



# Planning Policy Committee

**A meeting of the Planning Policy Committee will be held in the Jeffrey Room, The Guildhall, St Giles Street, Northampton, NN1 1DE on Wednesday 20 September 2023 at 6.00 pm**

## Agenda

<b>1.</b>	<b>Apologies for Absence and Notification of Substitute Members</b>
<b>2.</b>	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
<b>3.</b>	<b>Minutes</b> (Pages 5 - 10)
<b>4.</b>	<b>Chair's Announcements</b> To receive communications from the Chair.
<b>5.</b>	<b>Holdenby Conservation Area</b> (Pages 11 - 54)
<b>6.</b>	<b>Scaldwell Conservation Area</b> (Pages 55 - 76)
<b>7.</b>	<b>Response to Government consultation on plan making</b> (Pages 77 - 90)
<b>8.</b>	<b>Response to Government consultation on changes to NSIP</b> (Pages 91 - 106)
<b>9.</b>	<b>Urgent Business</b> The Chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.

<p><b>10.</b></p>	<p><b>Exclusion of the Press and Public</b></p> <p>In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: “That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them”</p>
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Catherine Whitehead  
 Proper Officer  
 12 September 2023

**Planning Policy Committee Members:**

Councillor Rebecca Breese (Chair)	Councillor Matt Golby (Vice-Chair)
Councillor Adam Brown	Councillor Phil Bignell
Councillor Stephen Clarke	Councillor Jonathan Harris
Councillor Jamie Lane	Councillor Bob Purser
Councillor Cathrine Russell	

**Information about this Agenda**

**Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

**Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

**Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget

setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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### **Mobile Phones**

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### **Queries Regarding this Agenda**

If you have any queries about this agenda please contact Ed Bostock, Democratic Services via the following:

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

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## Planning Policy Committee

Minutes of a meeting of the Planning Policy Committee held at The Guildhall, St Giles Street, Northampton, NN1 1DE on Monday 26 June 2023 at 6.00 pm.

### **Present:**

Councillor Rebecca Breese (Chair)  
Councillor Matt Golby (Vice-Chair)  
Councillor Adam Brown  
Councillor Stephen Clarke  
Councillor Jonathan Harris  
Councillor Bob Purser  
Councillor Cathrine Russell

### **Apologies for Absence:**

Councillor Phil Bignell  
Councillor Jamie Lane

### **Officers:**

Richard Wood (Head of Planning Policy and Specialist Services)  
Paul Everard (Planning Policy and Heritage Manager)  
Chris Stopford (Head of Private Sector Housing)  
Amanda Jacobs (Principal Planning Policy Officer)  
Rebecca Martin (CIL Officer)  
Theresa Boyd (Planning Solicitor)  
Ed Bostock (Democratic Services Officer)

## 72. **Declarations of Interest**

None advised.

## 73. **Minutes**

The minutes of the meeting held on 23 May 2023 were agreed and signed by the Chair.

## 74. **Chair's Announcements**

There were no Chair's Announcements on this occasion.

## 75. **Nether Heyford Parish Council Neighbourhood Plan**

The Principal Planning Policy Officer presented the report which sought consideration of the recommendations of the Independent Examiner, following examination of the Nether Heyford Neighbourhood Development Plan (NHNDP), and to seek approval to put the plan to referendum. Following the submission of the NHNDP to West

Northamptonshire Council in December 2022, the plan was published for formal Regulation 16 consultation which ran from 13 December 2022 to 7 February 2023. 12 responses to the consultation were received. A key issue raised was the proposal to allocate land of Bugbrooke Road for education and community uses with some limited housing. West Northamptonshire Assets raised an objection to the proposal due to insufficient evidence of an educational need and a lack of discussion with the Parish Council. West Northamptonshire Infrastructure raised similar concerns. Subsequently, the Independent Examiner recommended that policy H2 parts A and B be removed from the plan. They also proposed that policy BE6 be removed from the plan. Other minor changes and conditions were included in Appendix A of the report, and it was recommended that the NHNDP go to referendum on 7<sup>th</sup> September 2023.

Members discussed the report and the following points were raised:

- Nether Heyford Parish Council were commended on their work towards bringing the NHNDP to fruition.
- The most recently adopted local plans always took precedence over previously adopted plans.

#### **RESOLVED:**

The Planning Policy Committee:

- a) Noted and welcomed the significant progress in making the NHNDP by Nether Heyford Parish Council.
- b) Accepted the Examiner's recommended modifications in respect of the NHNDP.
- c) Accepted the Examiner's recommendation that the NHNDP, as modified in accordance with recommendation (b) above, should proceed to a referendum of voters within Nether Heyford Parish.
- d) Approved the proposed decision statement set out in Appendix 1 of the report, subject to recommendations (b) and (c) above and any necessary factual alterations.
- e) Agreed that delegated authority be given to the Interim Head of Planning and Climate Change Policy to make further minor editorial changes to the NHNDP to address any factual and typographical errors and to reflect the fact that the document will be in its intended final form.
- f) Agreed that the costs of the referendum be met from the existing budget for neighbourhood planning.

#### **76. Response to Government consultation on the Infrastructure Levy**

The CIL Officer presented the report to the Committee which asked members to consider suggested responses to the current Government consultations on technical aspects of the design of the Infrastructure Levy. It was noted that the consultation response had already been submitted, however a revised response could be submitted following discussion at the meeting.

Members discussed the report and the following points were raised:

- Viability was limited within schemes; there was never enough money to do everything that the Council would like to do.

**RESOLVED:**

The Planning Policy Committee:

- a) Agreed the suggested response to the consultations on proposed changes to the existing developer contributions system.

**77. Government consultation on the introduction of a use class for short term lets and associated permitted development rights**

The Planning Policy and Heritage Manager presented the report which sought the Committee's endorsement of the provision response to the Government's consultation on the introduction of a use class for short-term lets and associated permitted development rights. The suggested response was attached at Appendix A in which officers indicated support for the idea of a new use class C5 and agreed with the proposals for permitted development rights.

The Head of Private Sector Housing added that the Department for Digital, Culture, Media and Sport (DCMS) launched a similar consultation at the same time, relating to a proposed registration scheme for short-term lets in England. The suggested responses were attached at Appendix B of the report and officers were in agreement with the proposals.

Members discussed the report and the following points were raised:

- Regarding potential issues with the new use class, it was explained that until there was evidence to show that it was an issue, it was not considered necessary to prevent the change of use from taking place.
- It was noted that there was some evidence that AirBNB properties were being used to circumvent HMO regulations.

**RESOLVED:**

The Planning Policy Committee:

- a) Endorsed the provisional consultation responses sent by the officers to the Department for Levelling Up, Housing and Communities (DLUHC).

**78. HMO Member Working Group**

The Head of Private Sector Housing presented the report which provided a summary of the work of the HMO Working Group and made recommendations for the implementation of an Action Plan for officers to progress. The Planning Policy Committee resolved to establish the Working Group at its meeting on 16 December 2021 to carry out an investigation into the rules and best practice relating to HMOs, their impact on the local community, and to make recommendations for the future operation of the rules concerning HMOs. The Working Group heard from local residents representing Northampton HMO Action Group and Ward Councillors in seeking to understand the perceived community impact of HMOs, along with representatives from the Northampton Student Landlord Network. A summary of the

current HMO position across West Northamptonshire was contained within the report, and after hearing from local residents and community groups regarding their consideration of the impact of HMOs on their communities, the issues included:

- The increasing prevalence of unlicensed HMOs in their communities
- HMO licensing issues, including general management of properties, litter and waste generated by licensed HMOs, and a perception of a low level of enforcement activity by the Council
- Planning issues, including an increasing prevalence of properties without the necessary planning consent, and a perception of a low level of enforcement by the Council
- Concerns that when applying the 10% in a 50m radius SPD that not all HMOs were being identified, and particularly that suspected HMOs should be included in the assessment
- General issues regarding parking in those streets that have a high density of HMOs given the number of vehicles associated with the properties
- General issues of crime and antisocial behaviour associated with HMO style properties
- Loss of family homes due to the increasing number of properties being bought and converted to HMO style properties

Members discussed the report and the following points were raised:

- Members of the Working Group were thanked for their contributions.
- There was clear demand for HMOs as evidenced by their prevalence and the effects must be considered if the supply was removed.
- The university would not deliver 100% housing for its students; there must be a private supply of housing for them.
- The intense challenges around HMOs were noted; members would like to see an update on any progress in the future.
- There was concern around “incremental increased” in existing HMOs and around unlicensed HMOs.
- The evidence base that informed the current Local Plan HMO policies was undertaken by Loughborough University and was now 5 years old; this work would be updated.

## **RESOLVED:**

The Planning Policy Committee:

- a) Endorsed the work of the Member Working Group in progressing their recommendation of 16th December 2021
- b) Provided additional comments, and recommended to Cabinet the approval of the Action Plan, for implementation by Officers of the Council as identified on the Action Plan, subject to separate business cases as identified in the Action Plan
- c) Thanked the Members of the working group for their activities, and stood down the HMO Member working group.

## 79. **Urgent Business**



None advised.

The meeting closed at 6.54 pm

Chair: \_\_\_\_\_

Date: \_\_\_\_\_

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# WEST NORTHAMPTONSHIRE COUNCIL

## PLANNING POLICY COMMITTEE

20 September 2023

### Rebecca Breese – Planning, Built Environment and Rural Affairs

Report Title	Holdenby Conservation Area
Report Author	<b>Anna Wilson, Built Environment Officer (Conservation),</b> anna.wilson@westnorthants.gov.uk

### Contributors/Checkers/Approvers

<b>Legal</b>	Theresa Boyd	Approval email received 08/09/2023
<b>West S151</b>	Martin Henry	Email sent 04/09/2023
<b>Other Director/SME</b>	Stuart Timmiss	Approval email received 07/09/2023
<b>Communications Lead/Head of Communications</b>	Becky Hutson	Approval email received 05/09/2023

### List of Appendices

**Appendix A – Written Responses**

**Appendix B – Holdenby Conservation Area Boundary Map**

**Appendix C – Local List Candidates**

**Appendix D – Details of Article 4(1) Direction**

#### **1. Purpose of Report**

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To consider the responses to the consultation exercise on the draft Holdenby Conservation Area Appraisal and Management Plan and further steps to implement the outcomes.

#### **2. Executive Summary**

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- 1.1. The report sets out the recommendations for the adoption of the conservation area boundary as set out in Appendix B, the adoption of the Holdenby Conservation Appraisal and Management Plan as a Supplementary Planning Document (SPD), the inclusion of buildings on the Local List, and proposals for an Article 4(1) Direction at

Appendices C and D. It includes details of how the statutory consultation was undertaken, and the results of the consultation (Appendix A).

### **3. Recommendations**

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3.1 It is recommended that Planning Policy Committee:

- a) Agrees that the conservation area boundary as set out in Appendix B be designated and supersedes the designation that was made in 1998.
- b) Agrees that the proposed changes to the Holdenby Conservation Area Appraisal and Management Plan in response to representations, as set out in Appendix A be approved.
- c) Agrees that delegated authority be given to the Head of Planning Policy and Specialist Services to make further minor editorial changes to the Holdenby Conservation Area Appraisal and Management Plan including to reflect that the document will be in its final adopted form.
- d) Agrees that the conservation area appraisal and management plan for Holdenby be adopted as a Supplementary Planning Document.
- e) Agrees the Local List entries for Holdenby set out in Appendix C.
- f) Agrees that an Article 4(1) Direction for Holdenby in accordance with the proposals in the conservation area appraisal and management plan be made subject to consultation.
- g) Agrees that delegated authority to confirm the Article 4(1) Direction be given to the Head of Planning Policy and Specialist Services in the event that there are no objections received in response to the consultation on the Article 4(1) Direction.

### **4. Reason for Recommendations**

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- The proposals fulfil the statutory duty of the council to review and designate conservation areas where they meet appraisal criteria.
- The proposals accord with legislation and the council's planning policies.
- The proposals will provide the council with the tools to preserve and enhance the heritage of Holdenby, which contributes to the historic character of the West Northamptonshire area. Without these tools, the special historic interest of the conservation area may be harmed or lost.
- The proposals are consistent with previous decisions made to designate conservation area boundaries and adopt supplementary planning documents for other towns and villages in the area.
- The proposals were consulted upon for a minimum six-week period and the proposals in this report have considered the responses submitted during that public consultation.

### **5. Report Background**

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5.1 The council has a statutory duty under the 1990 Planning (Listed Building and Conservation Areas) Act to review its conservation areas and to designate conservation areas where they meet appraisal criteria. At its meeting on 23 May 2023, the council resolved that consultation should take place on the draft

conservation area appraisal and management plan for Holdenby. The consultation is now complete.

