

Borough Council of Wellingborough

In respect of the matter of the Wollaston Neighbourhood Development Plan

FINAL DECISION STATEMENT (27 June 2016)

1. Overview

- 1.1 Following the successful independent examination of the Wollaston Neighbourhood Plan, and following the resolution of Services Committee on 27 June 2016, the Borough Council of Wellingborough (BCW or the council) is pleased to confirm that the Plan will now proceed to a community referendum.

2. Background

- 2.1 The Wollaston Neighbourhood Plan (the Plan) is a result of a significant level of endeavour shown by the Parish Council to shape the future growth of the village in a way that is in full conformity with the strategic aspirations of both the borough council and the North Northamptonshire Joint Planning Unit (NNJPU). This process has been aided wherever possible by a high level of collaboration between all three parties – the Parish Council, the borough council and the NNJPU.
- 2.2 An application for the designation of the Neighbourhood Area was submitted by the parish council to the borough council on 25 October 2012. The area included the whole of the parish of Wollaston and a small part of the neighbouring parish of Strixton. The Wollaston and Strixton playing field on the southern edge of the village and a small part of the Hinwick Road Industrial Estate fall within the parish of Strixton, but are clearly closely related to the settlement of Wollaston. The borough council undertook consultation as required by Regulation 6 of the neighbourhood planning regulations and issued a notice confirming that the designation had been made on 9 January 2013.
- 2.3 Upon receipt of the Plan, the council undertook a legal check of the process and the supporting documentation, confirming it as a legal submission by way of a notice issued on 4 November 2015. Past this point, the council resolved to submit to independent examination following a period of statutory publicity under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 2.4 In March 2016 the council appointed an external and independent examiner, Mr Richard High, to review whether the Plan meets the basic condition tests (as described in the Town and Country Planning Act 1990) and should therefore move forward to referendum. Mr High has since concluded his examination and returned a favourable recommendation that, subject to a number of modifications to the Plan it should proceed to referendum.

2.5 The commensurate review of the recommendations of the examiner is set out in Table 1, below. In short, it is the view of the council that all changes should be accepted and incorporated into the draft of the Plan to be presented for referendum with the exception of a minor change to Policy T4.

3. Decision and response to recommendations

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

Table 1 – Examiner recommended changes

Examiner recommendation	Reason	BCW Action taken
Amend paragraph 1.2 of the Basic Conditions Statement to correctly quote the basic conditions.	To correctly quote the basic conditions	Modification made as recommended
In paragraph 4. 1 delete "The Policies Map is included in Appendix 1" and delete Appendix 1. Insert the Policies Map after paragraph 4.3.	The Policies Map is an integral and essential part of the Plan and should therefore be within the main body of the Plan	Modification made as recommended
Modify the first part of Policy Env1 to read "Development at the following key gateways and focal points shown on the Policies Map should maintain or enhance the quality and physical appearance of the public realm and its setting".	The wording of the policy relates only to the public realm, but it is clear from the supporting text that the intention is that it should also relate to buildings which surround it and this is necessary for the policy to be effective. Minor modifications are therefore recommended in the interests of sustainable development and clarity to reflect these points.	Modification made as recommended
In Policy Env2. Delete "5. Grounds of The Priory: Hickmire" and renumber the rest of the list of Local Green spaces. Also delete the site from the Policies Map	It is not necessary or appropriate for the Grounds of The Priory Hickmire to be designated as Local Green Space	Modification made as recommended
In the supporting text Paragraph 4.14 delete "a marketing report will be	Part of the supporting text in Paragraph 4.14 is expressed as a policy	Modification made as recommended

