



Castor Neighbourhood Plan 2017-2036

A report to Peterborough City Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

August 2017

Executive Summary

I was appointed by Peterborough City Council on 17 July 2017, with the agreement of Castor Parish Council, to carry out the independent examination of the Castor Neighbourhood Plan 2017-2036.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 16 August 2017.

The Neighbourhood Planning Group for the village state that their vision (to summarise it) is to ensure that Castor be a rural village which seeks to respond positively to its rich rural context, while at the same time meeting a range of community needs into the future (including housing, jobs and services). It also wishes to remain a recreational asset for the wider community of the Peterborough area. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the group carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Castor Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

Explanatory note

The Castor Neighbourhood Plan has been prepared by the Castor and Ailsworth Neighbourhood Plan Working Group, acting on behalf of the Parish Councils of these two villages. Ailsworth have prepared their own Plan; but because the settlements adjoin each other (effectively merging into one and largely functioning as a single community sharing local facilities), in 2014 the two Councils agreed to work very closely together to progress their ideas. This very sensible decision has resulted in two draft neighbourhood plans which are similar in both format and content. Because the overall context within which each plan has been prepared is virtually identical, my examination of them has covered very similar ground and reached similar detailed conclusions. It should nevertheless be understood that I have approached my examination of each neighbourhood plan on its own merits, and in the light of the representations received and the impressions gained from my visit to the area.

Contents

- Introduction
- Procedural matters
- The village of Castor
- The basic conditions
- Other statutory requirements
- National policy
- The existing Development Plan for the area
- The consultation exercise (Regulation 14)
- Representations received (Regulation 16)
- General observations about the Plan
- Policy CH1: Criteria for all building development within the parish
- Policy CH2: Housing growth
- Policy CLU1: Environmental impact
- Policy CLU2: Wildlife corridors
- Policy CLU3: Open spaces
- Policy CLU4: Protection of archaeological heritage
- Policy CSE1: Retail and business development
- Policy CSE2: Working from home
- Policy CSE3: Education
- Policy CSE4: Health care
- Policy CRV1: Rural recreation and sport
- Policy CRV2: Footpaths, cycleways and bridleways
- Policy CRV3: Visitor access
- Other representations
- Conclusions on the basic conditions
- Formal recommendation.

Introduction

1. This report sets out the findings of my examination of the Castor Neighbourhood Plan 2017-2036 (the CNP). The Plan was submitted to Peterborough City Council (PCC) in April 2017 by the Castor and Ailsworth Neighbourhood Plan Working Group (the NPWG), which was set up by the two Parish Councils in 2015. The Neighbourhood Area for Castor is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which continues to be the principal element of national planning policy. Detailed advice is provided by National Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that the Plan should proceed to referendum. If this results in a positive outcome, the CNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the Neighbourhood Plan area.
5. I am independent of both the NPWG and the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the CNP either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted CNP
 - the CNP Basic Conditions Statement
 - the CNP Consultation Statement
 - the CNP Strategic Environmental Assessment Screening Report
 - the representations made to the CNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

- selected policies of the adopted Peterborough Local Plan, where they have been brought to my attention
 - relevant paragraphs of the NPPF (March 2012)
 - relevant paragraphs of the PPG (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 16 August 2017, when I looked at the overall character and appearance of the village (together with its wider context) and at those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the CNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

The village of Castor

10. Castor is a village and civil parish within the unitary authority of Peterborough, lying about 4 miles west of the City Centre. According to the introductory sections of the Neighbourhood Plan, the population stood at 834 in 2011, occupying a total of 361 dwellings. The village envelope (defined in the Peterborough Local Plan) lies to the south of the A47 trunk road, but the parish itself covers an extensive area both to the north and south of the road, encompassing large areas of farmland and woodland as well as the attractive valley of the River Nene.
11. As mentioned above, Castor and Ailsworth give the impression on the ground of being a single physical entity, with only a narrow undeveloped gap along Peterborough Road separating the two settlements. Despite this, and the shared community facilities (within Castor, the striking St Kyneburgha's church – a grade 1 listed building which has been a place of worship since the 4th Century - a primary school, two pubs and a village hall, while Ailsworth has a Methodist chapel, a shop, a coffee shop, a medical practice and a dentist), I was able to see from my visit to the area that each village has its own distinct character, which the neighbourhood plans recognise and seek to conserve.
12. The villages share a complex and important historical legacy deriving from Bronze and Iron Age settlement and, of particular significance, nationally and internationally-valued Roman archaeology. The villages themselves lie on higher land above the Nene floodplain, with Castor being able to trace continuous settlement since Roman times. Today it contains six scheduled ancient monuments and 43 listed buildings, including a number of important stone boundary walls which add significantly to its character. The neighbourhood plan records the fact that 12.5% of all buildings in the village enjoy listed status; and this is said not to include 15 further listed buildings in the Milton Park estate, to the north-east of the village itself.
13. Castor is a long-established agricultural settlement which, the neighbourhood plan explains, saw a significant decline in population (down to 546 in the 1952 census) as economic conditions changed. I was able to see from my visit that many parts of the village retain a character which reflects that history; however, it was equally apparent that significant changes have taken place since the 1930s to accommodate the growth of private car use and particularly because of the rapid growth of the village's population from the second half of the twentieth century.