- 5.2 The proposals at Holdenby suggested amending the conservation area boundary to include an area of pasture (BA1) situated approximately 100m southeast of All Saints Church. This area forms part of the Registered Park and Garden designation. It contains ridge and furrow earthworks pertaining to the medieval agricultural field system and several linear earthwork banks, which are visible from the bridle way that runs along its east side. There are also views across the pasture from the bridleway towards the northwest that incorporate All Saints Church and, as such, it forms part of the setting of this Grade II\* listed building as well as the scheduled monument designation. Trees within this area contribute to the parkland character that is prevalent in the southern part of the conservation area.
- 5.3 The proposals also identified eight candidates for the Local List, all being situated within the conservation area.
- 5.4 The appraisal also made proposals for an Article 4(1) Direction to cover the conservation area. The proposals suggest removing the following permitted development rights:
- The enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space, Class A of Part 1 of Schedule 2 to the Order;
  - The alteration or addition to the roof of any dwelling house, Class B or Class C of Part 1 of Schedule 2;
  - The installation, alteration or replacement of a chimney, flue, soil or vent pipe on a dwellinghouse, Class G of Part 1 of Schedule 2 to the Order;
  - The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class A of Part 2 of Schedule 2 to the Order;
  - Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure where the gate, fence, wall or means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class C of Part 11 of Schedule 2 to the Order.

The addresses proposed to be affected by the removal of these PD rights are set out at Appendix D, along with a plan of the affected area.

- 5.5 As per recommendation g) above, it is requested that the Committee delegates confirmation of the Article 4(1) Direction for Holdenby to the Head of Planning Policy and Specialist Services, in the event that there are no objections to the consultation on the direction.

## **Responses to consultation**

- 5.6 Eighteen responses to the consultation were received via letter or email (set out in Appendix A). The majority expressed disagreement with the proposed change to the boundary of the conservation area and proposals for an Article 4(1) Direction removing permitted development rights for particular types of development.

The proposed boundary change would extend the conservation area over an area of pasture with parkland character, lying at the southeast corner of the conservation area. It contains ridge and furrow earthworks pertaining to the medieval agricultural field system and several linear earthwork banks, which are visible from a bridle way that runs along its east side. The site of the medieval settlement, with which the ridge and furrow earthworks are associated, lies immediately to the west and is designated as a scheduled monument. The earthworks within the area of the proposed extension therefore provide historical and archaeological context to the scheduled settlement site.

There are also panoramic views across the pasture from the bridleway towards the northwest and north that incorporate All Saints Church and the scheduled earthworks of the late 17<sup>th</sup>/early 18<sup>th</sup> century gardens. As such, the proposed extension forms part of the setting of this Grade II\* listed building and the scheduled monument designation. Trees within this area contribute to the parkland character that is prevalent in the southern part of the conservation area.

Those respondents who objected to the proposed extension did so on the grounds that it is already part of the Grade I Registered Park and Garden designation (RPG) and, therefore, already protected. RPG status does not bring with it any specific statutory planning controls, either for the area as a whole or the individual historic/archaeological features within it. The RPG designation is specific to the designed landscape of the parkland and formal gardens of the 17<sup>th</sup> century Holdenby Palace and the later Holdenby House. The various attributes mentioned above, which contribute to the significance of the proposed extension, are not recorded in the Registered Park and Garden description. Including the proposed extension within the conservation area, with an adopted appraisal and management plan that describes those attributes in detail, would add weight to the significance of this parcel of land should any development be proposed in the future.

Furthermore, including this small area of the existing RPG designation within the conservation area would be in line with the approach the council has taken with other recent reviews of conservation areas, for example, Ashby St. Ledgers and Canons Ashby.

- 5.7 Historic England did not seek any changes to the proposed boundary extension.
- 5.8 The draft appraisal included initial proposals for an Article 4(1) Direction in Section 10.2. Those respondents who objected to the proposed Article 4(1) Direction argued that the Holdenby Estate already maintains properties to a high standard and there are existing covenants covering those types of development for which the Article

4(1) Direction was seeking to remove permitted development rights. There were also concerns about the complexity and costs of submitting planning applications.

During the consultation the Holdenby Estate shared information about the covenants that exist for properties within the conservation area. Although the covenants place restrictions on some types of development for which the proposed Article 4(1) Direction removes permitted development rights, they do not include detailed guidance on architectural detailing or materials and do not, therefore, ensure that those elements of character and detailing would be maintained and/or enhanced.

The types of development for which permitted development rights would be removed are those which would normally be undertaken on an occasional basis, for example, replacement of windows, replacement or repair of a boundary wall etc.. Therefore, it is considered that the costs of submitting a householder planning application (£206) would not be prohibitive.

There are no suggested changes as a result of the consultation exercise and it is suggested that an Article 4(1) Direction be prepared for the proposed restrictions set out in the draft appraisal.

The draft Article 4(1) Direction and the properties it will affect are included in Appendix D.

## **6. Issues and Choices**

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- 6.1 Conservation area status and an adopted appraisal and management plan, which has the status of a Supplementary Planning Document (SPD), adds weight to the consideration of non-designated heritage assets in decision-making. It also provides detail for applicants and decision makers on the special interest of the conservation area as a designated heritage asset. The proposed conservation area boundary and appraisal and management plan have been produced with the aim of providing proportionate and effective means of protecting the special architectural and historic interest of Holdenby Conservation Area for the benefit of present and future generations.
- 6.2 The alternative options would be not to endorse the designation of the conservation area boundary and the adoption of the Holdenby Conservation Area Appraisal and Management Plan as a supplementary planning document, not to endorse the candidates for the Local List, and not to 'make' the Article 4(1) Direction.
- 6.3 Not endorsing the boundary designation, the adoption of the appraisal and management plan, not endorsing the candidates for the Local List, and not 'making' the proposed Article 4(1) Direction would leave the council without valuable tools with which to protect and enhance the special architectural and historic interest of Holdenby Conservation Area.

## **7. Implications (including financial implications)**

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## **7.1 Resources and Financial**

7.1.1 Adopting the appraisal, designating a new conservation area boundary and making Article 4(1) directions would have no material financial effects. Minor costs for placing adverts in the London Gazette and a local newspaper will be covered from existing budgets.

## **7.2 Legal**

7.2.1 Supplementary Planning Documents (SPDs) are defined by the Planning and Compulsory Purchase Act 2004. The detailed requirements for SPDs and their adoption are provided by the Town and Country Planning (Local Planning) (England) Regulations 2012.

7.2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.2.3 The SPD would supplement existing policies, predominantly the West Northamptonshire Joint Core Strategy and the Settlements and Countryside Local Plan (Part 2) 2020.

7.2.4 Directions under Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (No. 596) require planning permission to be obtained for works which would otherwise be permitted development.

7.2.5 A claim for compensation can be made to the Local Planning Authority if planning permission is refused or granted subject to conditions other than those conditions imposed by the General Permitted Development Order 2015 (as amended). However, no compensation for the withdrawal of certain permitted development rights is payable if the Local Planning Authority gives notice of the withdrawal between 12 months and 24 months in advance.

7.2.6 The proposal requires the making, publicising and confirmation of an Article 4(1) Direction in accordance with the legal process and procedures prescribed by Schedule 3 of the General Permitted Development Order 2015 (as amended).

## **7.3 Risk**

7.3.1 There are no material risks foreseen in the endorsement of the conservation area designation, adoption of the appraisal and management plan or the making of the Article 4(1) Direction.

7.3.2 Not endorsing the conservation area designation, adoption of the Appraisal and Management Plan and the making of the Article 4(1) Direction would be likely to weaken protection for heritage in Holdenby and thus increase the risk of its loss.



## **7.4 Consultation**

- 7.4.1 The Holdenby Conservation Area Appraisal and Management Plan consultation document was subject to a formal six-week public consultation that began on 19 June 2023 and ended on 31 July 2023. This followed an initial online meeting and presentation held on 7 February 2023, which was attended by the eight individuals including members of the public, the Chair of the Parish Meeting and representatives of the Holdenby Estate. A second virtual public meeting was organised to be held during the consultation period on 4 July 2023 and was attended by seven individuals. The PowerPoint presentation slides and notes were made available on the council's website following the meeting.
- 7.4.2 The process for this type of Article 4(1) Direction requires that the direction be "made" and notice given by the LPA specifying a minimum period of 21 days, including the date on which the period is to commence, during which representations are to be made to the LPA (paragraph 1 (4)(d), Schedule 3 of the GPDA 2015 (as amended)). Any representations received during this period must be taken into account by the LPA in deciding whether to confirm the Article 4(1) Direction. Only if an Article 4(1) Direction is confirmed does it have legal effect. Following consultation the matter would be brought back to Planning Policy Committee for the direction to be confirmed or not if any objections are received.

## **7.5 Consideration by Overview and Scrutiny**

Not applicable

## **7.6 Climate Impact**

- 7.6.1 The designation of the conservation area and adoption of the appraisal and management plan as a supplementary planning document are unlikely to have a negative impact on the climate.

## **7.7 Community Impact**

- 7.7.1 It is unlikely that the adoption of this document would have any material effect on crime or disorder.
- 7.7.2 The proposed course of action should not have any perceptible differential impact on people with protected characteristics.
- 7.7.3 Endorsing the designation of the conservation area boundary and the adoption of the conservation area appraisal and management plan as an SPD would assist in conserving the historic character of Holdenby and contribute to preserving the character of places that make up West Northamptonshire. As such, it would support the well-being of residents and those who work in or visit Holdenby and the wider area.

## **8. Background Papers**

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Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework

Planning (Listed Building and Conservation Areas) Act 1990

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020

West Northamptonshire Council Planning Policy Committee Report 23 May 2023 -  
Permission for consultation on draft Holdenby Conservation Area Appraisal and  
Management Plan and proposed boundary.

## Appendix A – Written Responses

Respondent	Comments	Suggested Response	Suggested Action
Jem Lowther on behalf of the Lowther Family and The Holdenby Estate	I'd like to start by thanking Anna Wilson for her report, which displays a wealth of information and interesting maps, and must have entailed a great deal of hard work. Secondly, and on behalf of the whole Lowther family, I'd like to say that we are of one mind with the underlying philosophy of the report: that Holdenby is a beautiful and special place, whose unique historic character is worthy of protection. Indeed, as Holdenby Estate owns the vast majority of the land, buildings and features mentioned in the report, James Lowther and the Estate have spent the past 50 years rescuing, improving and conserving the area to the benefit of the community & the county's heritage. For this reason and with our shared perspective established, we do not believe extra regulation or expansion of the conservation area is required and we would like changes to be made to the appraisal and management.	Comments noted. Please see responses to specific points below.	See below.
Jem Lowther on behalf of the Lowther Family and The Holdenby Estate	<p>1. <u>Existing Permitted Development Rights maintained.</u></p> <p>Running an historic estate with and maintaining an historic house is an increasingly difficult task in the post Covid-era at a time when EU agricultural subsidies are being phased out and there is little clarity on what will replace them. As a result, Estates like Holdenby are increasingly vulnerable and require increased co-operation and support from councils rather than increased regulation, which can bring in long delays and extra</p>	Comments noted.	See below.

