plan recognises there are few remaining opportunities and as a result the importance of those remaining sites is heightened. The intent is to ensure that any such opportunities deliver a “best solution for Broughton”.

The Plan then seeks to define small scale windfall for Broughton as being less than four dwellings and “strategic” sites as four or more dwellings. The issue is that as the Plan does not allocate any sites itself, all new development would be regarded as windfall.

Furthermore the Plan explains that the “strategic sites” will be “identified and brought forward only through the Neighbourhood Plan review process”.³² This then would effectively scupper the development of any larger sites within the village boundary until or if the Plan was reviewed. This is clearly contrary to the NPPF’s aim of supporting strategic needs set out in Local Plans and planning positively to support local development outside the strategic elements of the Local Plan and significantly boosting the supply of housing.³³

I consider that the definitions of small scale, strategic sites and windfall have been a little muddled.

Strategic Site Policy 5

Turning now to Strategic Site Policy 5 itself, the policy defines “strategic sites” identifying them as “valued village assets” and opportunities for high quality and sustainable design. In my view, all development sites should be considered as such opportunities, but I understand what the Plan is aiming to do.

³² Neighbourhood Plan page 52

³³ NPPF paras 16 and 47

Nevertheless, given my comments above, I cannot see any basis or benefit to defining “strategic sites” or any other purpose for the policy.

I queried the intent of this policy and in response whilst I empathize with the community’s concern and desire to ensure that any remaining sites are developed to a high quality and in line with the village’s needs, this policy does not achieve that. In making a recommendation that this policy be deleted, I am mindful that Development Design Policy 3 covers a number of principles of good and sustainable design as do policies in the LP and JCS and so this issue is addressed satisfactorily and Sustainability Policy 2 addresses the local needs issue.

As a consequence, the accompanying text also requires modification as does the title of this section of the Plan.

- **Delete Strategic Site Policy 5 in its entirety including its conformity element**

Windfall Policy 6

This policy refers to windfall development which as I have explained covers any new development within the settlement boundary as the Plan does not allocate any sites for development. This understanding replicates criterion a) of the policy which therefore becomes unnecessary.

Criterion b) supports windfall development, but as the definition is muddled, windfall development would in principle be supported on all available sites within the settlement boundary. This criterion is therefore redundant.

Criterion c) requires on site parking and a direct highway frontage. The first issue is covered by criterion d) of Development Design Policy 3. Given that the policy would apply to any windfall sites within the village, the second issue may prevent the redevelopment of sites that have existing properties on them that should or could be retained as important buildings in the context of the village or its Conservation Area or could be retained in relation to the viability of proposals. There is insufficient explanation or justification for this element and I am concerned it could, however inadvertently, prevent the achievement of sustainable development. Therefore it should not be retained.

Criterion d) refers to safeguarding the land between the bypass and the village boundary. I asked a query in relation to this because I could not find reference to this in the Plan. The Parish Council advise that it is a principle in the LP which they feel has been transgressed by more recent development. Little justification is put forward in the Plan for this and the area concerned is not shown on a map. Therefore whilst this may be a principle in the LP, given the age of that document, justification is necessary. As it stands, there is insufficient justification and a lack of clarity over where this land might

be. As a result it should be deleted as it does not take account of national policy or guidance.

Taking all these matters together, the policy should be deleted as it does not meet the basic conditions.

- **Delete Windfall Policy 6 in its entirety including its conformity element**

As both policies are recommended for deletion, Part A should be deleted and other consequential amendments to the Plan will be needed.

- **Delete paragraphs i. – vi. on page 52 of the Plan, the Summary and Objectives on page 53 of the Plan**
- **Consequential amendments will be needed including retitling Chapter 5 and references to Part B**

Neighbourhood Development Order Policy 7

Part B is a neighbourhood development order (NDO). This has been submitted separately and is the subject of a separate examination which I am also appointed to undertake.

As the policy is currently titled and worded it simply duplicates the NDO as that is currently presented. I have considered the relationship between the proposed Plan and the proposed NDO. There is of course always the possibility that one does not progress. Therefore it is important as the two are progressing concurrently, that they are complementary.

In examining the NDO, I have made a number of modifications to both its structure and presentation and detailed wording. For the purposes of the Plan, I consider it appropriate that a policy could be included that refers to the site and the NDO's aims for it. However, if the suggested modifications to the NDO are not accepted, then this element of the Plan proposal will need revisiting.