14. The majority of the new housing associated with this growth has been carried out in suburban-style estates around the edge of the village which bear little relationship to the historic form. This relates to the buildings themselves, but also to the “engineered” treatment of the roads, footpaths and driveways which serve them, and which contrast with the much more informal character of the roads and verges in the older parts of the village. The transition is sometimes stark - an example being the northern edge of the village between the open countryside and the traditional street-scenes of the Stocks Hill / Church Hill / High Street area, where small cul-de-sacs of bungalows and dormer bungalows have been developed.
15. An attractive and valuable feature of both villages is the ease of access, especially on foot, cycle or horseback (I saw evidence of all three) to the network of footpaths, minor dead-end roads and bridleways, both to the north and south of the built-up areas. The nearby Nene valley is a strategically significant resource, whose role in providing recreational opportunities for the greater Peterborough area is understandably given some prominence in the Plan.

The basic conditions

16. I am not required to come to a view about the ‘soundness’ of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the plan, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance¹. I deal with each of these conditions below in the context of the CNP’s policies but, in brief, all neighbourhood plans must:
 - have regard to national policy and guidance;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies in the development plan for the local area;
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements;
 - not be likely to have a significant effect on a European site (as defined in the *Conservation of Habitats and Species Regulations 2010*) or a European offshore marine site, either alone or in combination with other plans or projects; and
 - comply with any other prescribed matters.
17. The Basic Conditions Statement for Castor is dated March 2017 and contains three tables assessing the CNP against national planning policy, the strategic policies in the Local Plan and the NPPF’s three components of “sustainability” (dealt with as a straightforward “scoring” exercise for each policy).

Other statutory requirements

18. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
 - that the NPWG is the appropriate qualifying body (*Localism Act 2011*) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by

¹ Reference ID: 41-065-20140306

the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;

- that the Plan period must be stated (which in the case of Castor is confirmed as covering the period 2017 to 2036); and
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).

19. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas Act) to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.
20. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the *Environmental Assessment of Plans and Programmes Regulations 2004*. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority’s responsibility to engage with the statutory consultees.
21. Peterborough City Council duly carried out a screening exercise, and their report, dated 20 September 2016, accompanies the documents submitted for examination. The report summarises the aims of the CNP and sets down the legislative background, including the established criteria for determining whether the Plan is likely to have any significant environmental effects. Having followed Governmental advice on the process for carrying out the screening exercise, the City Council concluded in relation to each of the criteria (to the extent that they are relevant to Castor, and with one exception) that the Plan would be unlikely to have any significant environmental effects, and thus that no SEA is required. The responses from the relevant statutory consultees support that conclusion, and I have no reason for taking a different view. (The one exception is the proposal shown in the pre-submission draft for two specific housing land allocations within the conservations area and close to listed buildings. However, these now appear to have been deleted from the submission version of the Plan, and so no further comment from me is needed).
22. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

National policy

23. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

24. The adopted Local Plan for the City of Peterborough has a number of component parts, the most relevant for my purposes being the Core Strategy (adopted February 2011) and the Site Allocations and Planning Policies Development Plan Documents (both 2012). Together these provide the strategic context with which the neighbourhood plan must be in “general conformity”, and the CNP Basic Conditions Statement [required by Regulation 15 of the

Neighbourhood Planning (General) Regulations 2012 (as amended)] is the principal vehicle for setting out the relevant evidence to demonstrate that this requirement (along with the others involved) has been met. It is clear from what I have read that the NPWG are fully aware of the late stage which the replacement Local Plan² has reached, but that they have properly used the 2011 document as the context for their work.

The consultation exercise (Regulation 14)

25. This regulation requires the NPWG to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body (in this case, the NPWG) responded to any matters which arose as a result of the consultation process.
26. The final draft of the Consultation Statement prepared by the NPWG is dated March 2017. It is a very comprehensive record of the Group’s approach to involving the local community in the production of the Plan, starting with a joint parish meeting (with Ailsworth) on 16 July 2014, attended by nearly 300 people. After appropriate mechanisms for development and oversight were established, a three-phase approach to the consultation process was put in train. These elements are all clearly set out in the Statement: I have no need to record the detail here - suffice to say an exhaustive series of exercises was carried out by the NPWG as part of the process of preparing a draft of the Plan, concluding with a public consultation on the draft for a six-week period ending on 17 February 2017. The aims throughout were to involve as much of the community as possible (including statutory and local bodies and other stakeholders) at all stages, and through a wide variety of means that were appropriate to the consultees involved; to ensure that consultation events took place at critical points in the process in order to help decision- making; and to ensure, again by a variety of means, that the results of the consultation were fed back to interested parties quickly. The jointly-established Neighbourhood Plan website is an easily-navigated resource for accessing the full details of the Plan’s approach and its detailed provisions.
27. I am more than satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met by the NPWG’s activities. As an indication of their success in bringing the community along with their ideas for the village, the Group achieved a 43% response rate to their request for views on the vision, aims and objectives for the Plan and a high degree of support for them (albeit with some variations in the detail). I also note that they maintained close contact with officers of Peterborough City Council at key stages, to help them formulate the Plan’s policies in the most appropriate way.

Representations received (Regulation 16)

28. Formal consultation on the submitted plan was undertaken by the City Council for a six-week period which ended on 26 June 2017. The representations received may be summarised as follows:
 - Natural England welcome the strong commitment in the Plan to the protection and enhancement of the landscape, nature conservation and local green spaces and confirm that there are unlikely to be any significant environmental impacts from their point of

² The City Council say they anticipate adoption in September 2018

view. Specific support is given to individual policies in the Plan, with a minor amendment suggested to policy CLU1 (see below).