	<p>management costs which make timely improvements more difficult.</p> <p><i>As a result, we would like the permitted development rights listed on p.74 maintained.</i></p> <p>An appropriate level of permitted-development withdrawal is already in place as part of the conservation area designation. Under the existing arrangements, Holdenby House has been rescued and restored, is home to the UK's most awarded heritage education programme and is now a major heritage asset for the county. There is now a restored stable block now home to thriving offices, well maintained residential properties, carefully done cottage restorations, and (as was given brief mention on p. 22) some historically sensitive development within the village itself. (The new side of the Square precisely mirrors the style and details of the existing side). Any work done by the Estate in the village has been done within very strict historic and aesthetic protocols, often stricter than those set by Council planning. Future development in any house are controlled by the Estate's strict Covenants.</p> <p>In other words, conservation is already happening under the existing rules. To suffix these with a salad of additional restrictions is neither helpful nor appropriate. We are aware that, since the pandemic, the planning department has found itself understaffed and often struggling with existing workload and we are concerned that subsequent delays</p>	<p>Whilst it is true that Holdenby House and the stable block have been successfully conserved, this would have been through the listed building consent system rather than solely the conservation area designation.</p> <p>Conservation area status introduces some extra planning controls but some minor developments, such as domestic alterations, can normally be carried out without planning permission. This can lead to incremental changes and the gradual loss of aspects of the fabric of historic buildings, their historic character and that of the overall conservation area.</p> <p>During the consultation, information was provided by the estate regarding covenants that are in place for properties within the conservation area. They cover some types of development for which the proposed Article 4(1) Direction removes permitted development rights. However, the covenants do not include guidance on architectural detailing or materials and do not, therefore, ensure that those elements of character and detailing would be maintained and/or enhanced to specific design requirements were changes proposed.</p> <p>An Article 4(1) Direction would remove some permitted development rights for particular properties. These are set out on p.74 of the appraisal. Whilst particular types of development would require planning permission, which would incur the cost of a</p>	<p>No change.</p>
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	<p>could adversely affect future improvements by the estate and thus its viability.</p>	<p>householder application, the types of development for which permitted development rights would be removed are those which are carried out on an occasional basis. In some circumstances planning permission may not be required if the proposed development was like-for-like replacement but this would need to be checked with the council's planning team. If the conservation area appraisal is adopted this will not bring the Article 4(1) Direction into force. It would be subject to a separate consultation at which time property owners would be contacted directly.</p> <p>The council's Planning Team will be filling a number of vacancies in the near future which will help to address concerns about the timescales for processing planning applications.</p>	
<p>Jem Lowther on behalf of the Lowther Family and The Holdenby Estate</p>	<p><u>2. Boundary of Conservation Area maintained</u>  We would like to see the boundary of the conservation maintained (see page 10) and not extended. We have preserved the historic countryside for over 50 years and will continue to do so.</p> <p>The addition of a tiny additional parcel of land confers no benefit or additional protection to the land or the area as a whole. It lays outside the footprint of the medieval village and the Elizabethan formals Gardens (see page 24 – the palisade around “the orchard” marks the current boundary). Until relatively recently, it was also fenced as part of “bawban hill” (see page 20) which lies outside the conservation area.</p>	<p>It is recognised that the Lowther family successfully manage the Holdenby Estate to a high standard. The proposal to extend the conservation area as set out in the conservation area appraisal is not due to a perceived threat to this particular piece of land but rather to recognise the contribution it makes to the historic and archaeological interest of the conservation area, the scheduled monument, listed building and registered park and garden designations.</p> <p>The land contains ridge and furrow earthworks associated with the open field system that operated during the medieval period. The site of the medieval settlement, with which the field system is associated, lies immediately to the west and is designated as a scheduled monument. The ridge and furrow earthworks within the area of the proposed extension therefore provide historical and archaeological</p>	<p>No change.</p>

	<p>To the extent that a designation is helpful, it is already covered by the designation as Grade I listed parkland.</p>	<p>context to the scheduled settlement site and contribute to its setting.</p> <p>Furthermore, the open nature of the proposed extension enables panoramic views from the adjacent bridleway towards the Grade II* listed All Saints Church; the scheduled medieval settlement and late 16<sup>th</sup>/early 17<sup>th</sup> garden earthworks; and the Registered Park and Garden (RPG) designation. This is set out in the conservation area appraisal in Section 7.4 Views and Vistas, p.36, View 13; and Section 7.5 Open Space Analysis, p.44, OS2. Consequently, the parcel of land covered by the proposed extension also makes an important contribution to the setting of these designated heritage assets.</p> <p>Whilst the proposed extension is already covered by the Registered Park and Garden designation, the various attributes mentioned above, which contribute to its significance, are not recorded in the Registered Park and Garden description. Inclusion of the extension within the conservation area, with an adopted appraisal and management plan that describes those attributes in detail, would add weight to the significance of this parcel of land should any development be proposed in the future.</p> <p>Whilst the owners of the Holdenby Estate may have no wish to change the current use of the land, this may not always be the case if the ownership of the land were to change in the future.</p> <p>Extending the conservation area to include this parcel of land and follow the boundary of the Registered Park and Garden would be consistent with the approach the council has</p>	
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		taken during reviews of other conservation areas where there is also a RPG designation.	
Jem Lowther on behalf of the Lowther Family and The Holdenby Estate	<p><u>3. Reference to railings removed.</u> We share with the report an affection for the metal railings pictured on p. 57. It is also the case, however, that the bank they currently abut up is home to badger setts. Protection of badgers is such that they cannot be culled, removed, or rehoused. We simply have to leave them, even if they threaten historic earthworks or trees. In order to protect the historic bank, we have in the past had to put a more significant timber boundary in place. An injunction to keep these fences in place is not helpful.</p>	The conservation area appraisal does not state that the railings must be retained, although this would be preferable since they have been identified as a positive historic feature of the conservation area. Should the railings need to be replaced in the future, the design guidance for boundary treatments states that 'appropriate materials and designs should be used' (Section 9.10, p.66). In coming to a decision about the design of a replacement boundary treatment, all other factors, such as the protected status of badgers and the scheduled monument designation, would be taken into account. It is likely that scheduled monument consent would be required prior to any repair and/or replacement of the railings.	No change.
Jem Lowther on behalf of the Lowther Family and The Holdenby Estate	<p><u>4. Development and Built Form changed</u> A small amendment – p. 67 makes seems to suggest that “detached and semi-detached” may be the only types of development appropriate to Holdenby. This is incorrect and should be changed.  Both sides of the square are terraces of three and, historically, this was also the case for 13-15 and 10-12. Whyhcote House was also a terrace of 6.</p>	Thank you for this information. Changes to the text will be made to include reference to terraced buildings.	Section 9.12-Development and Built Form, p.67, 5 <sup>th</sup> paragraph, change the following text to read: 'Any new built form should be small-scale and incorporate a mix of building types i.e. detached, <del>and</del> semi-detached <u>and terraces</u> , to reflect the variety seen in Holdenby.'
Jem Lowther on behalf of the Lowther Family and The Holdenby Estate	<p><u>5. Name areas of criticism.</u> Nobody is perfect. If conservation experts have helpful criticisms, we are happy to hear them. In numerous places in the draft appraisal, however, criticisms are made without the actual area being specified. Could the estate please be made aware of the exact locations of: • The four examples of “loss of character” referred to on p. 60</p>	As requested, the text will be altered to include the locations in question. The text on p.78 will be amended to omit reference to historic walls.	Section 8.5-Loss of Character, p.60, 2 <sup>nd</sup> paragraph, change the following text to read: ' <u>The Holdenby Estate is well-managed by the Lowther family, the current owners, but within the Holdenby</u> conservation area there are some instances where alterations or developments have resulted in a loss of character. One example is the

	<ul style="list-style-type: none"> <li>• P. 78 “examples where historic walls and hedges have been replaced or added to with inappropriate boundary treatments”.</li> </ul>		<p>replacement of a hedge boundary with closeboard fencing <u>at the northwest end of 5 The Square</u>, which has eroded the rural character of the village green.’</p> <p>Section 8.5-Loss of Character, p.60, 3<sup>rd</sup> paragraph, change the following text to read:  ‘There are a small number of examples where historic timber window frames have been replaced with frames of a design that is not in keeping with the age of the building, <u>for example at Grange Farm</u>. This is detrimental to the visual appearance of historic buildings and the wider street scene and it also equates to a loss of the building’s historic fabric. <del>This is also true of changes to lintels and sills and there are some examples within the conservation area where the original lintels above windows appear to have been replaced with concrete lintels.</del>’</p> <p>Section 8.5-Loss of Character, p.60, 4<sup>th</sup> paragraph, change the following text to read:  ‘This is also true of roofing materials, <u>The Cart Barn in Home Farm Court</u> <del>and there is an example of a building whose historic roofing has been replaced with has a roof of modern pan tiles</del>. These are out of keeping with the age of the building and have a detrimental effect on its appearance. The impact is especially negative where a building is within a grouping of buildings that all use similar roofing materials because it disrupts the uniformity of the group.’</p>
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			<p>Section 8.5-Loss of Character, p.60, 5<sup>th</sup> paragraph, change the following text to read:  'Not only can the replacement of building fabric have a detrimental effect on historic character and appearance but additions to buildings can also have this effect. In Holdenby, the addition of features such as <u>a</u> satellite dishes at <u>Little Fold</u> and sky lights at <u>Grange Farm</u> detract from the historic character of individual buildings and the street scene as a whole.</p> <p>Section 11.1.4-Threat 4: The loss of traditional boundary treatments, p.78, paragraph 1, change the following text to read:  'Historic boundary treatments of ironstone and brick, as well as hedge boundaries, railings and estate fencing, are a feature of the conservation area and they enhance both the street scene, contributing to their coherence, as well as views of individual buildings. The appraisal has identified <u>an</u> examples where <del>historic walls and a</del> hedges have <del>has been replaced or added to</del> with <u>an</u> inappropriate boundary treatments (<u>See Section 8.5, p.60</u>). The loss of historic boundary treatments through either gradual deterioration and/or removal forms a significant threat to the character and appearance of the conservation area'</p>
Jem Lowther on behalf of the Lowther Family	<u>6. Roads</u> The part of the conservation area for which government is directly responsible	Thank you for providing photographs of the potholes that need repairing in Holdenby village. These will be referenced in the	Section 9.11, p. 67, 2 <sup>nd</sup> paragraph, amend the text to read:

and The Holdenby Estate

for is the road/ lane running through the village mentioned in the report. This is currently riddled with potholes, and the edges are falling away, despite constant requests for repairs over the past years.

We would like pictures of these potholes included in the report (the estate can supply time-stamped photos) and the language in p.78-79 strengthened. And we would like the road dealt with as soon as possible. Anything that could help spur Highways to action would be very welcome.

Pictures of potholes in the lane through Holdenby taken 3<sup>rd</sup> July 2023



Management Plan and added into the document as an appendix. Text will be added in Sections 9.11 and 11.1.6 so it is clear that repairs to road surfaces are the responsibility of Northamptonshire Highways and not the Holdenby Estate.

'The surfacing of the lanes through the village should be maintained to a high standard and repairs should be undertaken by the highways authority, Northamptonshire Highways, accurately and with materials appropriate to the particular location within the conservation area...'

Section 11.1.6-Threat 6: Highways, p.79, 3<sup>rd</sup> paragraph, amend the text to read: 'Recommendation 6: The highways authority, Northamptonshire Highways, is the body responsible for maintaining road surfaces and footways. It should, as far as possible, seek to ensure that works to highways and footways do not negatively detract from the character and appearance of the conservation area.

Section 11.1.6-Threat 6: Highways, after 4<sup>th</sup> paragraph, p.79 include the additional text below and add an appendix containing photographs showing the potholes, their locations and the date photos were taken: 'There are currently a number of locations along the lane through Holdenby village where repairs to potholes are required. See photographs in Appendix B.'







Jem Lowther on behalf of the Lowther Family and The Holdenby Estate

7. General conclusion  
As has been done in the past, we are keen to work with the council on a positive understanding of the wider needs of the strategy of Holdenby's historic project, rather than labour under a negative regulatory regime. (Indeed, we initiated recent discussions with the Council about our strategy) We believe the success of

It is agreed that Holdenby is a beautiful place that retains a great deal of historic character and that this is in great part due to the careful management of Lowther family. Some additional text will be added to reflect this.

Please refer to previous comments that explain the reasoning behind the proposed extension

Section 6-Historical Development, p.21, 4<sup>th</sup> paragraph:  
In 1650 Holdenby House was sold to Captain Adam Baynes, who demolished most of the house and sold off the materials. It returned to the Crown after the Restoration and later passed into ~~private hands~~ to the Duke of Marlborough, whose descendants, the

	<p>the past 50 years in saving the futures both of the House, village and conservation area has earned us the right to be considered as responsible custodians without extra outside burdens being put in place and this should be recognised in the report.</p>	<p>to the conservation area and the proposed Article 4(1) Direction.</p>	<p><u>Lowther family, still own and successfully manage the estate (2023).</u></p> <p>Also see suggested changes above in response to Holdenby Estate's comments in '5. Name areas of criticism'.</p>
Hugh Lowther	<p>Please note that the Lowther family have loved and looked after the Holdenby estate for many many years without going into administration. The same cant be said about Northampton council.</p> <p>Please let the family run their estate without more interference from the council.</p>	<p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Please also see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p>	<p>No change.</p>
Caroline Meade Rudd	<p>The purpose of this letter is to object to the Holdenby Conservation Area Appraisal and Management Plan Consultation Draft 2023. While I am sure the plan was drafted with the best intentions my objection concerns specifically</p> <ul style="list-style-type: none"> <li>- Article 4 relating to alterations and the removal of Permitted Development rights</li> <li>- the land area boundary extension which would include the parcel of land to the south of Bourbon Hill at the eastern boundary of the park.</li> </ul> <p>I have visited Holdenby regularly for the last 35 years and have seen its transformation from a stately home in need of repair into an exquisite and unique venue rich with historical and natural beauty. This transformation has</p>	<p>Comments noted.</p> <p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p>

