

## **Napton-on-the-Hill Neighbourhood Plan Examination**

### **Questions of clarification from the Examiner to the Parish Council and SDC**

(Note – Responses from SDC are shown in **red**, whilst comments in **blue** are from the Parish Council)

Having completed my initial review of the Neighbourhood Plan (the Plan), 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.

1. At the time the Plan was written and submitted, SDC was preparing a Site Allocations Plan (SAP). This was consulted on a proposed submission version in Autumn 2019. However, according to SDC's website, this version of the plan is not being proceeded with. It is not clear to me why this is the case. Anyway, the website indicates that work is now being carried out on a new version. It is envisaged that preferred options will now be consulted upon in October/November 2020 with a view to submission in April/May 2021.

**Due to a number of third party representations highlighting deficiencies in the evidence base underpinning the SAP, SDC felt it appropriate to commission further technical evidence and take the opportunity to re-consider and refine the list of preferred sites and introduce an appropriate release mechanism.**

**It should be noted that the SAP is due to go to Council for a decision on the 19 October 2020 as to whether it proceeds to consultation which will be a Preferred Options document, a stage previous to that which was consulted on in Autumn 2019.**

It is clear that the emerging SAP influenced the development of the Plan. It contains numerous references to the SAP. How should these now be dealt with? If this version of the SAP is no longer being pursued, the Plan should remove all references to it. Would the Councils like to provide me with a list of those changes?

**The Parish Council has gone through the submitted Plan and deleted all references to the SAP. Attachment 1 is a copy of the modified Plan. This shows all the suggested deletions in red with strike through. The suggested additions as a consequence of these deletions are shown in blue.**

A reference to Policy SAP.1 Self-Build and Custom Housebuilding is attributed to the Core Strategy, but I think it should be the SAP (page 47 of the Plan). How should this be modified?

**The reference is indeed incorrect and it should have referred to Policy SAP.1. However as a consequence of the emerging SAP being withdrawn the Parish Council acknowledge that the policy and subsequent paras 8.57 to 8.59 should now be deleted in accordance with the above. The supporting justification in the attached Plan now makes reference to national policy on self build and the District Council's guidance in respect of custom and self-build housing in Part J of the Development Requirements Supplementary Planning Document (SPD), which was adopted in July 2019.**

In relation to Policy 4, Site of the former Napton Brickworks, the policy refers to Proposal RURAL.1 of the emerging SAP seeking to add further requirements to a draft policy which

was in the emerging SAP. As the policy in the emerging SAP no longer exists, what action could be taken in relation to Policy 4? Should the Plan allocate this site itself? Would this require further consultation? Should the policy be deleted? Or have events overtaken things and has planning permission been granted for the site? Please update me on the position including details of any planning applications and determinations and indicate what the preferred options might be moving forward.

**A planning application is currently with the Development Management service and the latest position is that negotiations are still taking place concerning technical details such as noise and ecological issues.**

**The Parish Council supports the principle of residential development on the site of the former brickworks for the reasons listed in the Plan. It also acknowledges that a balance has to be struck between the need to have a viable scheme whilst protecting the environmental features of the brownfield site. Nevertheless the Parish Council has reservations about allocating this site for development in its Plan. The Parish Council does not have sufficient evidence about this complex site in terms of its physical constraints, planning suitability, viability and deliverability to justify such an allocation. The site has a complicated planning history and it has taken the District Council two years to assess the most recent planning application (and we still don't know the outcome). As a consequence of the SAP being withdrawn the supporting justification to Policy 4 in the modified Plan now links to Policy AS.11 (large rural brownfield sites) in the Core Strategy. The Parish Council also accepts the opening sentence to Policy 4 now needs to be modified in the light of the SAP being withdrawn. The Parish Council, for instance, has no option but to remove reference to have up to 80 dwellings on the site as the figure was derived from Proposal RURAL.1 in the SAP. In brief the Parish Council would still like a general policy to broadly support the principle of residential development on the site subject to the criteria listed in Policy AS.11 of the Core Strategy along with the criteria a) to g) set out in Policy 4 of the Plan.**

2. Paragraph 2.3 on page 8 of the Plan refers to the July 2018 version of the NPPF. Should this be the February 2019 version?

**The Parish Council accepts the reference is incorrect and needs updating to the February 2019 version of the NPPF.**

3. Paragraphs 5.8 and 5.10 on page 22 of the Plan variously refer to 135 responses and 140 responses. Which is correct?

**The Parish Council understand that 140 forms were returned (para 5.8) but only 135 people answered the question "is your current home suitable" (para 5.10). The wording in para 5.10 should be modified to clarify.**

4. Please provide me with a copy of, or link to, the Housing Needs Survey prepared by Warwickshire Rural Community Council.