required to demonstrate that all reasonable efforts to sell or let it at a market price for at least 12 months have been made” and replace with “a marketing report explaining the measures that have been taken to sell or let it at a market price may provide acceptable evidence”	and a modification is suggested to redress this for clarity.	
In Policy Env3.1b delete “where possible” from the end of the sentence and insert it after “ensure that” so that it clearly applies to both the conservation and the enhancement of the assets	Revised wording is suggested for clarity	Modification made as recommended
In Policy Env3.3 replace “provide” with “ensure” at the end of the first sentence,	Revised wording is suggested for clarity	Modification made as recommended
In Policy Env3.3 a. delete “for” at the beginning of the sentence.	Revised wording is suggested for clarity	Modification made as recommended
Modify Policy Env3.3 b. to read “that any loss does not take place until after the new development has commenced, or where this is not possible immediately before it commences.”	Revised wording is suggested for clarity	Modification made as recommended
In paragraph 4.19 delete the last two sentences.	The last part of the supporting evidence in paragraph 4.19 reads as policy and should be deleted.	Modification made as recommended
Reword the first part of Policy CF2 to read “Subject to other development plan policies planning permission will be granted...”	Revised wording is suggested for clarity. Read in isolation the policy appears to imply that primary school capacity is the only requirement for residential planning permission.	Modification made as recommended
Reword the first part of paragraph 4.39 of the supporting text to read “The evidence required to satisfy Policy T1 is likely to include an appropriate assessment of the number and usage level of on and off-street parking spaces over an extended period. The highway authority has advised	Paragraph 4.39 of the supporting text is expressed as detailed policy requirements and an appropriate modification is suggested for clarity	Modification made as recommended

that parking levels are normally considered”		
Delete Paragraph 4.40 as it largely repeats the policy.	Paragraph 4.40 of the supporting text is expressed as detailed policy requirements	Modification made as recommended
Reword Policy T1. 2 to read “replacement car parking spaces, normally equal to the number lost and conveniently located having regard to the needs of users and highway safety, will be provided elsewhere”.	Revised wording is suggested for clarity	Modification made as recommended
In the first line of Policy T2 delete “level of” and insert “need for”.	Revised wording is suggested for clarity	Modification made as recommended
Modify T2 1. to read “Provide sufficient parking to meet the assessed need”.	Revised wording is suggested for clarity	Modification made as recommended
Modify T2 2. To read “ensure that any additional on street parking does not result in significant congestion for other road users or a serious threat to road safety”.	To ensure consistency with the presumption in favour of sustainable development and paragraph 32 of the NPPF which makes it clear that transport arguments should only preclude developments “where the residual cumulative impacts of development are severe”	Modification made as recommended
Modify Policy T3.3 to read “cycle parking at important destinations within the Plan area including the London Road recreation ground and the Co-operative car park in Newton Road.”	Revised wording is suggested for clarity	Modification made as recommended
Modify Policy T4 to read “Planning permissions for new residential developments will be subject to a condition requiring the provision of ducting to allow for the provision of fibre optic cable into each new home”.	Revised wording is suggested for clarity. To make it clear that this is a requirement to be attached to a permission, rather than the key determinant of permission	The council accepts the examiner’s recommendation that an amendment is necessary to make it clear that this is a requirement to be attached to a permission rather than the key determinant of permission. However, the policy is now written in such a way that it relates solely to new

		<p>residential development whereas the policy as worded in the Submission Plan referred not only to residential development but also commercial development.</p> <p>There is no explanation in the Examiner's report to indicate the reason for excluding commercial development from the policy and the Examiner has confirmed the exclusion of commercial development from the modification was not intentional.</p> <p>Policy T4 is therefore modified to read: Planning permissions for new developments will be subject to a condition requiring the provision of ducting to allow for the provision of fibre optic cable into each individual premises.</p>
<p>Amend the second sentence of the second paragraph of Policy H3 to read "The affordable housing should be provided as individual units or small clusters scattered throughout the development."</p>	<p>The requirement for affordable housing to be scattered throughout the development as individual units may well not be achievable as it is often not an acceptable management arrangement for housing associations. It would not be consistent with the presumption in favour of sustainable development to resist the distribution of affordable housing in small groups.</p>	<p>Modification made as recommended</p>
<p>Delete paragraphs 4.74 to 4.77</p>	<p>Paragraphs 4.74 to 4.77 are expressed in policy terms. They essentially amplify the broad</p>	<p>Modification made as recommended</p>