	<p>been conceived and executed by the Lowther family. It is inconceivable to pretend that the same care, tenacity and devotion to a property could be improved with unnecessary oversight and additional restrictions and regulations. These restrictions will add time and cost to a Council and family already overworked and tightly funded. Their implementation will undoubtedly do more harm than good.</p> <p>Lastly, the parcel of land in question is already designated as Registered Parkland thus already protected. The village is designated as a Conservation Village and is therefore also protected. The provisions in the management plan are aiming to fix something that is anything but broken, I hope it does not pass and the Council can focus on more worthwhile and needy initiatives.</p>	<p>Also please see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p>	<p>No change.</p>
<p>Anna Lloyd</p>	<p>I am writing to object to the Council's unnecessary proposal to extend a land area boundary to include a parcel of land to the south of Bourbon Hill at the eastern boundary of Holdenby Park.</p> <p>I am opposed to the addition of an Article 4 direction relating to alterations in the village and to the imposition of planning regulations by the Council.</p> <p>This parcel of land and its buildings are already protected. Holdenby is a 'Conservation Village' and is designated as 'Registered Parkland' therefore it is already very well ring fenced from thoughtless development.</p>	<p>Comments noted.</p> <p>Comments noted. Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Please see the response to comments made by the Holdenby Estate, above, at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>

	<p>I have known and loved Holdenby since 1990 and it remains a beautiful, unspoilt example of England's heritage. Why are the Council wasting time and money on the above plan when there are so many other pressing conservation and planning issues to deal with elsewhere?</p> <p>In my experience councillors on planning committees often have little understanding or time for architectural detail. I feel much more confident that Holdenby village and the land in question will continue to be admired for its outstanding natural and historic beauty, but only thanks to the dedication of its existing custodians.</p> <p>The Lowther family has maintained the historic integrity of the estate with an extraordinary eye for detail. The Council should save its precious funds and encourage rather than hinder the family in its efforts.</p> <p>I do hope these unwise and unnecessary proposals will be withdrawn.</p>	<p>It is a statutory duty of the council to assess conservation areas within its local authority area. It is considered good practice that conservation areas have an up-to-date conservation area appraisal and management plan. Prior to this review, there was no appraisal and management plan specifically for Holdenby Conservation Area. The appraisal sets out, in detail, the area's special historic and architectural interest, which enables robust, evidence-based decisions to be made about planning applications that affect that special interest.</p> <p>It is acknowledged that the owners take great care to maintain the historic character of the Holdenby Estate. This is, of course, achieved by working with the council's conservation and planning officers when planning or other types of consent, such as listed building consent, are required for changes or new development.</p> <p>As stated previously, it is agreed that the Lowther family manages the Holdenby estate to a very high standard and the council will continue to work with them to maintain and enhance the special interest of the conservation area. All property owners have to apply for planning permission and/or other types of consent for particular types of development. If adopted, the conservation area appraisal and management plan will provide guidance to applicants and also decision-makers about appropriate types of development within the conservation area.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>
<p>Laura Goedhuis</p>	<p>I have just read your extensive report on the Holdenby Conservation area and would just like to say having lived in the village for over 26 years I think the</p>	<p>Comments noted. As mentioned previously, it is agreed that the Lowther family manage the Holdenby Estate to a high standard. In terms of the respondent's view that the proposals will</p>	<p>No change.</p>



	<p>Lowther family have been exemplary as custodians of Holdenby Estate. We lived there when the square was developed and the new buildings mirrored the originals and now it is hard to differentiate. Their whole lives are dedicated to maintaining the historic house, garden village and parkland. By changing the future management you will only be adding to the workload of the council and the Lowther family when there are already existing regulations in place.</p> <p>So I would like to object the two main proposals regarding the future management of The Holdenby conservation Area.</p> <ol style="list-style-type: none"> <li>1. An extension of the land area boundary to include a parcel of land in the southeast portion of the existing park.</li> <li>2. The addition of an Article 4 direction relating to alterations to windows, doors, roofing, walls, gates, fences, rooflights, skylights and alteration to the chimneys.</li> </ol>	<p>add to existing workload, the proposed Article 4(1) Direction applies to dwellings only. The permitted development rights proposed to be removed are for the types of works that tend to be carried out on an occasional basis. With regard to the proposed extension of the conservation area, this would not convey any additional controls except for notifying the council six weeks prior to carrying out works to trees over a certain size in this area. Council records show that in the past five years there have been six notifications for this type of work across the whole conservation area. Given that there only a small number of trees in the proposed extension, the additional work that this may create for the Holdenby Estate and council officers is minimal.</p> <p>Please see the officer response to comments made by the Holdenby Estate, above, at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p> <p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p>
Lucy Tomkins	<p>I would like to add my voice the the concerns regarding the council implementing more restrictions and interfering in the Holdenby House Estate. I lived in Holdenby for over 18 years and</p>	<p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p>

	<p>saw first hand how The Family care for the estate, the land and the village. There are already adequate protections in place both as a Conservation village and registered parkland. Anything further will be detrimental to the village and estate. Don't try and mend something which is not broken.</p>	<p>Please see the officer response to comments made by the Holdenby Estate, above, at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p>	<p>No change.</p>
<p>Susan Wallace</p>	<p>As a decades-long visitor to Holdenby Village and House, I'd like to register my objection to certain aspects of the West Northamptonshire Council's current Consultation Draft, specifically, the removal of permitted development rights and the extension of the conservation area boundary.</p> <p>Having first visited Holdenby Village in the late 1980's, and every year since, including 2023, I'm always struck by the improvements the Lowther family has implemented in both housing and land while maintaining the original, regional charm and character of the village. The Lowther's custodianship has been an ongoing success and, in my opinion, could be used as a template for other custodians in other regions.</p> <p>In light of the above, I wonder why further formal intervention, this time by the Council, would be deemed necessary especially, if I understand correctly, as so many existing guidelines, restrictions, covenants, etc. are already in place and have clearly been adhered to assiduously by the current caretakers?</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Rather than being regarded as intervention by the council, were the conservation area appraisal to be adopted, it would provide guidance to stakeholders and decision makers on successfully managing change in the conservation area and would assist in maintaining and enhance its historic character. There is no dispute over how well the current owners manage the Holdenby Estate but it is important that there is document that sets out the special features within the conservation</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>

		<p>area, a heritage designation, in order that their significance can be assessed should there be proposals that will effect them.</p> <p>Please see officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Please also see response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained' for the reasoning behind the proposed change to the conservation area boundary.</p>	<p>No change.</p> <p>No change.</p>
Rachael Townend	<p>Thank you for consulting Planning Archaeology on the above appraisal. I am largely happy with the present sections that address the archaeological potential of the Conservation Area. I would like to put forward only the following recommendations:</p> <p>Section 7.2 (p.30): I suggest rewording para.1 to "...contained within standing buildings, structures, earthworks and other landscape features." I also suggest rewording para. 3 to "Potential archaeological remains within the conservation area include:"</p> <p>Section 11.1.5: Recommendation 5 (p78): I suggest rewording para. 1 to: "Professional advice should be sought and appropriate assessment undertaken at the earliest possible opportunity to assess..."</p>	<p>Comments noted. The text will be amended with the suggested changes in relation to archaeology.</p>	<p>Section 7.2-Areas of Archaeological Potential, p.30, 1<sup>st</sup> paragraph, amend the text to read:  'Archaeological interest can be both remains surviving below the ground or evidence for past activity that is contained within standing buildings, and structures, <u>earthworks and other landscape features.</u>'</p> <p>Section 7.2-Areas of Archaeological Potential, p.30, 3rd paragraph, amend the text to read:  'Potential archaeological <u>deposits remains</u> within the conservation area include:...'</p> <p>Section 11.1.5-Recommendation 5, p.78, paragraph 1, amend the text to read:  '...Professional advice should be sought and appropriate assessment undertaken <u>at the earliest possible opportunity</u> to assess the extent and significance of any remains which may be affected by proposals.'</p>

	<p>I also suggest adding the following paragraph: "In considering the potential effects of a proposal within the Conservation Area archaeological Observation, Investigation, Recording, Analysis and Publication (OIRAP) – sometimes referred to as a 'Watching Brief' – should not be considered the default mitigation measure.</p>		<p>Section 11.1.5-Recommendation 5, p.78, add the following text at the end of paragraph 1:          'In considering the potential effects of a proposal within the Conservation Area archaeological Observation, Investigation, Recording, Analysis and Publication (OIRAP) –sometimes referred to as a 'Watching Brief' – should not be considered the default mitigation measure.'</p>
<p>James Nicholson</p>	<p>I am writing to express my objection to the proposals in your recent draft consultation document on the future management of the Holdenby estate. I understand that you are proposing to</p> <ol style="list-style-type: none"> <li>1. Extend the conservation area to include an area of land to the south of bourbon Hill of the park.</li> <li>2. To add article 4 direction to a list of alterations to houses in the village. As I understand it the park is already a registered park and the village is a conservation area and therefore I fail to see how the imposition of additional restrictions can do anything more than add time and cost to all parties to any proposals put forward by the Lowther family , who have already demonstrated that they are more than adequate custodians of land and the buildings.</li> </ol> <p>I would urge you and your associates within the council to reconsider these proposals.</p>	<p>Comments noted.</p> <p>Please see response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained' for the reasoning behind the proposed change to the conservation area boundary.</p> <p>Please see officer response in response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>

Sally Nicholson	<p>I am writing to object to the above document which I have read with concern.</p> <p>In today's financial climate, I find the costs involved in this case to be completely out of proportion to the risk involved which is negligent given that the land in question is already protected. I have visited Holdenby regularly over the last 40 years and find the Lowthers exemplary custodians of the estate and I feel strongly that there are better places to spend limited reserves on protecting. Indeed, I can only conclude such an insensitive move has to be counter-productive and can only serve to fracture the good working relationship the Lowthers claim to have had with you to date. Their outstanding achievements, particularly on their ability to combine progress with conservation should be rewarded. This proposal implies that you do not trust them to continue to manage their own property responsibly and it is irresponsible to impose more financial duress to either side in this financial climate.</p> <p>Northamptonshire council has already an unfortunate reputation. Please don't let West Northamptonshire Council gain the same reputation.</p>	<p>Thank you for your response. Please see comments from Anna Lloyd above and the officer response to the same question, which explains that it is a statutory duty of the council to review conservation areas within its local authority area and the purpose of conservation area appraisal and management plan.</p> <p>Please also see comments from Laura Goedhuis above and the officer response to concerns about costs to the council and the Holdenby Estate.</p>	<p>No change.</p> <p>No change.</p>
Matthew Trembath	<p>I write in response to the draft Conservation Area Appraisal for Holdenby village. I must firstly thank you for the documentation and the 2 MS Teams calls where you have provided further information.</p>	<p>Comments noted.</p>	<p>No change.</p>

	<p>I am writing in objection to 2 proposals featured within the appraisal being as follows:</p> <ol style="list-style-type: none"> <li>1. A land area boundary extension to include a parcel of land to the south of Bourbon Hill at the eastern boundary of the park.</li> <li>2. The addition of an Article 4 direction relating to alterations to windows, doors, roofing, walls, gates, fences, rooflights, skylights and alteration to chimneys (Article 4 directions remove Permitted Development rights and require planning applications to be submitted for any alteration).</li> </ol> <p>I have been involved in the management of Holdenby Estate for 7 years now and as you know the owners, being the Lowther family are the majority land owner for which the Conservation area of Holdenby village comprises of. I must note that whilst I understand the councils intentions here, I do not believe they are necessary or required given the Lowther family's involvement in managing the current conservation area for over 50 years, both in terms of their time and also an more importantly their expense. You will see from reviewing and visiting the Conservation Area that the Lowther family have proved to be good custodians of the land and buildings and therefore no further requirements or restrictions under the Article 4 Directions are required to be put in place. They are unnecessary and</p>	<p>Comment noted.</p> <p>Comment noted.</p> <p>Comments noted. Please see officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>
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	<p>will add time and a cost to the council and the Lowther family in particular.</p> <p>With regard to the parcel of land being proposed to be included, the parcel is already designated as Registered Parkland and is therefore protected. The village itself is already designated as a conversation area and as such does not require to be extended to designated farmland.</p>	<p>Please see the officer response to comments made by the Holdenby Estate, above, at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p>	<p>No change.</p>
Lilly Hives	<p>I am writing in response to the draft conservation area appraisal for Holdenby Village 2023. Thank you for your time taken to explain this review with Fisher German and Holdenby Estate over the past 6 months.</p> <p>I am writing to OBJECT to the proposal, with particular reference to the 2 features:</p> <ol style="list-style-type: none"> <li>1. <i>A land area boundary extension to include a parcel of land to the south of Bourbon Hill at the eastern boundary of the park.</i></li> <li>2. <i>The addition of an Article 4 direction relating to alterations to windows, doors, roofing, walls, gates, fences, rooflights, skylights and alteration to chimneys (Article 4 directions remove Permitted Development rights and require planning applications to be submitted for any alteration).</i></li> </ol> <p>As part of the ongoing Estate management of Holdenby Estate over the past 2 years, it is clear the owners of the land, the Lowther Family, have been</p>	<p>Comments noted.</p> <p>Comment noted.</p> <p>Comment noted.</p> <p>Comments noted. Please see officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>