Overall the section explains the rationale for the NDO well although it will require some natural updating as the Plan progresses towards being made. The modifications recommended to the policy will make it stand alone regardless of the progression of the NDO.

I suggest the title is altered to make it site specific. I then reword the policy to ensure it aligns with the modifications I recommend on the NDO. As a result some changes to the supporting text are required. Subject to these modifications, the policy will meet the basic conditions.

- Delete “Part B Development Order in Broughton” from the title of this section replacing it with “*BT Exchange, Church Street*”
- Change the title of Policy 7 to “*BT Exchange, Church Street Policy 7*”
- Reword Policy 7 to read:

“A site at the BT Exchange, Church Street shown on map xx is identified for locally identified open market housing needs for between five and seven dwellings consisting of small “mews” flats and/or terraced houses of 1 or 2 bedrooms.

Any development on the site will be expected to take account of the following Design Principles to ensure a build of the highest quality and suitability whilst providing for the satisfactory delivery of a scheme that enhances the site given its proximity to the Broughton Conservation Area:

- a) the dominant heritage external materials are ironstone and welsh slate in Broughton. The Church Street frontage will be built with ironstone or be predominantly ironstone featured with heritage style red brick providing the opportunity to enhance and align with the core heritage of the immediately adjacent conservation area of Church Street and core heritage of the village reinforcing local identity and sense of place*
- b) The development of this site must observe the principle for development of 1 or 2 bedroom properties*
- c) This new development will provide dwellings which abut to the pavement or retain small front gardens respecting the historic character of Broughton*
- d) The development will preserve or enhance characteristic views within, from and into the Conservation Area*
- e) White UPVC windows and doors will not be considered appropriate*
- f) Parking and services (waste bins) will be located as unobtrusively as possible and will not be a dominant feature of the development to mitigate any adverse visual impact on the street scene*
- g) If the development requires an area of paving or surfacing within the site, simple, attractive, durable and sustainable materials will be required to provide a subordinate foreground which relates well to the surrounding buildings*
- h) Building height will reflect the building heights of immediately adjacent properties in Church Street*
- i) Roof form will be complementary to adjacent properties in Church Street*
- j) The principle elevations will front Church Street*
- k) The development will not serve to have an overbearing impact on Church Street and must align and blend with sympathetic design and form of the heritage street layout*
- l) Internal floor areas will meet the national space standards*
- m) An adaptable housing layout design will be encouraged to provide for flexible internal layout and enabling cost effective alterations*

n) The development will incorporate suitable design attributes appropriate for later life downsizing opportunities.”

- **Insert map to show the site [should be the same as in the NDO]**
- **Delete subheading “Neighbourhood Development Order” from page 54 of the Plan**
- **Amend this sentence in paragraph iii. on page 55 of the Plan to read: “The site is in use as a village telephone exchange at the start of the Plan *period* with the landowners being aware of and supportive of the planning facilitation a NDO will provide.”**
- **Change the word “allocation” in paragraph iii. to “*requirement*”**
- **Delete the sentence that begins “Subject to approval...” from paragraph iii.**
- **Add a new paragraph vii. that reads: “*In order to ensure that the Neighbourhood Plan and the NDO complement each other, a policy has been developed that sets out the community’s expectations for this site. Whilst NDOs are usually subject to time limits, this policy will endure for the lifetime of the Neighbourhood Plan period.*”**

Chapter 6 Traffic, Transport and Highways

This chapter details the issues of concern in relation to this topic and explains that a Parish Traffic Survey was undertaken and that a number of initiatives including a Considerate Parking Initiative are underway to help to address some of the concerns raised through the Plan process. It is clear that a considerable amount of work has taken place with the Highways Authority and others.