**Please see Attachment 8.**

5. Map 3 on page 27 does not read very clearly to me. It mixes listed buildings with local amenities. This then does not seem to reflect those local services and facilities identified as

part of Policy 13. It also seems that some of the numbers are incorrect; for example 9 and 20(?) Please could these issues be looked at and a revised Map or Maps be provided. It might be inset maps might be useful?

**SDC has produced two new maps for the Parish Council which separate listed buildings and local amenities (see Attachments 2 and 3). The Listed Building Map could be inserted after para 3.23/Table 1 in the Plan. However Table 1. lists all the Listed Buildings in the parish and the map only shows those within the village. There will therefore need to be some new wording to explain that it is an inset map showing just the Listed Buildings within the village. Similarly there hasn't been time to correct the numbering and amend the local amenities map such that it is consistent with the local services and community facilities listed in Policy 13.**

6. Policy 1 seeks to define a Built Up Area Boundary (BUAB) for Napton. This in itself is acceptable in principle, but given that much of the supporting text in paragraphs 8.10 to 8.13 are now no longer relevant, please provide some suitable replacement text. This can form part of the list of changes referred to in Question 1 if preferred.

**In accordance with Question 1 the Parish Council has indicated suggested changes to the text relating to the BUAB in the attached Plan. This includes modifications to paras 8.9 to 8.12, including some suggested replacement text following the withdrawal of the SAP.**

7. In relation to the BUAB, an amended map was received on 18 June 2020 from the Parish Council to SD to show an error; Manor Farm should be included. Please explain why this site should be included and whether any contact has been made with the landowner. Has this site inclusion been subject of public consultation at the formal pre-submission and / or submission stage?

**In brief the history of the Napton BUAB is as follows:**

1. the Napton BUAB was initially defined by SDC (using their methodology) and approved by its Cabinet in January 2018.
2. the Parish Council then used the approved version of the BUAB in its draft neighbourhood plan in November 2018.
3. a modified methodology for defining BUABs, and a BUAB for Napton then appeared in the now withdrawn SAP. This showed Manor Farm within the BUAB.
4. the BUAB that appears in the submitted Neighbourhood Plan in October 2019 was modified by the Parish Council after discussion and agreement with SDC officers. The Parish Council concedes that it should have then added Manor Farm to the BUAB in the Plan in accordance with SDC's revised methodology and map in the SAP, but mistakenly neglected to do this (it was a cartographical error). However the Parish Council now accept this omission is irrelevant as the SAP has been withdrawn. Furthermore the Parish Council accepts that the inclusion of Manor Farm in the BUAB has not been the subject of consultation during the preparation of the Plan.
5. In July 2020 an email was sent by SDC to parish councils asking for their observations on a further revised BUAB methodology and suggested boundaries. The revised Napton BUAB suggested by SDC indicated just 3 differences with the version which appeared in the submitted Neighbourhood Plan:
  - Manor Farm is missing from the Plan BUAB (see above)
  - the full curtilage associated with High Over Cottage is missing from the Plan BUAB
  - an agricultural building in Fells Lane is missing from the BUAB

**The Parish Councils accept that these additions to the BUAB can be assessed as part of a future review of the Neighbourhood Plan or any emerging SAP, but are not so significant to give cause for concern in the interim.**

8. Does SDC agree that around 21 dwellings is now the residual requirement for this Local Service Village? Table 6 details the permissions granted from April 2011 to July 2019. However, the plan periods for the Core Strategy and the Plan differ. Therefore Table 6 may give a false impression as to the residual requirement for the Plan to accommodate.

**The housing figure in the Core Strategy for Local Service Villages is not a target that must be fulfilled; it is an indicative figure to try to ensure an appropriate and equitable distribution of development between the numerous LSVs in the District. Therefore, 21 dwellings is not a requirement which Napton must meet as they have already provided a quantum of development.**

SDC outlined the Core Strategy requirement at the onset of Neighbourhood Plan preparation and provided the initial baseline figures of planning permissions granted in the parish since the start of the Core Strategy plan period. Perhaps to help clarify the text the Parish Council suggest that the opening sentence in para 8.16 could say that 'Planning permissions already granted for residential development since the start of the (insert) 'Core Strategy' plan period can be deducted from this requirement'.

9. There is a reference on page 40 of the Plan that indicates the Core Strategy indicates only planning permissions within the BUAB contribute to the housing requirement. Please provide me with this reference, as I cannot readily find it. Can SDC confirm whether it is only permissions in BUABs that contribute to the housing requirement set out?