- Anglian Water support (by inference) policy CH1(d), which encourages (as an example) grey-water recycling, while pointing out that the emerging Peterborough Local Plan includes a specific standard for water efficiency. AW note that they would comment on any planning applications made in the future which involve 10 or more dwellings or 0.5ha of land for employment uses (policies CH2 and CSE1).
- Historic England note with satisfaction the Plan's emphasis on the importance of the historic environment, including the local archaeological heritage. HE make a number of detailed suggestions (principally relating to the wording of policy CLU4 and the supporting material). I return to this later in the policy section below.
- AECOM Infrastructure & Environment UK Ltd make representations on behalf of the Homes and Communities Agency (HCA), owners of an area of land to the north of both villages (Castor and Ailsworth) and referred to as Great Kyne in a recent consultation on the emerging Local Plan. I understand³ that this is a legacy of the former Peterborough Development Corporation, being land that was at some time acquired compulsorily by them but which was never formally allocated for development. I am aware that this matter may be being revived through the mechanism of the replacement Local Plan for the City, and that it is something that the HCA support. While AECOM, on their behalf, state that they have no objection to the CNP as a whole, they have nonetheless made a series of significant observations to which a response is required, especially in relation to policy CH2 (Housing Growth), and I return to the matter below.
- Sutton Parish Council support the Plan as it stands.
- General public: two local residents express general support for the Plan as a whole.

29. The City Council have provided assistance to the NPWG since the neighbourhood area was designated in October 2014. They congratulate the Group on achieving the milestone of completing the draft plan and supplying the evidence that underpins it, and recognise the effort that this work has involved. The Council support both the vision and objectives for Castor. They have made a number of detailed suggestions about the wording of some of the policies, but conclude that the basic conditions have been met in all cases.

General observations about the Plan

30. The following comments may be helpful in understanding the way I have approached the preparation of my report on the Plan and the observations and recommendations which I make upon it:

- I have generally considered it appropriate to apply a "light touch" to my role as examiner;
- the recommendations I do make concentrate on the policies themselves, since that is what the basic conditions relate to;
- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;

³ Source: letter from the Chair of the Neighbourhood Plan Steering committee to PCC dated 3 April 2017.

- I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
- my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

31. The Introduction to the Plan contains a short explanation of how it was prepared; a summary of the organisation behind the work; a comment on its statutory relevance; and a brief account of its relationship with the planning policies for Peterborough as a whole. There is then a lengthier section, Section 2, which sets out the context for the Plan, including material on the interesting (and lengthy) history of the village and an account of its rich heritage; the physical and economic background; and a comment on more recent developments, which have resulted in substantial growth relatively, and some consequential changes to the village's character.

32. Section 3 of the Plan sets out the vision for Castor, much of which builds on an earlier village design statement and conservation area appraisal. In doing this, as I have already noted, work proceeded in conjunction with the development of a similar plan for the adjoining village of Ailsworth. Eight aspirations are set out, which I would summarise as:

- maintaining the existing rural character and sense of community;
- successfully integrating new housing into the existing village;
- actively responding to the rich environmental heritage;
- promoting a vibrant and integrated social mix;
- meeting the community's housing needs in a sensitive way;
- providing for the varied social needs of the community
- promoting a strong local economy; and
- continuing to be a recreational asset for the wider Peterborough area.

33. In support of this vision, Section 4 sets out eight more detailed objectives under the broad headings of:

- Housing – A vital place to live
- Land Use – An ancient and fragile landscape
- Social and Economic Development – A thriving village community; and
- Recreation and visitors – A space for Peterborough to breathe.

34. Section 5 sets the strategic planning context, by reference to the National Planning Policy Framework and the Peterborough Local Plan, together with work being done locally by two non-governmental bodies. Section 6 then introduces the Plan's policies designed to achieve the vision, objectives and strategy. The policies themselves are helpfully set out under four main themes: Housing and the Built Environment, Land Use, Social and Economic Development and Recreation and Visitors. Each policy is preceded by material summarising the rationale for including it, the public response to the issue, and the evidence which underpins the approach each policy adopts. We are also told that a separate document, the Castor and Ailsworth Joint Community Action Plan, is being developed which will properly deal with aspirations which are beyond the scope of the two Neighbourhood Plans themselves.

35. The Plan is very well set out and user-friendly. There is a clear distinction throughout between the policies themselves and the contextual material, which greatly aids understanding. It

contains maps where appropriate (one or two of which could do with being somewhat clearer – see my detailed recommendations below), and colour photographs add positively to its overall character. It concludes with some comments on the next steps, emphasising (very properly) that the Plan “is not a rigid blue-print”, since “flexibility will... be needed as new challenges and opportunities arise over the Plan period”. There is therefore a commitment to review it every five years, alongside the Joint Community Action Plan.

36. The document contains two appendices. The first is entitled “Checklist for development site assessment”, to which I make further reference in paragraph 44 below. The second is a helpful list of supporting evidence sources available on the Neighbourhood Plan website, split between the four policy areas.

The policies

37. I will now turn to an examination of the policies themselves in the light, where relevant, of representations received. (PCC recommend that a list of the policies be added to the contents section to assist the user in navigating the Plan – this is a sensible suggestion and ***I recommend that it be adopted***).