A series of maps on pages 66 - 69 show possible traffic management options that will be further considered with the Highways Authority. A ‘green box’ on page 71 of the Plan sets out a series of aspirations. It is important that the aspirations contained in this chapter are clearly differentiated from the planning policies of the Plan in line with PPG³⁴ advice as they are not development and use of land matters. I do not consider this to be the case largely because the word “policies” remains as a heading on page 71 and the green box used for the aspirations is the same or at least very similar to the green boxes used for the planning policies. Therefore to ensure the Plan provides a practical framework for decision making and the clarity sought by national policy and advice, the following modifications are suggested:

³⁴ PPG para 004 ref id 41-004-20170728

- Add a paragraph at the beginning of Chapter 6 that reads:

“The Neighbourhood Plan can only include policies that relate to the development and use of land. Wider community aspirations can be included in the Neighbourhood Plan, but must be clearly identifiable. All the contents of this Chapter relate to community aspirations that have evolved from the Parish Plan and through consultation on the Neighbourhood Plan as well as a Parish wide Traffic Survey. They therefore are community aspirations rather than planning policies.”

- Change the yellow heading on page 71 to read: “Objectives & Community Policies”
- Change the colour of the box on page 71 of the Plan to a different colour [not green]

Chapter 7 High Street, Broughton

Chapter 7 explains the High Street has a number of constraints and seeks to address these through informally promoting the concept of the village centre and Policy 8.

There is a spelling error on page 73 to correct and a missing word on page 75 to add.

- Change the spelling of “vieing” in paragraph iii. on page 73 of the Plan to “vying”
- Add the word “a” to paragraph vi. on page 75 of the Plan so that the first sentence reads “It is a fact...”

High Street Policy 8

This policy seeks to support additional car parking opportunities and restrict new access points onto the High Street.

As part of the questions of clarification, I asked whether it would be helpful to show the area subject to this policy on a map. A map was duly provided which assisted me with the examination, but I do not consider it appropriate to include this map in the Plan itself given the nature of the policy.

Criteria 2 and 3 do not allow any further accesses in the High Street and are therefore inflexible. For this reason, greater flexibility which will not affect the overall aim of the policy, but will permit accesses where they are shown to be acceptable, particularly given that may be other changes during the Plan period that alleviate the existing situation, will ensure that the policy takes account of national policy and guidance and helps to achieve sustainable development.

- Add at the end of both criteria 2. and 3.: *“unless it is satisfactorily demonstrated that there would be an acceptable impact on transport and traffic through the High Street.”*

Chapter 8 Green Areas and Important Public Open Spaces aka *Broughton’s Living Landscape*

Local Green Spaces Policy 9

Eight Local Green Spaces (LGS) are proposed by this policy.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁵ The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG. The JCS also explains that such designations may be made through neighbourhood plans.³⁶

All eight areas are shown on the map on page 81 of the Plan. I saw all eight areas on my site visit.

High Street Park (LGS 1) is in the heart of the village with trees that add to its distinctive character with a well maintained play area. It affords views across to the Church. It has been used for various village events and is a well used area valued for its heritage, beauty and recreational use.

Broughton Primary School Playing Fields (LGS 2) is attached to the school. The playing fields are important to the wellbeing of the villagers and generations of children and are valued for their recreational use and openness qualities. In response to a query, the Parish Council confirms that the existing map includes the school buildings and that they should be excluded. A modification is made to address this.

Podmore Way (LGS 3) is an amenity green space that forms an integral part of the residential estate with a number of trees and play equipment on it. A number of houses back onto it and paths criss cross the area leading from one road to another helping with the connectivity of this estate. It is valued for its recreational and amenity value.

Common Land in front of the Church (LGS 4) is a small area of open, grassed land next to a modern dwelling and opposite sheltered housing. It connects areas of land and is valued for its wildlife and biodiversity.

³⁵ NPPF paras 76, 77 and 78

³⁶ JCS page 59

Highcroft Farm (LGS 5) is valued as an area of meadow important for its wildlife and flora and fauna and for its historic connections to Broughton Common which has otherwise largely been lost as well as local history.

Kettering Road Allotments (LGS 6) are long established and well used allotments valued for their recreational and amenity value as well as for food production and sense of community. In response to my query, both Councils confirm that this area should be shown as one rather than two areas which reflects what is on the ground and so a modification is made to address this.

Mile End Lane Allotments (LGS 7) is a smaller area of allotments, again well used and valued for their amenity as well as sense of community and opportunity for food production.

Land off Gate Lane (LGS 8) is two areas on either side of Gate Lane. The larger area, to the east of Gate Lane, is well defined with a number of perimeter trees and overlooked by houses. It is important visually to the village. Gate Lane is a relatively narrow road that bends and has higher banks and hedges. To the west the land is well defined and relatively new development surrounds the westernmost boundary. The land slopes up towards the Church. The areas afford views across to buildings from the road including to the Church spire. The areas are an enclave of peace and tranquility and important to the setting of the village.