**The permissions within BUAB's contribute towards the housing numbers for the settlement. If planning permission is granted on a site adjacent to a BUAB, SDC would certainly wish to include the site within any revised BUAB and the site would thereafter be classed as 'within the confines of the settlement'. Therefore, any dwellings on sites of this nature should count toward the settlement figures rather than the District-wide figures. These would include rural exception sites and self-build sites adjacent to the BUAB that are granted permission.**

10. The Screening Document prepared by Lepus Consulting on page 12 indicates that a significant area in the south of the BUAB falls within the Impact Risk Zones of Calcutt Locks Meadows and Napton Hill Quarry Sites of Special Scientific Interest (SSSI). It indicates that any development other than householder development needs to be consulted upon and that in line with Core Strategy Policy CS.6 no development can take place in this area.

My reading of Policy CS.6 slightly differs from this and is that development likely to have an adverse effect on a SSSI will only be permitted in exceptional circumstances. I would welcome comments from both Councils on whether my interpretation of Policy CS.6 is correct. Are there sufficient and suitable sites within the BUAB to meet the residual housing requirement? Please provide me with clearer plans (than are in the Screening Document) to show the Impact Risk Zones of each SSSI.

**Agree that wording in Policy CS.6 clearly states 'development adversely affecting SSSI will only be permitted in exceptional circumstances'.**

**It is difficult to respond in terms of whether there are sufficient and suitable sites within the BUAB to meet the residual housing requirement. It is impossible to anticipate which sites may come forward for development in the future for 'windfall' type development. Further, the housing figure in the Core Strategy for Local Service Villages isn't a target that must be fulfilled, it is an indicative figure to try to ensure an appropriate and equitable distribution of development between the numerous LSVs in the District.**

**Revised maps have been done and are attached (see Attachments 4 and 5).**

11. Please could SDC confirm that the information in paragraph 8.36 of the Plan (page 43) relating to the SHLAA is correct and update me as necessary.

**Para 8.36 should be updated to read:**

**The Strategic Housing Land Availability Assessment (SHLAA) 2020 forms part of the evidence base for the Site Allocations Plan.-This included an assessment of 24 parcels of land on the periphery of Napton. Each site was considered against a list of criteria to consider their suitability for development. The assessment concluded that almost all of the sites in and around the village were regarded as 'not deliverable'. Three sites were considered to be 'likely to be deliverable'. No sites were considered to be 'deliverable'.**

12. Please could the site referred to as Dog Lane/Fells Lane for self-build homes be identified on a map (this does not have to be high quality, just for me to see its location).

**Whilst the Parish Council are aware that a planning application for self build on a plot in Dog Lane is imminent, all references to it have been removed from the Plan as it was allocated in the SAP.**

13. In relation to a proposed Local Green Space subject of Policy 9, e) Pastoral Field above Quincy Meadows Development, please update me on the current position with the appeal.

**The Planning Inspector dismissed the appeal.**

**A copy of the decision letter is provided as Attachment 6.**

14. There are two references to the NPPF on page 83 and a further one on page 84 of the Plan. All three appear to be out of date. Please could these be checked and advise me accordingly.

**The Parish Council accepts that these references to the NPPF are out of date.**

**The Parish Council suggest deleting existing wording in paragraph 9.5 and insert 'Paragraph 109 in the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context paragraph 110 adds that applications for development should: create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'**

The Parish Council suggest deleting existing wording in paragraph 9.12 and insert 'Paragraph 102c) of the Framework states that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote walking, cycling and public transport are identified and pursued. Paragraph 104d) adds that planning policies should provide for high quality walking and cycling networks and supporting facilities.'

15. Please could the Character Assessment be checked to ensure that its references to views are correct. Do some, for example, on page 21 of the Character Assessment, need updating to ensure they align with Table 8 and Policy 10 of the Plan? And if so, please provide me with a list of the updates.

The Parish Council has gone through the Character Assessment to ensure the wording relating to the important views is consistent with that used in the submitted Plan. As a consequence there are suggested modifications to paras 2.9, 2.11, 5.28, 6.44, 7.46 and 8.27. These are shown in an annotated copy of the Character Assessment (see Attachment 7).

16. Please could SDC clarify their comment in relation to "Page 44/45, para 8.40" in their representation?

**This comment is an error and should not have been carried forward as part of the Reg.16 comments. This issue was raised at Regulation 14 consultation and the plan was subsequently amended prior to Regulation 16 consultation.**

17. Please could SDC confirm the number of representations received at Regulation 16 stage?

**50 responses were received.**

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. These queries are raised without prejudice to the outcome of the examination.

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,

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Independent Examiner  
27 August 2020