Policy CH1: Criteria for all building development within the parish

38. Castor is identified as a “Limited Growth Rural Village” in Policy CS1 of the adopted Core Strategy. NP Policy CH1 requires all development proposals to demonstrate, where applicable, how they have responded to a series of objectives (nine in total). To summarise them, these relate to:
- (a) reinforcing local distinctiveness
 - (b) adopting design guidance from two existing (non-statutory) sources
 - (c) protecting views of St Kyneburgha’s Church
 - (d) encouraging better environmental practices
 - (e) avoiding flood risk
 - (f) mitigating the effects of increased traffic
 - (g) maximising the use of public transport, walking and cycling
 - (h) ensuring adequate car-parking
 - (i) enabling high-speed broadband connections.
39. The policy has attracted significant objection from AECOM, who are concerned that it would apply to any development coming forward within the designated neighbourhood area boundary, and that greater flexibility is needed to deal with the approach to “strategic developments detached from the village”. The argument appears to be predicated on the assumption that, at some time in the future, proposals will be considered for “a new settlement” on the land owned by the HCA to the north of Ailsworth and Castor.
40. I do not agree that any change to the policy is needed on those grounds: the basic conditions do not include a requirement that a neighbourhood plan must have regard to hypothetical future proposals. Should the option of developing this land be examined as part of the new Local Plan process, or be the subject of a planning application, the CNP will clearly be a material consideration – but any assessment of the effect of policy CH1 on such a proposal can be carried out if and when the issue arises.

41. A second objection is based on the observation that a number of the criteria “repeat existing policies in the NPPF without supplying any local interpretation of how this should be applied”. This criticism relates to criteria (a), (d), (e), (f) and (g), and leads AECOM to the conclusion that they should all be deleted since to include them would not meet the basic conditions. Similarly, criterion (h), which would normally require a minimum of two parking spaces for each new dwelling, is said to repeat Local Plan policies (this criticism appears actually to relate to a draft Local Plan policy, which would mean that even less weight need be placed on it).
42. Whilst it is accepted good practice to avoid unnecessary duplication of policies, it seems to me that the question should also be considered alongside the desirability of producing a local planning document which is reasonably self-contained, and therefore of more practical value both to residents of an neighbourhood plan area and to those who may wish to bring forward proposals for development within it. In any event, I find nothing either in the legislation⁴ or in national policy guidance which suggests that including in a neighbourhood plan a policy which also happens to be dealt with in the NPPF risks failure to meet any of the basic conditions on those grounds.
43. The comment is made that criterion (a) should be worded so as to include the reference at paragraph 58 of the NPPF to innovation. This seems to me to be a legitimate point, and I will come back to it shortly. I do not, however, agree that any change is needed to the transport elements of Policy CH1 as a whole on the grounds that they are more stringent than NPPF paragraph 32 – this specifically deals with developments which generate “significant amounts of movement” and so is irrelevant to the scale of future activity envisaged in the CNP.
44. Criterion (b) refers to Appendix 1 to the Plan. This is a checklist of design features and characteristics which would need to be considered when development is proposed. These have been taken (how comprehensively is not made clear) from the *Castor Village Design Statement* (2004) and PCC’s supplementary planning document *Design and Development in Selected Villages* (2011). AECOM object on the grounds that the policy seeks to place these documents on “a statutory footing”, which is clearly not the case - more importantly, it seems to me of no consequence where the original thinking behind Appendix 1 might have come from, and I can see nothing in this aspect of the policy which fails to meet the basic conditions. The objectors in any event make it clear that their principal difficulty with this policy is that it “conflicts with emerging policies within the Local Plan” – an approach which I have already pointed out is irrelevant to the examination of a neighbourhood plan.
45. Objection is also raised to the detailed implications of criterion (c). This seeks to avoid obscuring or negatively impacting on views of St Kyneburgha’s Church from three general (but broadly identified) locations around the village, and others not specified but “including the full length of any existing rights of way affected (see map 2)”. The map, which includes Ailsworth, would undoubtedly benefit from being reproduced at a higher definition, but gives a general idea of the key directions from which views of the church need to be protected. AECOM seeks deletion of the map, or of reference to it in the policy, and removal of the reference to rights of way. Once again, however, their overall conclusion is that the policy and the map “prejudge the merits of a new settlement by the inclusion of numerous viewpoints without sufficient evidence base to justify such a divergence from national policy; in its present form the policy is considered onerous in its stringency”.

⁴ paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 [as amended]