	<p>dutiful conservators of Holdenby village and the wider Estate. As you are aware, The Lowther Family are the majority land owner for which this conservation area extension is being proposed. Whilst I understand the decisions behind the Council's proposal, I do not feel these are necessary nor are they required for the Estate and village to be managed in a "correct" way. The conservation area has been managed effectively and proactively over the past 50 years by the Lowther Family by devoting their time and expense to create what you see today. From visiting Holdenby and meeting with the family, you will note their objective to continue to do so as custodians of the land. The addition of further Article 4 Directions are unnecessary and will add both time and cost to the council and Lowther Family.</p> <p>The additional parcel of land being proposed to be included is already designated as Registered Parkland. Therefore, there is a high level of protection ascribed to this land and this has been respected as an important site of the wider parkland. It is therefore unnecessary to include this within the new boundary.</p>	<p>Please see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for including this area within the conservation area.</p>	<p>No change.</p>
<p>Patrick Hocken</p>	<p>I have read the Holdenby Conservation Area Appraisal and Management Plan / Consultation Draft 2023 and I would like to object to two of the following proposals to extend Council control:</p> <ul style="list-style-type: none"> <li>• A land area boundary extension to include a portion of land to the</li> </ul>	<p>Comments noted.</p> <p>Comment noted.</p>	<p>No change.</p> <p>No change.</p>



	<p>south of Bourbon Hill at the eastern boundary of the park.</p> <ul style="list-style-type: none"> <li>The addition of an Article 4 direction relating to alterations to windows doors roofing walls gates, fences, roof-lights, skylights and alteration to chimneys.</li> </ul> <p>As somebody who has visited and enjoyed Holdenby a number of times my reasons for my objection are:</p> <ul style="list-style-type: none"> <li>The Lowther family for a number of years have proved to be good custodians of the land and buildings.</li> <li>The parcel of land in question is already designated as Registered Parkland and is therefore protected. The village is already designated as a Conservation Village and thus is also protected.</li> </ul> <p>I see these additional restrictions as unnecessary and will add time and cost to a Council and a family that are already overworked and tightly funded. My worry would be that this will cause more harm than good.</p>	<p>Comment noted.</p> <p>Agreed. Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Please see officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>The proposed extension of the conservation area boundary would not convey any further planning controls except for requiring notification to be sent to the council six weeks prior to any works to trees in that area. This process does not incur any charges by the council. In terms of the time spent by the Holdenby Estate and the council in processing the notification, as previously mentioned, there have been just six notifications for tree works across the whole of the Holdenby Conservation Area in the past five years, so</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>
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		<p>adding this area in to the conservation area should not result in a significant amount of extra work.</p> <p>The proposed Article 4(1) Direction would remove permitted development rights for particular types of development, which are the kind that are usually carried out on an occasional basis. The Article 4(1) Direction would apply to domestic properties only and the cost of a householder planning application is £206. Where proposals are like-for-like in terms of materials and design planning permission may not be required.</p>	No change.
H Pearson	<p>I live locally and have seen your detailed and excellent Consultation Draft for the Holdenby Conservation Area which provides fascinating information about Holdenby. It is reassuring to find our Council taking an interest in preserving the beauty of our landscape.</p> <p>I have two particular objections:</p> <p>1. I note the proposal to extend the existing conservation area to include BA1 on Figure 5. This is already part of the registered park and garden shown on Figure 3 and is therefore protected so there is no need for the change.</p> <p>2. I also note the suggested placement of an Article 4(1) Direction removing permitted development rights on the items listed in 10.3.1. which would mean that a Planning Application would be required. These applications are time consuming and very costly for all parties.</p> <p>I have enjoyed visiting Holdenby over the past 50 years and have seen the</p>	<p>Comments noted.</p> <p>Please see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>Please see the officer response to the same comments made by Patrick Hocken above.</p> <p>As mentioned previously, the drafting of the appraisal and management plan is not a result</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p>

	<p>improvements that have been made all of which are architecturally sympathetic to the village. I believe that the owners of this estate should continue to be trusted to protect and enhance the Conservation Area without additional Council regulations. At a time of rising costs and reduced agricultural subsidy estates such as Holdenby are under considerable pressure and additional complex paperwork is unhelpful.</p> <p>I wish Council time could be spent addressing the ruination of our villages, not in a Conservation Area, where UPVC windows and unsympathetic lights are frequently appearing in traditional stone houses along the village streets.</p> <p>Thank you for your efforts to protect our county.</p>	<p>of a threat to the conservation area. It will provide the council with a tool with which to make informed decisions on proposed developments that affect the special interest of the conservation area. Please refer to the officer response to similar comments made above by Patrick Hocken (third paragraph) relating to additional costs as a result of the proposed boundary change and the proposed Article 4(1) Direction.</p> <p>Comments noted.</p>	<p>No change.</p>
Jackie Evans	<p>I am wanting to lodge an objection to the changes to the-</p> <p>1. Extension of the land boundary to include a parcel of land in the southeast portion of the existing park.</p> <p>2. The addition of an article 4 direction relating to the alteration of windows, doors, roofing, walls, gates, fences, roof lights, skylights, chimneys.</p> <p>I have lived in Holdenby village for 48 years and in this time at no point has any work to houses or estate parkland ever been done in an unsympathetic manner to</p>	<p>Comment noted.</p> <p>Please see officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>Please see officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Section 8.4-Loss of Character, p.60 of the appraisal and management plan outlines some instances where there have been changes that are unsympathetic to the historic character of the conservation area. Admittedly, these are</p>	<p>No change.</p> <p>No change.</p> <p>No further change.</p> <p>No change.</p>

	<p>change the look or the historical landscape/properties.</p> <p>In my opinion the Lowther family has always considered the overall architecture and heritage of property/land and any future changes that will involve yet more cost and a delay in time which will only add to already lengthy process is completely unnecessary. This i feel will just hinder and prevent future necessary work from ever taking place.</p>	<p>few and far between but they have, nevertheless been identified during this review.</p> <p>Please refer to the officer response to similar comments made above by Patrick Hocken (third paragraph) relating to additional costs as a result of the proposed boundary change and the proposed Article 4(1) Direction.</p>	<p>No further change.</p>
<p>David Kinnersley</p>	<p>I am involved with the management of the Holdenby Estate and have worked with the Lowther family for many years now to help them manage the Estate and farmland in a way that is sympathetic to the environment and the heritage assets on the Estate.</p> <p>I am writing to express my objection to the two main proposals made for the future management of the Holdenby Conservation Area.</p> <p>These proposals are:</p> <ol style="list-style-type: none"> <li>1. An extension of the land area boundary to include a parcel of land in the southeast portion of the existing park.</li> <li>2. The addition of an Article 4 direction relating to alterations to windows, doors, roofing, walls, gates, fences, rooflights, skylights and alteration to chimneys.</li> </ol> <p>My objection is on the basis that these proposals are unnecessary given that firstly the Lowthers proven good management of the Holdenby Estate in</p>	<p>Comments noted.</p> <p>Comments noted – please see below.</p> <p>Comments noted. Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'. Also see the</p>	<p>No change.</p> <p>No change.</p> <p>No further change.</p>

	<p>this respect, and secondly the existing Conservation Area and Registered Parkland restrictions on the land and buildings already provide sufficient protection without the need for the proposed additional regulation.</p> <p>The two developments in Holdenby Village over the past four decades were both made in close consultation with the Council under existing rules. This has resulted in 'new' buildings that mirror the old and, in the case of The Square, people cannot tell the difference between the new and old terraces. This also holds true for the routine repair and restoration work done on the Estate owned cottages. Several of the photos in Section 8.5 of the document show, as reference for good management, roofs, doors and chimneys that were done recently under existing rules – Photo M as recently as 2022.</p> <p>The Holdenby Estate only sells houses with Plans and Covenants that are as strict if not stricter than those the Council has imposed on buildings on the wider estate and NN6 area. Such is the importance to the Lowther family of maintaining the historic estate that the cost of these detailed plans and covenants are borne by the Estate with the eventual sale price being lower than market value given the restrictions imposed on buyers.</p> <p>I believe that the additional restrictions proposed in this document will create an unnecessary administrative burden in</p>	<p>officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>It is agreed that the recent development in The Square is successful in many respects in complementing the historic character of buildings in its immediately vicinity and that of the wider conservation area. As a new development, full planning permission was required, with the fact it was in a conservation area and opposite a Grade II listed building influencing its scale, design and use of materials.</p> <p>Section 8.5 is intended to be a reference for the types of materials, designs and detailing that are typical within the conservation area to help inform any future changes.</p> <p>Please refer to the officer response to similar comments made above by Patrick Hocken (third paragraph) relating to additional costs as</p>	<p>No further change.</p> <p>No further change.</p>
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	<p>both time and expense for an already under resourced Council and the Holdenby Estate.</p> <p>The good intentions of the Consultation Draft are likely to be counterproductive in execution. I would therefore ask that the Council seek to:</p> <ol style="list-style-type: none"> <li>1. Maintain the Permitted Development Rights listed on page 74. It is unnecessary to add further restrictions given the success of existing strictures.</li> <li>2. Maintain and not extend the boundary of the existing conservation land area (pg. 10).</li> </ol> <p>The Lowthers have over many years succeeded in maintaining and improving the historic house, garden, village and parkland. I would hope that in his economic climate the Council would seek to help their business by not adding to the cost and burden of doing its work; especially as evidence shows this work has been to the great benefit of both the historic estate and existing community.</p>	<p>a result of the proposed boundary change and the proposed Article 4(1) Direction.</p> <p>Please refer to the officer response to similar comments made above by Patrick Hocken (third paragraph) relating to additional costs as a result of the proposed boundary change and the proposed Article 4(1) Direction.</p> <p>Please see previous response on the same issue. It is a statutory duty of the council to maintain and enhance conservation areas through the planning system. The Holdenby Conservation Area Appraisal and Management Plan has been produced as a tool for all stakeholders to assist in ensuring that the special historic and architectural interest of the area is maintained and enhanced.</p>	<p>No change.</p> <p>No change.</p> <p>No change.</p>
Ben Robinson	<p>As owner of the neighbouring East Haddon Spinney Barn, I read the report on the Holdenby Conservation Area with great interest.</p> <p>While I am in broad agreement with the importance of conservation in this historic and beautiful setting, I have some specific concerns around two of the proposals regarding future management of the Holdenby Conservation Area:</p> <ol style="list-style-type: none"> <li>1. Extension of the land area boundary to include a parcel of</li> </ol>	<p>Comments noted.</p> <p>Comments noted – see below.</p>	<p>No change.</p> <p>No change.</p>

