

BROUGHTON NEIGHBOURHOOD PLAN: POST EXAMINATION DECISION NOTICE

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each to each of the recommendations in the Broughton Neighbourhood Plan Independent Examiners Report prepared by Ann Skippers, which was submitted to the Council on the 28th May 2018.

This decision statement, the independent Examiner's Report, the submission version of the Broughton Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.kettering.gov.uk/NeighbourhoodPlanning/Broughton

Paper copies of this decision statement and the independent Examiner's Report can be viewed during normal opening times at the following locations:

- Kettering Borough Council Offices, Bowling Green Road, Kettering

Background

The Town and Country Planning Act 1990 (as amended) places a statutory duty on Kettering Borough Council to assist communities in the preparation of neighbourhood plans and to take the plans through a process of examination and referendum. The Localism Act 2011 sets out the Local Planning Authority's responsibilities under neighbourhood planning.

The Broughton Neighbourhood Plan relates to the Broughton Neighbourhood Area which was designated on the 15th January 2014. The Broughton Neighbourhood Area is the Broughton Parish Area.

Broughton Parish Council undertook the Pre-submission consultation on the Neighbourhood Plan from 1st December 2016 to 19th January 2017.

The Neighbourhood Plan was submitted to Kettering Borough Council on 29th September 2017. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Neighbourhood Plan was made available for comment. This consultation took place from Wednesday 18th October 2017 to Wednesday 29th November 2017.

Independent Examination

An independent examiner was appointed to carry out the examination of the Neighbourhood Plan. The Examiner examined the Neighbourhood Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan Area.

The Examiner's Report was issued on the 28th May 2018. The Examiner's conclusion is that, subject to the modifications recommended in the report, the Broughton Neighbourhood Plan

meets the basic conditions and other statutory requirements outlined in the report. The Examiner's recommendation is that, subject to the modifications proposed in the report, the Broughton Neighbourhood Plan can proceed to referendum.

Once the Council receive the Examiner's report they must consider each of the recommendations and the reasons for them and decide what action to take. The Council must also consider whether the area to which the referendum is to take place should be extended.

Decision and Reasons

The Council has considered each of the recommendations made in the Examiner's report and the reasons for them. The Council, with the agreement of Broughton Parish Council, has decided to accept all of the recommended modifications to the draft Plan. The modifications are set out in table 1 below.

The Council considers that, subject to the modifications set out in table 1 being made, the Broughton Neighbourhood Plan meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is compatible with the Convention Rights and meets the requirements of paragraph 8 (1) of Schedule 4B to the Town and Country Planning Act (as amended).

Table 2 sets out further minor modifications which reflect modifications made by the Examiner and improve the clarity of the plan. As these are minor modifications, which are not a different view to the Examiner's, it is not necessary for the Council to re-consult on these minor modifications.

The Council will make the required modifications to the Broughton Neighbourhood Plan for it to proceed to referendum.

The examiner concluded that there is no need for the referendum boundary to extend beyond the designated neighbourhood area. The Council has considered this recommendation and the reasons for it and decided to accept it. The referendum area for the Broughton Neighbourhood Plan will therefore be the Broughton Neighbourhood Area.

This decision was made on 11th July 2018 at a meeting of the Council's Executive Committee.

Table 1		
Ref No	Examiners Recommended Modification	Council's Decision
Procedure and Policy Chapter		
1	Add a notation to the diagram on page 7 of the Plan that reads " <i>Reproduced from Figure 1 from the Joint Core Strategy</i> "	Accept modification for the reasons set out in the Examiners report
2	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 <i>and in particular paragraphs 3.6 and 3.11 and Policy 8 which set out the identified framework for place shaping...</i> " [retain remainder of sentence as existing]	Accept modification for the reasons set out in the Examiners report
3	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 <i>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...</i> " [retain remainder of paragraph as existing]	Accept modification for the reasons set out in the Examiners report
Broughton Village Boundary Designation		
4	Delete paragraph iv. on page 13 of the Plan	Accept modification for the reasons set out in the Examiners report
Chapter 2 Sustainability Solution for Broughton – Sustainability Policy 2		
5	Delete part b) from the policy and, as a consequence, delete ": a)" from the policy	Accept modification for the reasons set out in the Examiners report
6	Remove the capital "D" from the word "Development" in the first sentence of the policy	Accept modification for the reasons set out in the Examiners report
7	Add at the end of paragraph xvii. on page 21 of the Plan: " <i>in line with Policy 13 of the JCS.</i> "	Accept modification for the reasons set out in the Examiners report
Chapter 4 Development in Broughton		
8	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]	Accept modification for the reasons set out in the Examiners report
9	Delete existing paragraphs xxi. and xxii. on page 39 of the Plan in their entirety	Accept modification for the reasons