46. I have already given my reasons for rejecting the prematurity argument. In addition, even if I were to accept the suggestion made by the objectors that the policy fails to comply with NPPF paragraphs 58 and 60 (which I do not), this would be to mis-interpret basic condition 1: the requirement is to determine whether it is appropriate that the Plan is made, “*having regard to national policies*” (my emphasis). This is not the same as insisting on compliance with them, or even being consistent with them (which is one of the tests of “soundness” in the preparation of Local Plans). I do, however, have some recommendations about the way the policy is set out, and will come back to the point shortly.
47. The City Council’s comments on Policy CH1 primarily consist of suggestions for improving the flow of the wording. Three of these relate to criteria (c), (e) and (h): they are sensible in their own right, but I have decided that they do not require any specific recommendation from me. The fourth helpfully draws attention to the fact that design and access statements are no longer required for all development applications, and this reference should therefore be deleted.
48. I am satisfied that Policy CH1 takes proper account of NPPF policies designed to encourage sustainable development, good design and appropriate transport solutions. It also mirrors a range of policies in the adopted Local Plan. For these reasons, I have concluded that, subject to some relatively minor modifications, it satisfies the basic conditions.
49. I consider that there is benefit in including in criterion (a) the important reference in NPPF paragraph 58 to innovation. As for criterion (c), there is some inconsistency in the way the descriptions of the sensitive viewpoints is handled. On the assumption that it was not the intention to propose two levels of protection (ie those relating to the three locations listed in the text being of a different order from those only identified on the map), it would aid interpretation and implementation if the wording of the policy itself were more generalised, with a complementary reference to the map for additional guidance. The map itself should be modified in the way I suggest below.
50. ***I therefore recommend:***
- ***that criterion (a) be amended to read: “Take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place, while not preventing or discouraging appropriate innovation”;***
 - ***that criterion (c) be re-worded as follows: “(Do) not obscure or negatively impact upon views of St Kyneburgha’s Church. Reference should be made to Map 2, which indicates those locations from which views of the Church are particularly important”;***
 - ***that Map 2 be re-presented to make its base clearer; to limit the viewpoints shown on it to those which relate to the objectives of the policy (as it stands, several of the sight-lines point away from the Church); to employ a single reference system (as opposed to 1-5 and A-G, as is presently the case); and to either identify these locations with a description of them on the map itself, or by means of an accompanying schedule; and***
 - ***that reference to design and access statements be deleted from the last paragraph of Policy AH1 and that it should instead begin: “Planning applications should be accompanied by clear information demonstrating how these criteria have been considered.....”***

Policy CH2: Housing growth

51. This policy seeks to manage “steady growth” in housing numbers over the Plan period of around 10%, which equates to about 30 new dwellings by 2037. Any additional housing would be required to show evidence of local community support for it. The policy goes on to say that only those proposals which meet certain criteria will be supported, namely (to summarise them) that they should:
- (a) be on sites within or immediately adjacent to the defined⁵ village envelope
 - (b) have suitable and safe access arrangements
 - (c) not have any adverse impact on protected and local open spaces (see Policy CLU3)
 - (d) respect the built and landscape character of the area
 - (e) be of an appropriate scale, generally for 10 dwellings or fewer.
52. Policy CS1 of the adopted Core Strategy for Peterborough draws up a settlement hierarchy for the City area. Castor lies within the third tier (of four), being described as a “Limited Growth Village”. In their comments on the Neighbourhood Plan, PCC confirm that Policy CH2 is in general conformity with the Local Plan, noting with approval the element of flexibility which it contains, such that additional growth could be supported if there is sufficient justification for it. They also point out that implementation of the policy in full would actually result in somewhat greater growth in the village over the Plan period than the Core Strategy had envisaged. This does not, however, lead the City Council to conclude that there is any conflict with Local Plan policies. They make some detailed observations about the wording of Policy CH2, to which I return below.
53. AECOM make similar objections here to those raised under Policy CH1, namely that since CH2 applies to the whole of the Neighbourhood Plan area, it would prejudice HCA’s ability to develop their land-holdings in the area. Reference is made in this context to draft Local Plan Policy LP35 (Great Kyne). Specific concern is raised about the reference in CH2 to the need for evidence of public support for any proposals which take the amount of new housing above the broad 10% level. AECOM point to the NPPF requirement for pre-application engagement (paras 188-195), which they consider provides sufficient safeguards, adding that “there is nothing in legislation or the NPPF that would prohibit policy-compliant development that lacks community support”. They also ask that the five requirements (a) to (e) should not apply to “detached developments or strategic allocations such as the HCA’s landholdings north of the A47”.
54. It is clear to me that paras 188-195 are of no relevance to my role in examining a neighbourhood plan, since they relate exclusively to the approach to decision-making in dealing with planning applications. More generally, the proper context for the CNP at the present time is set by the policies of the adopted Local Plan moderated, should it be necessary, by reference to national policy. As things stand, therefore, growth in Castor during the Neighbourhood Plan period is required to be modest, and any move away from that position, such as that indicated by draft LP Policy LP35, would be a radical one which I have no doubt would be carefully scrutinised as that Plan moves through its statutory processes. The response of the community at large to the HCA’s aspirations for Great Kyne (or to any other proposals for significant growth affecting Castor) will, I assume, be an important part of those deliberations, as would an up-to-date analysis of housing (and other) needs for this part of the City.

⁵ Peterborough Policies Map Inset 3, December 2012

55. For these reasons, I do not agree with AECOM's conclusion that Policy CH2 (or any part of it) fails to meet the basic conditions. The five criteria reflect NPPF policies relating to the need to deliver good design and to conserve positive features of the local environment.
56. The City Council suggest some minor changes to the wording of the policy, which I consider would have value in aiding its utility. ***I recommend adding at the end of the first sentence the phrase "as calculated from 1 April 2017", to establish the base-date for the 10% increase in dwellings; and that the second sentence of the policy be amended to read: "If a proposal, in conjunction with other dwellings built or with a live permission, would result in the total number of dwellings [delete "across the parish"] exceeding this 30-dwelling growth level, it must be accompanied by.....".***
57. PCC draw attention to Map 3, which shows the village envelope. I agree with them that this could be made a little clearer, and note that this improvement is something that they would be happy to facilitate.