Some of the proposed LGSs also fall within the Conservation Area. I have considered whether there is any additional local benefit to be gained from designation as a LGS as advised by PPG.³⁷ I consider that the LGS designation expresses the areas of particular significance and importance to the local community and therefore there is added value.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily.

Turning now to the policy itself, I consider it would be prudent to refer to map within the policy itself in the interests of providing the practical framework required by national policy and guidance. Otherwise the policy is worded clearly. Finally, in order to be consistent with the style of the Plan and to ensure the policy is clearly distinguishable, a green box should be placed around the policy.

Subject to the modifications below, the policy will meet the basic conditions.

- **Amend the map on page 81 of the Plan to exclude the school buildings from LGS 2**
- **Amend the map on page 81 of the Plan to show LGS 6 as one area**

³⁷ PPG para 010 ref id 37-010-20140306

- **Change the first sentence of the policy to read: “The areas listed below and identified in this Plan *on Map XX on page XX* are designated as Local Green Spaces.”**
- **Delete “Refer to LGS/Open Spaces Map” at the end of the first paragraph as a consequential amendment**
- **Place the policy in a green box to match the style elsewhere in the Plan**

Open Spaces Policy 10

This policy seeks to designate four areas as Open Space. The four areas are Cransley Green (OS 1), Bentham Charity Land (OS 2), Pocket Park (OS 3) and Village Hall Playing Field (OS 4). I saw each at my site visit.

The JCS indicates that open space can be designated for protection through neighbourhood plans.³⁸

Policy 10 identifies and designates these four open spaces and protects them. Given their nature and ownership, the policy is, in this instance, appropriate.

I consider it would be wise to refer to the map that shows each area in the policy itself in the interests of providing the practical framework required by national policy and guidance.

Otherwise the policy is worded clearly, but in order to be consistent with the language and titles used in the Plan, it would be helpful to refer to the open spaces as “open spaces” rather than “existing open spaces”.

Additionally, in order to be consistent with the style of the Plan and to ensure the policy is clearly distinguishable, a green box should be placed around the policy.

Subject to the modifications below, the policy will meet the basic conditions.

- **Change the first sentence of the policy to read: “The areas listed below and identified in this Plan *on Map XX on page XX* are designated as *Open Spaces*.”**
- **Delete “Refer to LGS/Open Spaces Map” at the end of the first paragraph as a consequential amendment**
- **Place the policy in a green box to match the style elsewhere in the Plan**

³⁸ JCS page 59

Monitoring

Whilst monitoring is not a formal requirement of neighbourhood planning, I regard it as good practice and the annual monitoring of the Plan described in this section is therefore to be welcomed.

Summary

The commentary in this section provides a clearly worded and succinct ending to the Plan. Page 99 includes the Vision Statement, the Strategy Statement and the Sustainable Solution Statement. I do not see any particular need to repeat these statements here, but neither is this a modification I need to make in respect of the basic conditions.

The Strategy Statement does not, to me at least, seem to make much sense without its accompanying diagram that shows the seven objectives. If this is to be retained, then the diagram should be added in the interests of clarity. I see the Sustainable Solution Statement also refers to the seven objectives.

- **Add the seven objectives diagram to this section to sit alongside the Strategy Statement (if the Statement is desired to be retained)**

Supporting Documentation

A helpful list of the relevant documentation.

8.0 Conclusions and recommendations

I am satisfied that the Broughton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Kettering Borough Council that, subject to the modifications proposed in this report, the Broughton Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Broughton Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Broughton Neighbourhood Plan area as approved by Kettering Borough Council on 15 January 2014.