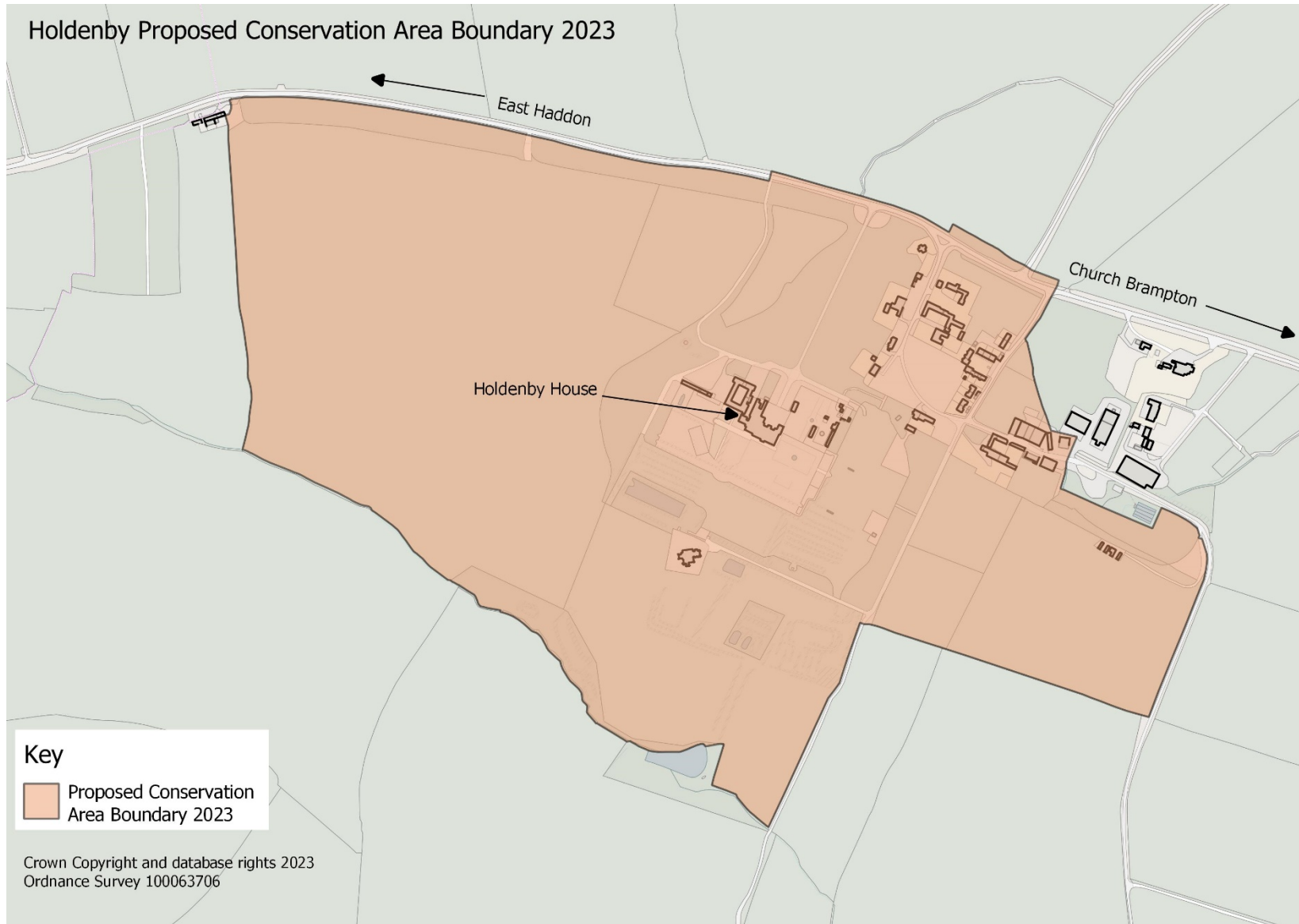
	<p>land in the southeast portion of the existing park.</p> <p>2. Use of an Article 4 direction to remove Permitted Development rights from properties within the area</p> <p>The new parcel of land already forms part of the Registered Parkland, and I cannot see a cogent rationale for the extension of the area, as it already benefits from protections.</p> <p>The proposal to remove permitted development rights will add unnecessary bureaucratic burdens of time and cost to the residents of Holdenby village, Holdenby Estate and the Council themselves at a time when resources are already stretched.</p> <p>While I share the desire to protect Holdenby as a Conservation Area, I believe these proposals are unnecessary.</p> <p>As owners of Holdenby Estate, the Lowther family take their role as stewards very seriously, for example, through application of stringent covenants to maintain the historic and rural character of the area. Indeed, the present excellent condition of the area is testament to Mr &amp; Mrs Lowther's husbandry and drive to protect and enhance our heritage.</p>	<p>Comments noted – see below.</p> <p>Please see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p> <p>Please refer to previous comments above.</p>	<p>No further change.</p> <p>No change.</p> <p>No further change.</p>
Toby Saunders	I have read the Holdenby Conservation Area review document. I have lived and worked on the Holdenby Estate for most of my life and I am full of admiration for the Lowther family. When James Lowther	Thank you for your response. Comments noted.	No change.

	<p>took over the running of the estate from his father it was in a poor state. James and his wife Karen have worked tirelessly to maintain, and where necessary, improve Holdenby House and its extensive grounds and Park Land, along with all the property's that they own in the village.</p> <p>The land is all entered into stewardship agreements which ensure that it is farmed and managed in a way that is beneficial to all the wildlife that exists on the estate. The houses that have been built in Holdenby in the last 40 years or so blend in perfectly with the older houses in the village. The historic and natural beauty of the Holdenby Estate is due largely to the Lowther family's custodianship.</p> <p>The proposed land boundary extension to the south of Bourbon Hill and to the east of the park is already designated as Registered Parkland.</p> <p>I would therefore like to object to the two main proposed changes to the management of the Holdenby Conservation Area.</p> <p>1. A land area boundary extension to include a parcel of land to the south of Bourbon Hill at the eastern boundary of the park.</p> <p>2. The addition of an article 4 direction relating to alterations to windows, doors, roofing, walls, gates, fences, roof lights, skylights and alteration to chimneys (which would remove permitted</p>	<p>The conservation area appraisal and management plan is concerned with maintaining and enhancing the historic environment rather than the natural environment.</p> <p>See comments below.</p> <p>Comments noted</p> <p>Please see the officer response to comments made by the Holdenby Estate above at '2. Boundary of Conservation Area maintained', which explains the reasons for the proposed change to the conservation area boundary.</p> <p>Please see the officer response to comments made by the Holdenby Estate, above at '1. Existing Permitted Development Rights maintained'.</p>	<p>No change.</p> <p>No change.</p> <p>No change</p> <p>No change.</p> <p>No further change.</p>
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	<p>development rights and require full planning applications to be submitted for any alteration).</p> <p>I feel that adding further restrictions will only add time and cost to an overburdened Council, and to the Lowther Family who have done a wonderful job under enormous financial pressure. I believe it would do more harm than good.</p>	<p>Please refer to the officer response to similar comments made above by Patrick Hocken (third paragraph) relating to additional costs as a result of the proposed boundary change and the proposed Article 4(1) Direction.</p>	<p>No change.</p>
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## Appendix B – Holdenby Conservation Area Boundary Map



**APPENDIX C – Local List Candidates**

The Lodge, Holdenby Road

Holdenby Village Hall, Holdenby

Telephone kiosk, Holdenby

10, 12, 13 and 15 Holdenby

Grange Farm, Holdenby

## **APPENDIX D – Details of Article 4(1) Direction**

### Permitted Development Rights proposed to be removed

- The enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space, Class A of Part 1 of Schedule 2 to the Order;
- The alteration or addition to the roof of any dwelling house, Class B or Class C of Part 1 of Schedule 2;
- The installation, alteration or replacement of a chimney, flue, soil or vent pipe on a dwellinghouse, Class G of Part 1 of Schedule 2 to the Order;
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class A of Part 2 of Schedule 2 to the Order;
- Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure where the gate, fence, wall or means of enclosure would be within the curtilage of a dwellinghouse and would front a highway, waterway or open space, Class C of Part 11 of Schedule 2 to the Order.

ALL THE land and buildings situated thereon together comprising the following properties and which are more particularly shown red on the plans attached hereto:

#### Holdenby Road

The Lodge  
Hickmans Cottage  
Nos. 10, 12, 13 and 15

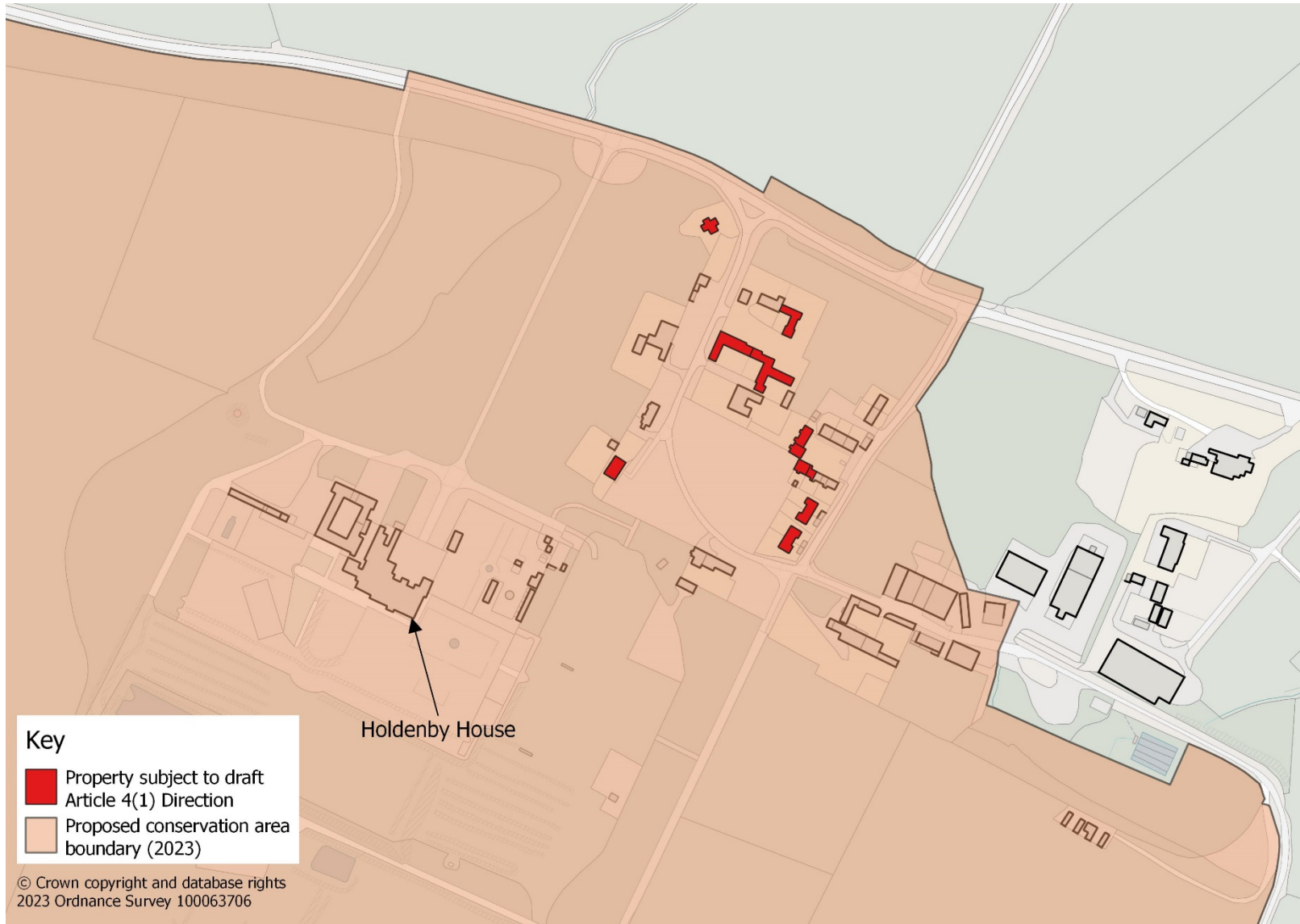
#### Home Farm Court

The Stables  
The Haybarn  
Meadow Barn

#### The Square

Nos. 1, 2, 3, 5, 6 and 7

## Plan of properties for which permitted development rights are proposed to be removed by Article 4(1) Direction



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# WEST NORTHAMPTONSHIRE COUNCIL

## PLANNING POLICY COMMITTEE

20 September 2023

**Rebecca Breese – Planning, Built Environment and Rural Affairs**

Report Title	Scaldwell Conservation Area
Report Author	<b>Rhian Morgan, Historic Environment Officer,</b> <b>Rhian.morgan@westnorthants.gov.uk</b>

### Contributors/Checkers/Approvers

<b>Legal</b>	Theresa Boyd	Email sent 14/8/23
<b>West S151</b>	Martin Henry	Approved 15/8/23
<b>Other Director/SME</b>	Stuart Timmis	Approved 22/8/23
<b>Communications Lead/Head of Communications</b>	Becky Hutson	Approved 15/8/23
<b>Assistant Director- Planning</b>	Stephanie Gibrat	Approved 6/9/23

### List of Appendices

**Appendix A – Written Responses**

**Appendix B – Survey Responses**

**Appendix C – Scaldwell Conservation Area Boundary Map**

**Appendix D – Local List Candidates**

**Appendix E - Details of Article 4(1) Direction**

#### **1. Purpose of Report**

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To consider the responses to the consultation exercise on the draft Scaldwell Conservation Area Appraisal and Management Plan and propose changes to the appraisal and further steps to implement the outcomes.

## **2. Executive Summary**

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- 2.1 The report sets out the recommendations for the adoption of the conservation area boundary as set out in Appendix C, the adoption of the revised Scaldwell Conservation Appraisal and Management Plan as a Supplementary Planning Document, the inclusion of buildings on the Local List, and proposals for an Article 4(1) Direction at Appendices D and E. It includes details of how the statutory consultation was undertaken, the results of the consultation and the proposed resulting actions (Appendices A, B and C).

## **3. Recommendations**

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- 3.1 It is recommended that Planning Policy Committee:
- a) Agrees that the conservation area boundary as set out in Appendix C be designated.
  - b) Agrees that the proposed changes to the Scaldwell Conservation Area Appraisal and Management Plan in response to representations, as set out in Appendices A and B be approved.
  - c) Agrees that delegated authority be given to the Head of Planning Policy and Specialist Services to make further minor editorial changes to the Scaldwell Conservation Area Appraisal and Management Plan including to reflect that the document will be in its final adopted form.
  - d) Agrees that the Conservation Area Appraisal and Management Plan for Scaldwell be adopted as a Supplementary Planning Document.
  - e) Agrees the Local List entries for Scaldwell set out in Appendix D.
  - f) Agrees that an Article 4(1) for Scaldwell in accordance with the proposals in the conservation area appraisal and management plan be made subject to consultation (Details of Article 4(1) Direction in Appendix E).
  - g) Agrees that delegated authority to confirm the Article 4(1) Direction be given to the Head of Planning Policy and Specialist Services in the event that there are no objections in response to the consultation on the direction.