Policy CLU1: Environmental impact

58. This policy is designed to ensure that the network of local ecological features and habitats is not harmed (and, where appropriate, is enhanced) by new development. Encouragement is given to schemes which sustain wildlife; and particular protection is given to the Castor Hanglands Site of Special Scientific Interest (all of which, for the avoidance of doubt, lies within Ailsworth). In this respect, any proposals for an increase in dwellings within 1km of the SSSI (which would include land in Castor) must be accompanied by proportionate evidence to show how any impact would be dealt with. Specific mention is also made of a non-designated feature called Oldfield Pond (Map 5), where strong justification would be needed for any development within 500m of its perimeter. Broad support for these general objectives is given both in the Local Plan and the NPPF. The policy is supported by PCC and Natural England (subject to a minor comment).
59. AECOM consider that CLU1 constitutes "a more stringent test than policy within the NPPF (paragraph 109)", which requires the planning system "to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing gains in biodiversity where possible". AECOM therefore see CLU1 as being an unjustified divergence from national policy. I do not find this objection convincing. Even if absolute compliance with the letter of the NPPF were to be a requirement of the basic conditions (which it plainly is not), there is sufficient flexibility within the policy (for example, with the inclusion of phrases such as "wherever appropriate") to avoid any risk of over-prescription. The assertion that development of HCA's landholdings will conserve and enhance biodiversity is not relevant to my examination of the CNP. I therefore do not agree that Policy CLU1 should be deleted on the grounds that it represents an unwarranted addition to national and local planning policies.
60. However, AECOM also point out that the rationale behind the 1km radius in relation to the Castor Hanglands SSSI (the extent of which is shown on Map 4) is not set out in the Plan, and I consider that this is something which should be addressed. PCC say that the figure "coincides with the Natural England SSSI Impact Zone", although I note that NE themselves do not refer to the matter. The only reference that I have seen to the need for a specific protection zone is the request for one by the Wildlife Trust (at Regulation 14 stage), which was accepted by the NPWG (in principle). A link in Appendix 2 to the Plan leads to a short document headed "Explanation

for Policy CLU1”, which provides further comment, including:

4. *“The use of an impact zone around SSSI for planning is guidance only and the legislation requires impact to be assessed in each individual case. Planning policy is shifting towards creating the opportunity for developers to mitigate loss in one area by enhancing the biodiversity of other areas. The area we are aiming to protect is too large and rich for this to be a viable alternative.*

5. *Natural England and The Wildlife Trust commended and enhanced the wording of our policy (and yet both are familiar with the provisions of the legislation)”.*

61. As far as I can see, Natural England did not endorse the precise wording of paragraph 4 of Policy CLU1 in the way suggested, and I consider that further justification for it is required. I say this not in any way to dilute the significance of the Castor Hanglands site, nor to question the importance of it to the local community. Nevertheless, as things stand, the paragraph says that any [my emphasis] proposals for an increase in dwellings within a 1km zone “must include a strong and robust justification.....”. This reads as a clear presumption against any new houses within the zone as a matter of principle, separate from the additional question of how any assessment of impact and associated mitigation might be undertaken.
62. It seems to me that there is scope for some confusion here about the relationship between the policy and the more generalized criteria set out in Policy CH2. Unless there is a convincing technical basis for imposing an additional layer of control, reliance should instead be placed on the clear and simple statement in the second paragraph of the policy, modified to include reference to the Castor Hanglands SSSI. This policy, together with the statutory protections and national policy at NPPF paragraphs 109, 113, 117 and 118, should ensure that unwarranted adverse impacts of development would be avoided.
63. I have therefore concluded that Policy CLU1 would satisfy the basic conditions in principle, **but recommend that in the absence of any clear technical justification for the adoption of the 1km zone referred to in the third paragraph of Policy CLU1, the paragraph as a whole be deleted and the first sentence of the second paragraph amended to read: “Castor Hanglands SSSI and other nationally, regionally and locally designated wildlife sites will be protected. Any proposals.....”**
64. For the same reasons, a similar adjustment should be considered in relation to Oldfield Pond, picking up the wording used in the second paragraph. **I recommend that in the absence of any clear technical justification for the adoption of the 500m zone referred to in the fourth paragraph of Policy CLU1, it should be removed. The final sentence should instead read: “Development proposals that would have an adverse effect on this feature will not be permitted unless it can be adequately mitigated, or any benefits would clearly outweigh the harm”.**
65. I see little merit in adding a reference to various examples of financial contributions as a way of mitigating any harm to the SSSI (as suggested by Natural England), since other approaches might be equally appropriate, depending on the circumstances. I therefore consider that the present, openly-worded approach should remain as it is.

Policy CLU2: Wildlife corridors

66. Policy CLU2 requires any development proposals “to take account of the need to strengthen and where possible enhance wildlife corridors linking the Nene Valley to Castor Hanglands, Helpston and beyond”. Additional reference is made to the importance of these corridors (shown on map 6) in creating links to the wider area. These objectives find clear support in the NPPF and relevant Local Plan policies, and are strongly endorsed by Natural England. PCC suggest a minor re-wording to aid clarity.
67. AECOM support the policy in principle, but have two reservations. Firstly, they say that there are two locations within two of the corridors shown on map 6 which conflict with their current concept plans, including for the creation of a country park north of the A47. They see this as achieving the same, but a superior, policy objective. However, it is not part of my role to make judgements of this kind, and I have no reason to recommend any change to CLU2 on those grounds.
68. Secondly, criticism is made of the fact that the policy seeks to “preserve” the wildlife corridors, an approach which is seen as inconsistent with best practice advice, and the relatively infrequent use of the term in the NPPF. I have some sympathy with the point, and consider that the use of the word “conserve” would render the policy less inflexible and more positive in its tone, as AECOM suggest⁶.
69. PCC point to some lack of clarity in the way the second paragraph is worded; but while I accept their general point, I consider that their suggested re-phrasing results in a slightly different policy outcome to the one that the Plan seeks to adopt.
70. I have concluded that Policy CLU2 satisfies the basic conditions, but that in order to reflect the last two detailed points, ***I recommend that the second paragraph be slightly amended to read:***