		set out in the Examiners report
10	Consequential renumbering of paragraphs will be required	Accept modification for the reasons set out in the Examiners report
Development Design Policy 3		
11	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]	Accept modification for the reasons set out in the Examiners report
12	Change criterion b. to read: "All new development <i>is encouraged to</i> utilise sources of renewable energy and efficient energy solutions, <i>wherever possible and appropriate to do so</i> , to offset additional carbon usage."	Accept modification for the reasons set out in the Examiners report
13	Change criterion c. to read: " <i>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.</i> "	Accept modification for the reasons set out in the Examiners report
14	Correct the spelling of the words "Confirmity" and "Culturual" in the policy to "Conformity" and "Cultural"	Accept modification for the reasons set out in the Examiners report
Development Policy 4		
15	Delete "Site Specific Local Development Document 2012" from paragraph xxiii. on page 40 of the Plan and replace with " <i>Site Specific Proposal Local Development Document Housing Allocations Assessment of Additional Sites and Update (October 2013)</i> "	Accept modification for the reasons set out in the Examiners report
16	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	Accept modification for the reasons set out in the Examiners report
17	Remove the 'green box' from the phasing paragraph currently on page 42 of the Plan [wording can be retained as is]	Accept modification for the reasons set out in the Examiners report
18	Update Table B by deleting the reference to Headlands Farm and updating the sub-total figure accordingly to "80"	Accept modification for the reasons set out in the Examiners report
19	Update Table B by deleting the reference to Carter Avenue and amending the sub-total figure accordingly to "87"	Accept modification for the reasons set out in the Examiners report
20	Update Table B by amending the "BNP Housing Allocation Total" to "92"	Accept modification for the reasons set out in the Examiners report
21	Delete Table C from the Plan	Accept modification for the reasons set out in the Examiners report

22	Delete subheading "Table C" and paragraph xxix. from the Plan	Accept modification for the reasons set out in the Examiners report
23	Amend paragraphs xxx. to xxxii. on page 45 of the Plan to read: " <i>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.</i> "	Accept modification for the reasons set out in the Examiners report
24	Retitle the section of the Plan on pages 48 and 49 to "Issues"	Accept modification for the reasons set out in the Examiners report
25	Delete Development Policy 4 in its entirety including the "Conformity" references	Accept modification for the reasons set out in the Examiners report
26	Consequential amendments may be necessary	These will be identified when the plan is modified
Chapter 5 Strategic and Windfall Opportunities and Development Order in Broughton		
Strategic Site Policy 5		
27	Delete Strategic Site Policy 5 in its entirety including its conformity element	Accept modification for the reasons set out in the Examiners report
Windfall Policy 6		
28	Delete Windfall Policy 6 in its entirety including its conformity element	Accept modification for the reasons set out in the Examiners report
29	Delete paragraphs i. – vi. on page 52 of the Plan, the Summary and Objectives on page 53 of the Plan	Accept modification for the reasons set out in the Examiners report
30	Consequential amendments will be needed including retitling Chapter 5 and references to Part B	Accept modification for the reasons set out in the Examiners report Page 51 – Diagram will need to be updated to reflect the change in the title of chapter
Neighbourhood Development Order Policy 7		

31	Delete "Part B Development Order in Broughton" from the title of this section replacing it with " <i>BT Exchange, Church Street</i> "	Accept modification for the reasons set out in the Examiners report
32	Change the title of Policy 7 to " <i>BT Exchange, Church Street Policy 7</i> "	Accept modification for the reasons set out in the Examiners report
33	<p>Reword Policy 7 to read:</p> <p><i>"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:</i></p> <p><i>a) the dominant heritage external materials are ironstone and welsh state 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</i></p> <p><i>b) The development of this site must observe the principle for development of 1 or 2 bedroom properties</i></p> <p><i>c) This new development will provide dwellings which abut to the pavement or retain small front gardens respecting the historic character of Broughton</i></p> <p><i>d) The development will preserve or enhance characteristic views within, from and into the Conservation Area</i></p> <p><i>e) White UPVC windows and doors will not be considered appropriate</i></p> <p><i>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</i></p> <p><i>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</i></p> <p><i>h) Building height will reflect the building heights of immediately adjacent properties</i></p>	Accept modification for the reasons set out in the Examiners report