## **4. Reason for Recommendations**

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- The proposals fulfil the statutory duty of the council to review and designate conservation areas where they meet appraisal criteria.
- The proposals accord with legislation and the council's planning policies.
- The proposals will provide the council with the tools to preserve and enhance the heritage of Scaldwell, which contributes to the historic character of the West Northamptonshire area. Without these tools the special historic interest of the village may be harmed or lost.
- The proposals are consistent with previous decisions made to designate conservation area boundaries and adopt Supplementary Planning Documents for other towns and villages in the area.



- The proposals were consulted upon for a minimum six-week period and the proposals in this report have considered the responses submitted during that public consultation

## **5. Report Background**

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- 5.1 The Council has a statutory duty under the 1990 Planning (Listed Building and Conservation Areas) Act to review its conservation areas and to designate conservation areas where they meet appraisal criteria. At its meeting on 23<sup>rd</sup> May 2023, the council resolved that consultation should take place on the draft Conservation Area Appraisal and Management Plan for Scaldwell. The consultation is now complete.
- 5.2 There were no proposals put forward to extend or reduce the conservation area boundary.
- 5.3 The proposals did identify candidates for the Local List, all being situated in the proposed conservation area.
- 5.4 The appraisal also made proposals for an Article 4(1) Direction to cover the conservation area. The proposals suggest removing PD rights within Class A of Part 1 of Schedule 2 to the Order, these being the enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space; and Class B or Class C of Part 1 of Schedule 2, these being the alteration or addition to the roof of any dwelling house, and Class G of Part 1 of Schedule 2, this being the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. The addresses proposed to be affected by the removal of these PD rights are set out at Appendix E.
- 5.5 As per recommendation g) above, it is requested that the Committee delegates confirmation of the Article 4(1) Direction for Scaldwell to the Head of Planning Policy and Specialist Services, in the event that there are no responses to the consultation on the direction.

### **Responses to consultation**

- 5.6 Five responses were submitted in total during the consultation; four via email and one by online survey.
- 5.7 Two responses (one of which was written on behalf of a group of village residents) suggested making extensions to the boundary along Holcot Lane, East End, and north of School Lane, largely with a view to affording further protection to several important views identified in the appraisal.
- 5.8 One response also proposed the inclusion of three extra views of the surrounding countryside, from Holcot Road, Old Road and the allotments.

- 5.9 One respondent requested that the Article 4 Direction cover windows and doors on The Green, which is already proposed as part of the appraisal, and as such no changes are necessary.
- 5.10 Scaldwell Parish Council responded via the online survey. They were generally supportive of the proposals, suggesting some minor editorial amendments.
- 5.11 County Archaeology sought several minor wording changes, as well as the addition of references to a Bronze Age burial site (MNN4147) in the locality.
- 5.12 Historic England did not seek any changes.

## **6. Issues and Choices**

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- 6.1 Conservation area status and an adopted appraisal and management plan, which has the status of a Supplementary Planning Document (SPD), adds weight to the consideration of non-designated heritage assets in decision making. It also provides detail for applicants and decision makers on the special interest of the conservation area as a designated heritage asset. The proposed conservation area boundary and appraisal and management plan have been produced with the aim of providing proportionate and effective means of protecting the special architectural and historic interest of Scaldwell for the benefit of present and future generations.
- 6.2 The alternative options would be not to endorse the designation of the conservation area boundary and the adoption of the Scaldwell Conservation Area Appraisal and Management Plan as a Supplementary Planning Document, not to endorse the candidates for the Local List, and not to 'make' the Article 4(1) Direction.
- 6.3 Not endorsing the boundary designation, the adoption of the appraisal and management plan, not endorsing the candidates for the Local List, and not 'making' the proposed Article 4(1) Direction would leave the council without valuable tools with which to protect and enhance the special architectural and historic interest of Scaldwell.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

- 7.1.1 Adopting the appraisal, designating a new conservation area boundary and making Article 4 directions would have no material financial effects. Minor costs for placing adverts in the London Gazette and a local newspaper will be covered from existing budgets.

### **7.2 Legal**

- 7.2.1 Supplementary Planning Documents (SPDs) are defined by the Planning and Compulsory Purchase Act 2004. The detailed requirements for SPDs and their adoption are provided by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.2.3 The SPD would supplement existing policies, predominantly the West Northamptonshire Joint Core Strategy and the Settlements and Countryside Local Plan (Part 2) 2020.
- 7.2.4 Directions under Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (No. 596) require planning permission to be obtained for works which would otherwise be permitted development.
- 7.2.5 A claim for compensation can be made to the Local Planning Authority if planning permission is refused or granted subject to conditions other than those conditions imposed by the General Permitted Development Order 2015 (as amended). However, no compensation for the withdrawal of certain permitted development rights is payable if the Local Planning Authority gives notice of the withdrawal between 12 months and 24 months in advance.
- 7.2.6 The proposal requires the making, publicising and confirmation of an Article 4 Direction in accordance with the legal process and procedures prescribed by Schedule 3 of the General Permitted Development Order 2015 (as amended).

### 7.3 **Risk**

- 7.3.1 There are no material risks foreseen in the endorsement of the conservation area designation, adoption of the appraisal and management plan or the making of the Article 4(1) Direction.
- 7.3.2 Not endorsing the conservation area designation, adoption of the Appraisal and Management Plan and the making of the Article 4(1) Direction would be likely to weaken protection for heritage in Scaldwell and thus increase the risk of its loss.

### 7.4 **Consultation**

- 7.4.1 The Scaldwell Conservation Area Appraisal and Management Plan consultation document was subject to a formal six-week public consultation which began on 19<sup>th</sup> June 2023 and ended on 31<sup>st</sup> July 2023. An online public session was held during the

consultation period on July 20<sup>th</sup>. The information from the session was subsequently published on the Council's website.

7.4.2 The process for this type of Article 4 Direction requires that the direction be "made" and notice given by the LPA specifying a minimum period of 21 days, including the date on which the period is to commence, during which representations are to be made to the LPA (paragraph 1 (4)(d), Schedule 3 of the GPDA 2015 (as amended)). Any representations received during this period must be taken into account by the LPA in deciding whether to confirm the Article 4 Direction. Only if an Article 4 Direction is confirmed does it have legal effect. Following consultation the matter would be brought back to Planning Committee for the direction to be confirmed or not if any objections are received, if no objections are received the Order would be confirmed by the Head of Planning Policy and Specialist Services (subject to Committee agreeing recommendation g)).

#### 7.5 **Consideration by Overview and Scrutiny**

Not applicable

#### 7.6 **Climate Impact**

7.6.1 The designation of the conservation area and adoption of the Appraisal and Management Plan as a Supplementary Planning Document are unlikely to have a negative impact on the climate.

#### 7.7 **Community Impact**

7.7.1 It is unlikely that the adoption of this document would have any material effect on crime or disorder.

7.7.2 The proposed course of action should not have any perceptible differential impact on people with protected characteristics.

7.7.3 Endorsing the designation of the conservation area boundary and the adoption of the conservation area appraisal and management plan as an SPD would assist in conserving the historic character of Scaldwell and contribute to preserving the character of places which make up West Northamptonshire. As such, it would support the well-being of residents and those who work in or visit Scaldwell and the wider area.

### 8. **Background Papers**

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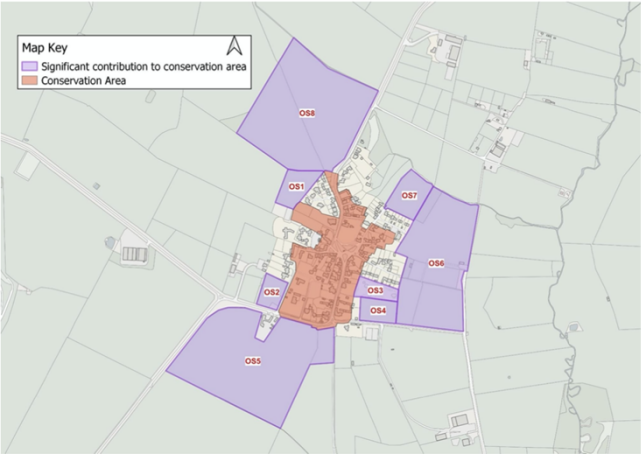
Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework

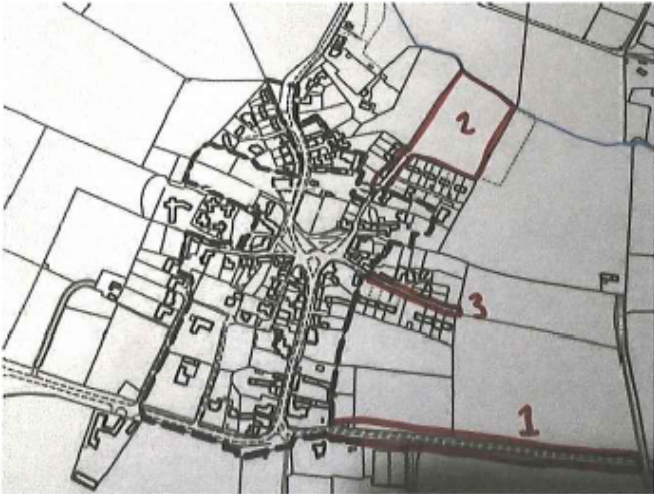
Planning (Listed Building and Conservation Areas) Act 1990




The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020

West Northamptonshire Council Planning Policy Committee Report 23<sup>rd</sup> May 2023 -  
Permission for consultation on draft Scaldwell Conservation Area Appraisal and  
Management Plan and proposed boundary.



**Appendix A- Written responses**

Respondent	Comments	Suggested Officer Response	Suggested Action
<p>Martin Kelly</p>	<p>Disagree with the proposed boundary; In order to protect the views from various locations around the village I would ask that the Conservation Area boundaries be extended as follows; Holcott Lane to be extended past the boundary of OS4 to the boundary of OS6 School Lane to be extended to the boundary of OS7 East End to be extended to the boundary of OS6 The views from various locations around the village are stunning and deserve to be preserved and protected under the Scaldwell Conservation Area. The attached map is from section 6.8 Open Space Analysis of the draft appraisal.</p>  <p>Article 4 Directions Unfortunately there is nothing within the proposal which will alter the permitted development rights</p>	<p>The views from the end of School Lane and East End are identified as being important outward views from the conservation area into the surrounding countryside (see V1 and V2 page 30 of the appraisal). As such, their significance as features which contribute positively to the character and appearance of the conservation area would be a material consideration were the appraisal adopted as an SPD. Extending the conservation area up to the ends of the lanes would not confer any further protection on the views themselves, and as such it is considered that they are provided with proportionate consideration in the appraisal.</p> <p>The Article 4 Direction proposed within the appraisal seeks to remove permitted development</p>	<p>No change.</p> <p>No change.</p>

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p>around works to windows, doors and roofs. Buildings in the conservation area have been blighted by the installation of plastic windows and doors and various roofing materials.</p>	<p>rights within Class A of Part 1 of Schedule 2 to the Order and Class B or Class C of Part 1 of Schedule 2 to the Order, which specifically relate to fenestration, doors and roofing materials. There has already been some loss of historic fabric, and the Direction seeks to minimise further loss, whilst also seeking to encourage the reinstatement of appropriate materials and designs where possible.</p>	
<p>Nick Masterson-Jones (on behalf of himself, Dara Masterson-Jones, and Martin and Beth Kelly)</p>	<p>We suggest that the Conservation Area is enlarged slightly with the intent of protecting views in and out of the village. We suggest three extensions should be considered: The three proposed extensions are shown on the map, left (sic), and are detailed below.</p> 	<p>The views from the end of School Lane and East End are identified as being important outward views from the conservation area into the surrounding countryside (see V1 and V2 page 30 of the appraisal). As such, their significance as features which contribute positively to the character and appearance of the conservation area would be a material consideration were the appraisal adopted as an SPD. Extending the conservation area up to the ends of the lanes would not confer any further protection on the views</p>	<p>No change.</p>

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p>1. Incorporation of Holcot Lane to protect the views both East and West along the lane.</p>  <p>2. Extension of area to include the western side of School Lane plus the field to the north of School Lane that is an iconic view down to the brook and then across the valley towards Old.</p>  <p>3. The road (not the dwellings) of East End that leads to the view across the field to the East of the village.</p> 	<p>themselves, and as such it is considered that they are provided with proportionate consideration in the appraisal. The area on the response map labelled "2" is identified as OS7 in the appraisal map on page 35. It has been identified as making a significant positive contribution to the character and appearance of the conservation area (specifically as a contribution through its setting). However, it is not considered that the area contains sufficient historic or architectural interest to merit its inclusion within the designation boundary. The views are given protection through being identified in the appraisal as making a positive contribution.</p>	