	<p>criteria set out in Policy H5 but they do so in a more prescriptive and detailed way. This gives the impression that for the policy to be met they must be complied with. As the supporting text does not have the status of policy this is misleading.</p>	
<p>In Policy HA1. 1 insert “approximately and no less than” before “80 dwellings.</p>	<p>The definition of a precise cap on the scale of development is not consistent with the requirements of paragraph 16 of the NPPF with regard to the requirement to “plan positively to support local development ...”.</p>	<p>Modification made as recommended</p>
<p>At the beginning of Policy HA1.4 insert “Detailed proposals including the precise quantity of development and the southern and eastern boundaries will be determined by a comprehensive scheme which should include:”</p>	<p>In the absence of any clear rationale for the limitation of the number of dwellings and the definition of the boundary it is necessary to suggest amendments to meet the basic conditions having regard to the presumption in favour of sustainable development.</p>	<p>Modification made as recommended</p>
<p>In Policy HA1.3 insert “Where the statutory requirements are met” before “Developer contributions...”</p>	<p>Any contributions will be subject to the statutory requirements for planning obligations. These are referred to in the supporting text to Policy DC1 and a modification to Policy HA1 is recommended to make this clear</p>	<p>Modification made as recommended</p>
<p>Amend the policies map to show the southern and eastern boundaries with a dotted line and an annotation to say “boundary to be determined by comprehensive proposals”.</p>	<p>There is also no explicit justification for the boundary which has been chosen for the allocation. It is necessary to suggest amendments to meet the basic conditions having regard to the presumption in favour of</p>	<p>Modification made as recommended</p>

	sustainable development.	
In the supporting text: Delete the second sentence of paragraph 4.81 and amend the third sentence to read “The response to consultation in the early stages of the plan preparation indicated a need for outdoor recreation facilities including a fitness area.”	The supporting text provides useful background evidence but strays into making specific requirements which are not expressed in the policy itself. The scale of the proposed play area in Paragraph 4.81 is not supported by any evidence. The requirement for the outdoor fitness area in the second part of the paragraph could be linked to the evidence of consultation referred to in the Consultation Statement P33.	Modification made as recommended
Amend the beginning of paragraph 4.85 to read “The Parish Council would welcome its involvement along with the local community, neighbouring residents and other organisation in the development of comprehensive proposals for the development. Policy HA1 includes...”	Much of paragraph 4.85 is also expressed as policy. It also states that the comprehensive scheme will be prepared with the involvement of the local community. While this is clearly good practice in accordance with paragraph 66 of the NPPF, it cannot be required. Paragraph 189 of the NPPF makes it clear that local planning authorities cannot require pre-application consultation and there is no reason to believe that qualifying bodies could impose such a requirement	Modification made as recommended
Amend the first part of paragraph 4.90 to read “The site is considered suitable for a low density development of one or two dwellings fronting Hinwick Road.....”	Minor rewording of paragraph 4.90 is necessary to distinguish it from policy.	Modification made as recommended
Amend the beginning of paragraph 4.93 to read “The site is considered to be suitable for a low density development of one or two	Minor rewording of paragraph 4.93 is necessary to distinguish it from policy.	Modification made as recommended

dwelling..."		
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- 3.2 The council have considered the appropriate area to be covered by the referendum for the Plan and concur with the examiner. Accordingly, the referendum area should cover the Wollaston Neighbourhood Area.
- 3.3 The examiner recommends that, in the event that the suggested amendments set out in Table 1 are taken into account that the Plan meets the Basic Conditions in full and is compatible with the European Union obligations and the European Convention on Human Rights. As detailed above the council resolve to accept all amendments, with a minor modification to Policy T4, and in which case similarly concur that the Plan meets the Basic Conditions in full, is compatible with the Convention rights and complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan.
- 3.4 In line with the requirements of the Localism Act 2011 it is therefore proposed to hold a referendum to determine whether the Plan should be incorporated into the development plan of the borough. The following question will be posed at the referendum, in line with the Neighbourhood Planning (Referendum) Regulations 2012 (as amended):
- “Do you want the Borough Council of Wellingborough to use the neighbourhood plan for Wollaston to help it decide planning applications in the neighbourhood area?”*
- 3.5 The date on which the referendum will take place is agreed as 8 September 2016.