	<p><i>in Church Street</i></p> <p><i>i) Roof form will be complementary to adjacent properties in Church Street</i></p> <p><i>j) The principle elevations will front Church Street</i></p> <p><i>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</i></p> <p><i>l) Internal floor areas will meet the national space standards</i></p> <p><i>m) An adaptable housing layout design will be encouraged to provide for flexible internal layout and enabling cost effective alterations</i></p> <p><i>n) The development will incorporate suitable design attributes appropriate for later life downsizing opportunities.”</i></p>	
34	Insert map to show the site [should be the same as in the NDO]	Accept modification for the reasons set out in the Examiners report
35	Delete subheading “Neighbourhood Development Order” from page 54 of the Plan	Accept modification for the reasons set out in the Examiners report
36	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 <i>period</i> with the landowners being aware of and supportive of the planning facilitation a NDO will provide.”	Accept modification for the reasons set out in the Examiners report
37	Change the word “allocation” in paragraph iii. to <i>requirement</i> ”	Accept modification for the reasons set out in the Examiners report
38	Delete the sentence that begins “Subject to approval...” from paragraph iii.	Accept modification for the reasons set out in the Examiners report
39	Add a new paragraph vii. that reads: “ <i>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.</i> ”	Accept modification for the reasons set out in the Examiners report
Chapter 6 Traffic, Transport and Highways		
40	Add a paragraph at the beginning of Chapter 6 that reads: “ <i>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</i>	Accept modification for the reasons set out in the Examiners report

	<i>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.</i>	
41	Change the yellow heading on page 71 to read: “Objectives & <i>Community Policies</i> ”	Accept modification for the reasons set out in the Examiners report
42	Change the colour of the box on page 71 of the Plan to a different colour [not green]	Accept modification for the reasons set out in the Examiners report
Chapter 7 High Street, Broughton		
43	Change the spelling of “vieing” in paragraph iii. on page 73 of the Plan to “ <i>vying</i> ”	Accept modification for the reasons set out in the Examiners report
44	Add the word “a” to paragraph vi. on page 75 of the Plan so that the first sentence reads “It is a fact...”	Accept modification for the reasons set out in the Examiners report
High Street Policy 8		
45	Add at the end of both criteria 2. and 3.: “ <i>unless it is satisfactorily demonstrated that there would be an acceptable impact on transport and traffic through the High Street.</i> ”	Accept modification for the reasons set out in the Examiners report
Chapter 9 Green Areas and Important Public Open Spaces aka <i>Broughton’s Living Landscape</i>		
Local Green Spaces Policy 9		
46	Amend the map on page 81 of the Plan to exclude the school buildings from LGS 2	Accept modification for the reasons set out in the Examiners report
47	Amend the map on page 81 of the Plan to show LGS 6 as one area	Accept modification for the reasons set out in the Examiners report
48	Change the first sentence of the policy to read: “The areas listed below and identified in this Plan <i>on Map XX on page XX</i> are designated as Local Green Spaces.”	Accept modification for the reasons set out in the Examiners report
49	Delete “Refer to LGS/Open Spaces Map” at the end of the first paragraph as a consequential amendment	Accept modification for the reasons set out in the Examiners report
50	Place the policy in a green box to match the style elsewhere in the Plan	Accept modification for the reasons set out in the Examiners report
Open Spaces Policy 10		
51	Change the first sentence of the policy to read: “The areas listed below and identified in this Plan <i>on Map XX on page XX</i> are designated as <i>Open Spaces.</i> ”	Accept modification for the reasons set out in the Examiners report

52	Delete “Refer to LGS/Open Spaces Map” at the end of the first paragraph as a consequential amendment	Accept modification for the reasons set out in the Examiners report
53	Place the policy in a green box to match the style elsewhere in the Plan	Accept modification for the reasons set out in the Examiners report
Summary		
54	Add the seven objectives diagram to this section to sit alongside the Strategy Statement (if the Statement is desired to be retained)	Accept the modification for the reasons set out in the Examiners report. It is recommended that the seven objectives are added and that the Strategy Statement is retained. The Parish Council has agreed to this approach.

Further minor modifications arising from the Examiner’s modifications or to correct typographical errors

Table 2		
Reference	Recommended Modification	Reason
Page 5	Update table of contents to reflect modifications, update page numbers, chapter titles and order of the document. Add chapter number for Broughton Village Boundary Designation Chapter, amend subsequent chapters to reflect this	To reflect modifications to the plan
Broughton Village Boundary Designation Chapter	Add chapter number and update other chapter numbers to reflect this change	For clarity and consistency
Chapter 6	Amend paragraph numbering to take into account new paragraph inserted by modification Ref 40	For consistency
Policies	Re numbering of policies to reflect deleted policies. Policy 7 will become policy 4, Policy 8 will become policy 5, policy 9 will	To reflect modifications to the plan

	become policy 6 and policy 10 will become policy 7	
Summary sections	Add paragraph numbers	For clarity
Local Green Space Policy 9 and Open Space Policy 10	Place in two separate boxes	For clarity

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