*“The wildlife corridors shown on Map 6 should be **conserved** and, where possible, enhanced. Proposals should, wherever possible and relevant, deliver strong green links between Castor Hanglands and other protected sites. Proposals which help to connect the nationally important wildlife sites linked to Castor Hanglands with other regionally and locally important wildlife sites within the parish and beyond its boundaries, including to Castor Flood Meadows, **will be strongly encouraged, as would those to develop landscape features such as trees, hedgerows, and ponds restoration, along with other appropriate buffer zones and stepping stones**”.*

Policy CLU3: Open spaces

71. This policy lists, and identifies on map 7, five open spaces which are to be protected from development unless it would be ancillary to the use of the site as open space, and the benefits of the development would outweigh any loss of open area. The policy finds support in those NPPF policies designed to promote healthy communities, as well as in a number of Local Plan policies. Policy CLU3 satisfies the basic conditions.

⁶ AECOM actually ask for the deletion of the first sentence of the second paragraph, which is the only place where the word “preserve” is used, but I take this to be an error.

Policy CLU4: Protection of archaeological heritage

72. CLU4 requires, in appropriate circumstances, any development proposals to be accompanied by evidence to show how the archaeological and historic features of the parish have been taken proper account of. The broad areas of archaeological significance are shown on map 8, reflecting recently-completed work in the area by Dr Stephen Upex. The policy is supported by relevant paragraphs of both the NPPF and the Local Plan. It clearly satisfies the basic conditions.
73. AECOM consider the policy should be deleted, on the grounds that it adds nothing to NPPF policy or the draft Local Plan. For reasons I have given earlier, I do not agree with that interpretation of the basic conditions.
74. Historic England welcome the policy, but advocate the use of the phrase “historic environment” instead of “archaeological heritage”, to bring it into line with NPPF terminology – this is a reasonable requirement, and I recommend that that change be made. In addition, HE suggest that the Plan clearly identify the designated heritage assets in the area and their location (perhaps a list and accompanying map): this reflects PCC’s comment (with which I agree) that map 8 lacks clarity in its existing form. I do not, however, consider it necessary for the Plan to provide links to a range of HE documents – such an approach would theoretically be desirable in a wide range of other policy areas as well, and to adopt it would run the risk of undermining the current (and welcome) clarity and free-standing nature of the Plan as it stands. The suggestion of the inclusion of a glossary of terms is also made, but again this seems to me to be subject to the same broad disadvantage.
75. ***I therefore recommend that:***
- ***the title of Policy CLU4 be changed to “Protection of the Historic Environment”, but that no other change be made to the wording of the policy⁷;***
 - ***consideration be given to improving the readability and scope of map 8 along the lines indicated above.***

Policy CSE1: Retail and business development

76. The broad objective of this policy is to encourage the establishment or expansion of retail and other community uses, of a scale and character that is compatible with the wider vision for the village. Business uses would normally be restricted to those falling within the B1 Use Class. Overall, the policy reflects paragraph 28 of the NPPF and strategic policies within the adopted Local Plan, and I am satisfied that it meets the basic conditions. PCC support the policy (subject to suggested minor modifications to the wording).
77. AECOM raise objections for similar reasons to those summarised in preceding passages of my report. They accept that their plans for HCA’s landholdings are at an early stage, but do not want them prejudiced by any limitation on commercial uses, as implied by the restriction to

⁷ Historic England also ask that the first bullet-point under *Objectives / Housing – a vital place to live* be expanded to deal with this point, but I consider it to be covered adequately under the subsequent heading *Land Use – an ancient and fragile landscape*.

activities falling within Use Class B1. They ask that the policy be re-worded to make it clear that this approach would be focused on the (existing) village envelope. My response to this is the same as that set out in paragraph 40 above.

78. PCC suggest the need for clarification of the reference to the Use Classes, something I would support. A separate comment implies that the intention of the second paragraph of the policy is to limit its application to offices [Class B1(a)], but there is no evidence for that interpretation and I see no need to recommend any change.
79. I recommend that the first part of the first paragraph of Policy CSE1 be amended to read:
“Proposals that improve retail facilities, food and drink uses within Use Classes A3 (restaurants and cafes) and A4 (public houses, wine bars or other drinking establishments) or other facilities that serve the parish.....”.

Policy CSE2: Working from home

80. This policy offers support to planning applications for home working, subject to four conditions relating to scale, access and amenity considerations. It reflects objectives set out in the NPPF at paragraphs 19, 28 and elsewhere, and PCC confirm that it is not in conflict with any of the strategic policies in the Local Plan (the City Council suggest that there is a need to re-word the title of the policy, but to my mind it is clear as it is). Policy CSE2 satisfies the basic conditions.

Policy CSE3: Education

81. Support is given in this policy for the retention and development “of outstanding educational provision”, including a permanent location for the pre-school, within or immediately abutting the village envelope. While I have some doubts about whether or not it is appropriate to make reference to the *quality* of education provision in a land-use planning document, I do not consider it essential that any change to the policy need be made in order for the basic conditions to be satisfied.

