

**South West Kettering Neighbourhood Plan Examination**

**28<sup>th</sup> July 2022**

Dear Qualifying Body

**Clarification Note from the Examiner to South West Kettering (Headlands Community) Neighbourhood Planning Forum**

Further to reviewing the South West Kettering (Headlands Community) Neighbourhood Plan (referred to below as SWKNP) and supporting information, I am contacting South West Kettering (Headlands Community) Neighbourhood Planning Forum (as Qualifying Body) in respect of the matters set out below.

Having considered the submitted information, I am not calling for a public hearing as part of the examination process. However, Neighbourhood Planning Independent Referral Service (NPIERS) Guidance<sup>1</sup> Paragraph 1.11.4 states that:

*“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”*

Therefore, I confirm that there is an opportunity for South West Kettering (Headlands Community) Neighbourhood Planning Forum to respond to me in respect of the representations made during Regulation 16 (the Submission stage) consultation, should it wish to do so. Noting the representations received, I am not anticipating any responses in this regard.

In addition to the above, I note that the examination of the SWKNP is progressing well. In this regard and in the interests of clarity, I would be grateful for any assistance South West Kettering (Headlands Community) Neighbourhood Planning Forum can provide in respect of providing brief responses to a number of questions set out in this letter. If in doing so there is a need to refer to evidence relating to the SWKNP, please note that this should only comprise evidence that is already publicly available.

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<sup>1</sup> NPIERS “Guidance to Service Users and Examiners.”

Thank you very much for your consideration of this Clarification Note. I am not imposing a deadline for responses, but your earliest consideration will enable the examination to be concluded in as timely a manner as possible. Thank you.

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### **Policy 1**

As presented, the Policy appears complex and introduces scope for confusion. It would require any applicant to set out what, at the time of the application, the “*balance*” between residential and community services comprises and how any such balance would change.

In the absence of definition and evidence in respect of how “*balance*” is measured, there is scope for wide interpretation in respect of what balance actually comprises, is, or should be, resulting in ambiguity.

Further, it is not apparent what kind of “*loss of a community service or facility*” might bring about “*a clear and convincing benefit to the neighbourhood*” – and consequently, why this part of the Policy is deliverable ?

Consequently, criterion b) appears as an unusual way to seek to support the retention and/or development of community facilities and services, in line with national and local policy. Is the overall intention of the Policy to protect existing community facilities and services and/or to support development of new community facilities and services ?

### **Policy 3**

National heritage policy is set out in Chapter 16 of the Framework (“*Conserving and enhancing the historic environment*”). It provides a carefully worded approach to conserving heritage assets in a manner appropriate to their significance. In so doing, national policy provides for a balanced approach, whereby the potential benefits brought about by development proposals can be considered alongside the potential harm arising.

Whilst, in part, the Policy captures this and has regard to national policy, the Policy seeks to introduce a requirement that goes way beyond national policy – by introducing a requirement for all development in the Conservation Area to restore original features. Please can you point me to evidence justifying this departure from national policy, with particular regard to how this part of the Policy is deliverable ?

#### **Policy 4**

Please can you confirm precisely what is meant by “*the defined area on Map 4*” – Map 4 shows a number of different boundaries and colours and there is no Key or Legend. If the area is just the very small area coloured grey, as suggested by the supporting text, this area also includes areas of yellow and white, are these to be included; and is there a reason why the area referred to only forms a very small part of Map 4, resulting in unclear boundaries/loss of detail ?

How does Map 4 relate to the diagram on page 26 of the SWKNP and why does the diagram include lots of different shaded areas/annotations and no Key/Legend ? The clearest reference on Map 4 appears to be St Peters School – is there a reason for this ?

What is meant by “*residential accommodation*” ? The Policy would appear to prevent the development of a house requiring planning permission for a change from say, four bedrooms to three bedrooms, or which included the replacement of a bedroom with a home office. Is this the intention ?

What is the purpose of referring to both residential accommodation and “*residential land*.” How are these defined ? Is there a plan clearly showing all “*residential land*” in the defined area ?

Notwithstanding the above, is it the overall intention of Policy 4 that “*Development in the defined area should not result in any overall loss of dwellings*” ?

***Thank you for your consideration of all of the above.***

***Please note that their purpose of the above is to help my understanding of the Policies and to help to support the Neighbourhood Plan’s positive examination against the basic conditions.***

***Thank you.***

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