Ann Skippers MRTPI

Ann Skippers Planning
28 May 2018

Appendix 1

List of key documents specific to this examination

Broughton Neighbourhood Plan Submission Version

Basic Conditions Statement

Consultation Statement

Pre-Consultation Responses Document

Broughton Neighbourhood Plan Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report August 2017

SEA Screening Opinion Letter from KBC dated 28 September 2017

SEA Scoping Report

SEA

Planning Policy for Traveller Sites August 2015

Kettering Local Plan 1995

North Northamptonshire Joint Core Strategy 2011 – 2031

Conservation Area Appraisal adopted April 2014

Kettering Borough Rural Masterplanning Report February 2012

Development Sites in Broughton Evaluation Report

Local Green Spaces Background Paper

Housing Needs Survey September 2013

Settlement Boundary Defining Principles

Broughton Parish Plan

Various documents referred to in the Plan in the Supporting Documentation section

List ends

Appendix 2

Questions of clarification to KBC and the Parish Council

Examinations of the Broughton Neighbourhood Plan and the Broughton Neighbourhood Development Order

Questions of clarification from the Examiner to the Parish Council and Kettering Borough Council (KBC)

Having completed my initial review of the Neighbourhood Plan (the Plan) and the Neighbourhood Development Order (the Order), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

Questions relating to the Neighbourhood Plan

1. On page 7 of the Plan reference is made to “paragraph 3.11 and paragraph 1”; I think paragraph 3.11 refers to that paragraph number in the Joint Core Strategy, but I am not sure whether the reference to “paragraph 1” is correct?
2. Page 7 of the Plan states that there is no attempt to designate sites as protected open spaces; is this statement correct given there are proposed Local Green Spaces?
3. In relation to Policy 3, criterion c., was it the intention of this part of the policy to relate to the construction period of new development or to refer to the relationship between a new dwelling and its neighbours with a view to ensuring that relationship was acceptable with particular regard to privacy?
4. Pages 40 – 47 of the Plan contain three tables. A number of queries arise:
 - a. Please could KBC confirm the accuracy of Table A and its accompanying text and update me in relation to any matters?
 - b. Please could KBC confirm the accuracy of Table B and its accompanying text and confirm whether KBC is satisfied with the figures presented? Do they accord with the latest available evidence on housing?
 - c. Table C includes sites discounted by the Parish Council. Some of this seems to be at odds with the views of KBC expressed in Table A? Please also update me in relation to any planning history or current planning applications/appeals on these sites.
 - d. Table C refers to a gypsy and traveller site at old Northampton Road and includes a statement that no further development should take place there. Please could KBC comment upon this statement and any strategic policy implications arising from it?
5. Chapter 5, Part A contains two policies: Strategic Site Policy 5 and Windfall Policy 6.
 - a. Whilst I understand that the Plan seeks to distinguish between sites for under four units and four or more units, I am not sure what else these policies seek to achieve?

- b. Windfall Policy 6 criterion d) seeks to safeguard land between the village boundary and bypass from development. Is this area shown on a map? Where is the evidence and justification for this element of the policy?
- 6. In relation to Policy 8, would it be useful to show the High Street area to which this policy relates on a map? If so, please could such a map be provided or the map on page 74 of the Plan be suitably annotated?
- 7. In relation to Policy 9, which seeks to designate a number of Local Green Spaces, please could you confirm:
 - a. Whether the school buildings are included as part of LGS 2 and if so, was this the intention?
 - b. What is the reason for showing proposed LGS 6 has been shown as two areas?
- 8. A Scoping Report (undated) has been submitted. The Strategic Environmental Assessment (SEA) document submitted refers to consultation being carried out on the scoping report. Please confirm that this is the case and the relevant dates.
- 9. The Basic Conditions Statement
 - a. Refers to the promotion of a site owned by KBC (Carter Avenue) to provide 1 bed flats on page 5. Whilst reference is made to this on page 39 of the Plan, am I right in that there is no specific policy on this site?
 - b. Refers to Development Design Principles – are they contained in the Plan?
- 10. KBC have kindly provided a summary of 13 representations from local residents. Please confirm that the full text of each representation has been replicated on the summary. If it hasn't, please provide full copies of each representation.

The following questions were asked verbally and responded to by emails of 6 April 2018 (Question 11) and 13 March 2018 (Question 12) and I include them here for completeness:

- 11. Please provide a copy of, or link to, i) the Rural Masterplanning Report, ii) Housing Needs Survey, iii) Parish Plan referred to in the Plan.
- 12. Appendices to representation number 16.

Questions relating to the Neighbourhood Development Order

The following question was asked by email of 17 April 2018 and responded to by email of the same date and I include it here for completeness:

- 1. It would be most helpful to have confirmation that there are no other planning applications on the site covered by the NDO please.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers
Independent Examiner
19 April 2018