Policy CSE4: Health care

82. Work on the Neighbourhood Plans for the two villages highlighted the shortcomings of existing health care facilities for Ailsworth and Castor. Policy CSE4 therefore supports the development of land adjacent to or within the village envelope for a doctor’s surgery or other primary health-care facility (subject to criteria similar to those relating to Policy CSE3). This is ground covered by NPPF paragraph 70, and is also referred to in Objective 5 of the Local Plan Core Strategy. It clearly satisfies the basic conditions.

Policy CRV1: Rural recreation and sport

Policy CRV2: Footpaths, cycleways and bridleways

Policy CRV3: Visitor access

83. Policy Area 4 – Recreation and Visitors – is sub-titled “A Space for Peterborough to Breathe” and the final three policies of the Neighbourhood Plan reflect this broader context for meeting local recreation needs and opportunities. Support for them is found in those parts of the NPPF seeking to promote healthy communities, sustainable transport and a prosperous local economy, as well as related policies in the Local Plan. The approach is welcomed by PCC and Natural England.
84. Policy CRV1 encourages appropriate rural recreation and sporting facilities, and would also require new housing schemes to show how access to recreation space is to be achieved. Specific reference is made to the considerations which would apply to any proposals to develop land identified as “the Woodlands site”. CRV2 would require new housing to make proper provision for footpaths and cycle access, and to protect existing rights of way. Additional reference is made to improving links to leisure assets in the surrounding area. Finally, Policy CRV3 gives encouragement in principle to proposals for promoting visitor access to Nene Park, which I note from some of the background material supporting the Neighbourhood Plan is an important country park which is the subject of proposals for development and enhancement.
85. AECOM request that Policy CRV2 should be re-worded such that it would require any development to “conserve” existing rights of way, rather than to “preserve” them, on the grounds that diversions may be permissible in some circumstances. While this suggestion is something I thought appropriate in dealing with their concerns about wildlife corridors (see paragraph 68 above), it seems to me that the policy as worded does no more than reflect the statutory protection given to public rights of way, which is something which does not generally apply in the case of wildlife corridors. The process by which a case for diverting an existing right of way can be assessed on its merits would not be by-passed or undermined by Policy CRV2 as it stands.
86. I consider that Policies CRV1, CRV2 and CRV3 all satisfy the basic conditions without any need for modification. (Strictly speaking, by referring to the possible impact of development on traffic in both Castor and Ailsworth, CRV3 goes beyond the CNP’s competence but this is not something which significantly affects the statutory provisions).

Other representations

87. AECOM draw attention to the housing quality assessment document *Building for Life 12*⁸, which sets out criteria for good design. Reference to this is made at paragraph 5.4 of the Plan (in the section headed “Strategy and Planning Policy Context”), as it is something the NPWG wish strongly to encourage. AECOM asks that it be made clear as to whether or not this constitutes a formal policy of the Plan since, as worded, it would be a material consideration in relation to planning applications. The concern is that it might be difficult to secure approval for schemes which diverge from the *Building for Life 12* approach.
88. NPPF paragraphs 56 and 58 encourage good design, but paragraphs 59 and 60 also advise

⁸ Design Council CABE 2012

against over-prescription. In my view, the CNP has the balance right here: *Building for Life 12* is a useful source of good advice on design matters: while it is potentially a material consideration in considering planning applications, the weight to be given to it will vary according to circumstances. The case for deleting reference to it because of the absence of evidence that its impact has been subject to viability testing, putting it at odds with national policy to avoid placing unnecessary financial burdens on development, seems to me to be substantially overstated. I therefore make no recommendation for altering either the wording of paragraph 5.4 or the location of the reference to *Building for Life 12* within the Plan document.

89. AECOM also ask that the reference in paragraph 1.8 (in the Introduction section) to the emerging Local Plan “should not detail the number of objections made to the HCA’s landholding under the Regulation 18 consultation version of the [Local] Plan....”. I do not see the problem here: the paragraph merely records the fact (without any detail) that “a large number of objections have been made by a wide range of individuals and organisations” to the proposal for large-scale housing north of the A47 - something I take merely to be a statement of fact. I see no evidence that the CNP’s policies make any assumption (one way or another) about the merits of that proposal or the eventual outcome of the replacement Local Plan process. I therefore make no recommendation about the wording of paragraph 1.8.

Conclusions on the basic conditions

90. I am satisfied that the Castor Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

91. I have concluded that, provided that the recommendations set out above are followed, the Castor Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Castor Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI Independent Examiner

29 August 2017

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

| Examiner's report paragraph | CNP reference | Recommendation |
|-----------------------------|---------------|---|
| 37 | - | <ul style="list-style-type: none"> • insert list of policies in Contents section |
| 50 | CH1 | <ul style="list-style-type: none"> • minor changes of wording to criteria (a) and (c) • improve Map 2 • remove reference to design and access statements |
| 56 | CH2 | <ul style="list-style-type: none"> • minor change of wording in first and second sentences |
| 63 | CLU1 | <ul style="list-style-type: none"> • reconsider reference to 1km zone (para 3) |
| 64 | CLU1 | <ul style="list-style-type: none"> • reconsider reference to 500m zone (para 4) |
| 70 | CLU2 | <ul style="list-style-type: none"> • minor change of wording to second paragraph |
| 75 | CLU4 | <ul style="list-style-type: none"> • amend title of policy • consider improvements to Map 8 |
| 79 | CSE1 | <ul style="list-style-type: none"> • clarify references to Use Classes Order |