Respondent	Comments	Suggested Officer Response	Suggested Action
	<p>We also propose that the following views are of value and should be protected.</p> <ol style="list-style-type: none"> <li data-bbox="510 376 1048 443">1. The view from the top of Holcot Lane towards Pitsford Reservoir</li> </ol>  <ol style="list-style-type: none"> <li data-bbox="510 959 1124 1062">2. The view from Scaldwell (from the allotments and No.1 Old Road) to the north west towards Lamport</li> </ol> 	<ol style="list-style-type: none"> <li data-bbox="1211 1051 1592 1366">1. This view is consistent with the character of other views identified in the appraisal, showing the rural setting of the conservation area, in this case to the south of the village. It will be added to the identified views in</li> </ol>	<p>Section 6.5, page 23, paragraph 4, add following text:</p> <p><u>“View 1: From Holcot Lane southwards At the junction of High Street and Holcot Lane there is a view southwards across agricultural</u></p>

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p data-bbox="461 1230 1104 1331">Our final suggestion is that the Article 4 Direction should apply to windows of properties on The Green.</p>	<p data-bbox="1261 236 1570 300">the appraisal at Section 6.</p> <p data-bbox="1211 767 1592 1187">2. The first view (left side) is consistent with the character of other views identified in the appraisal, showing the rural setting of the conservation area, in this case to the south of the village. They will be added to the identified views in the appraisal at Section 6.</p>	<p data-bbox="1615 236 2002 405"><u>land from a field gate. This view shows the openness of the surrounding land, which contributes to the nucleic feel of the settlement.</u></p> <p data-bbox="1615 448 1951 512">Change subsequent view numbering in Section 6.5.</p> <p data-bbox="1615 555 2002 692">Page 26, add image to represent view. Page 30, edit map to include new arrow representing view.</p> <p data-bbox="1615 767 1966 868">Section 6.5, page 23, paragraph 5, add following text:</p> <p data-bbox="1615 911 2033 1299"><u>“View 2: From Village Allotments looking north-west This is a long view across open countryside which emphasises the gently rolling nature of the surrounding hills and patchwork character of the local field network, punctuated with trees and field hedges. The openness of the view also enhances the nucleic feeling of the village.</u></p>

Respondent	Comments	Suggested Officer Response	Suggested Action
		<p>The proposed Article 4 Direction currently suggests removing the permitted development rights to replace windows on the following properties on The Green:</p> <p>1, Yew Tree Cottage, Old Bakehouse, The Poplars Farm, Townwell Cottage, Poplars Barn,</p>	<p><u>View 3: From Village Allotments north-west across OS1 and OS8</u>  <u>This view stretches out across the areas of OS1 and OS8 which have been identified as making a positive contribution to the setting of the conservation area. It is a long view across towards Lamport and Hanging Houghton, showing the local rolling hills and field hedgerows and trees."</u></p> <p>Change subsequent view numbering in Section 6.5.</p> <p>Page 26, add image to represent view.  Page 30, edit map to include new arrow representing view.</p> <p>No change.</p>

Respondent	Comments	Suggested Officer Response	Suggested Action
		Pittams Cottage, Crofton Cottage, Oak Farm	
Barry Waine	<p>I would refer to the above document which my client has only become aware of this week</p> <p>My client owns an area of land off Back Lane referred to in Section 6.3 as within an area of important open space. My client wishes to correct the explanation for the designation My client is the owner of the land and is or has not been responsible for the covenant referred to My client also considers that as a covenant is not a planning matter it is not necessary to refer to it in a planning document In addition none of the documents my client has been party to refers to the retention of my clients land as a central open space. If there are such documents which your Council is aware of we would request copies. If there are no such documents we would strongly request that the explanatory part referring to my clients land be deleted.</p>	<p>This response was logged on 5<sup>th</sup> July, which was within the consultation period (19<sup>th</sup> June-31<sup>st</sup> July) and so there appears to have been some confusion regarding this (further, see final paragraph of Mr. Waine's response).</p> <p>Section 6.3 details areas of land within and on the periphery of the designated conservation area that, as the result of the conservation area review fieldwork, have been identified as making a contribution to the character, appearance or setting of the Scaldwell Conservation Area. The area adjacent to Back Lane (possibly Peter's Lane?) which you are specifically referring to (which I assume to be OS2) has been assessed to make a significant positive contribution to the character of the conservation area by virtue of being part of its setting.</p>	<p>No change.</p> <p>No change.</p>

Respondent	Comments	Suggested Officer Response	Suggested Action
		<p>These areas are assessed in order that any future proposals which affect the land in question can be determined appropriately, taking their contribution to the conservation area into account.</p> <p>The identification in the conservation area appraisal of "open spaces" is not commensurate with the designation of open or local green spaces within the local development plan, nor the placing of covenants on the land in question. Should the appraisal be adopted as a Supplementary Planning Document, the information at 6.3 would become only a material consideration in the determination of planning decisions affecting the special interest of the conservation area, not a designation nor covenant placed under the provisions of any legislation.</p>	

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p>As these are matters of fact it is considered that although outside the period of time for comments on the appraisal they should be given full weight in your Councils further consideration of the document</p>	<p>As stated at the beginning of this officer response, there appears to have been some confusion relating to the consultation dates. This response has therefore been included here as it was received within the consultation period.</p>	<p>No change.</p>
<p>Rachael Townend (on behalf of County Archaeology)</p>	<p>I am broadly happy with the present sections that address the archaeological potential of the Conservation Area.</p> <p>I would like to put forward only the following recommendations: <b>Section 5 (p.14):</b> This section would benefit from reference to the possible Bronze Age burial site (MNN4147) located approximately 120m west of the present Conservation Area boundary as this has potential implications for the types of sub-surface archaeological remains that may be encountered in the AP1 and AP4 areas as noted in Section 6.2.</p>	<p>Comments welcomed.</p> <p>Comments noted. References to the site MNN4147 will be added to Section 5.</p>	<p>Section 5, page 14, paragraph 1, add text as follows:  "...details of a female face. Evidence of a Bronze Age burial has also been discovered <u>approximately 120m west of the modern settlement, which</u></p>

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p>Otherwise this section reads well with only a few minor typos and formatting errors.</p> <p><b>Section 6.2 (p.19):</b>  I suggest rewording para.1 to "...Standing buildings, structures, earthworks and other landscape features." I also suggest rewording para. 3 to "Potential archaeological remains within the conservation area include:"  Points AP1 and AP4: should include reference to the possible Bronze Age burial site (MNN4147) as noted above. Suggested additional wording: "Possible later prehistoric funerary or associated remains in connection with possible Bronze Age burials MNN4147"</p>	<p>Comments noted. The wording of paragraph 1 will be altered to provide a fuller list of typologies, and paragraph 3 from "deposits" to "remains" for clarity. Additional reference will be made to site MNN4147 in both AP1 and AP4 with the suggested wording agreed.</p>	<p><u>may impact on sub-surface remains in that part of the village."</u></p> <p>Section 6.2, page 19, paragraph 1, amend text as follows:  "Archaeological interest can be both remains surviving below the ground or evidence for past activity that is contained within standing buildings and structures <u>earthworks and other landscape features."</u></p> <p>Section 6.2, page 19, paragraph 3, amend text as follows:  "Potential archaeological <u>remains</u> deposits within the conservation area include:"</p> <p>Section 6.2, page 19, paragraphs 4 and 7, add text as follows:  "AP1: <u>Possible later prehistoric funerary or associated remains</u></p>

Respondent	Comments	Suggested Officer Response	Suggested Action
	<p><b>Section 10: Recommendation 4 (p53):</b>  I suggest rewording para. 1 to: "Professional advice should be sought and appropriate assessment undertaken at the earliest possible opportunity to assess..."</p> <p>I also suggest adding the following paragraph: "In considering the potential effects of a proposal within the Conservation Area archaeological Observation, Investigation, Recording, Analysis and Publication (OIRAP) –sometimes referred to as a 'Watching Brief'– should not be considered the default mitigation measure.</p>	<p>Comments noted. The suggested alternative and additional wording will be added to Section 10, Recommendation 4 to provide clarity on expected means of investigation and mitigation.</p>	<p><u>in connection with possible Bronze Age burials MNN4147..."</u>  <u>"AP4: Possible later prehistoric funerary or associated remains in connection with possible Bronze Age burials MNN4147..."</u></p> <p>Section 10, page 53, paragraph 1, amend text as follows:</p> <p><u>"Professional advice should be sought and appropriate assessment undertaken at the earliest possible opportunity to assess the extent and significance of any remains which may be affected by proposals. In considering the potential effects of a proposal within the Conservation Area archaeological Observation, Investigation, Recording, Analysis and Publication (OIRAP) –sometimes referred to as a 'Watching Brief'– should not be considered the default mitigation measure."</u></p>



## Appendix B- Survey responses

Respondent	Comments	Suggested Officer Response	Suggested Action
<b>Q1. Were you previously aware of the conservation area appraisal for Scaldwell taking place?</b>			
Katrina Jones on behalf of Scaldwell Parish Council	Yes I was aware	Comments noted	No change
<b>Q2. Do you agree with the proposed boundary for the conservation area? (map available for viewing through the link on Conservation Areas web page)</b>			
Katrina Jones on behalf of Scaldwell Parish Council	Agree proposed boundary	Comments welcomed	No change
<b>Q3. Do you think this Appraisal captures the special interest of Scaldwell?</b>			
Katrina Jones on behalf of Scaldwell Parish Council	It does capture the special interest of Scaldwell	Comments welcomed	No change
<b>Q4. Do you agree with the candidates for the Local List? (see page 48 of the Appraisal). Are there any more potential candidates which you would like to suggest?</b>			
Katrina Jones on behalf of Scaldwell Parish Council	Agree candidates	Comments welcomed.	No change
<b>Q5. Do you think there is enough clear guidance regarding conservation areas for residents or those submitting or commenting on a planning application or application for listed building consent?</b>			
Katrina Jones on behalf of Scaldwell Parish Council	There is not enough clear guidance	Comments noted	No change
<b>Q6. Do you think there are any actions missing from our Management Plan? (see pages 62-64 of the Appraisal).</b>			
Katrina Jones on behalf of Scaldwell Parish Council	There are no actions missing	Comments welcomed	No change
<b>Q7. Do you think the proposed Article 4 Directions (see page 59-60 of the Appraisal) would help to preserve special features of the conservation area?</b>			

Respondent	Comments	Suggested Officer Response	Suggested Action
Katrina Jones on behalf of Scaldwell Parish Council	Article 4 Directions would help to preserve special features	Comments welcomed	No change
<p><b>Q8. Are there any other matters within the Appraisal and Management Plan that you would like to comment on? Please reference any comments to the specific part of the Appraisal where possible (using paragraph or section numbers) and, if seeking a change be clear what change is sought and provide justification where possible.</b></p>			
Katrina Jones on behalf of Scaldwell Parish Council	<p>The war memorial is not located in front of the water pump. The house referred to as Counterpoint is The Old House. Counterpoint closed in 1997.</p>	<p>The appraisal should read that the new War Memorial is on the village green, along with the water pump. At the time of visiting the village, the war memorial had been temporarily placed in front of the water pump (see image in appraisal page 31). This, and references to Counterpoint, will be corrected in the appraisal.</p>	<p>Section 6.7, page 31, paragraph 3, amend text as follows:          "The <u>new</u> war memorial plaque is situated on the green <del>in front of</del> along with the former water pump..."</p> <p>Section 3.1, page 9, paragraph 1, amend text as follows:          "...Cutting across East End to take in Counterpoint <u>The Old House</u> and The Old Bakehouse..."</p>

**Appendix C- Proposed Conservation Area Boundary Map**



## **Appendix D- Local List Assets**

The Hollies, High Street

Scaldwell Village Hall, School Lane

## **Appendix E- Details of Article 4(1) Direction**

### Permitted Development Rights proposed to be removed

- The enlargement, improvement or other alteration of a dwelling house which would affect the principal elevation or elevations fronting a highway, waterway or open space, Class A of Part 1 of Schedule 2 to the Order;
- The alteration or addition to the roof of any dwelling house, Class B or Class C of Part 1 of Schedule 2
- The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse, Class G of Part 1 of Schedule 2

ALL THE land and buildings situated thereon together comprising the following properties and which are more particularly shown red on the plans attached hereto:

High Street

Old Red Lion House, The Hollies, Bramleys, Bramley Cottage, Three Steps House, Newstone House, Barn Cottage, Chytill Cottage, Plumb Cottage, Lavender Cottage, Hunters Court, High Street

Grooms Lodge, Hunters Court, Saddle Cottage, Hunters Court, Antler Cottage, Hunters Court, Paddock Cottage, Holcot Lane

Back Lane

1, 5, The Old Cottage

The Green

1, Yew Tree Cottage, Old Bakehouse, The Poplars Farm, Townwell Cottage, Poplars Barn, Pittams Cottage, Crofton Cottage, Oak Farm

West End

1 The Maltings, 2 The Maltings, Peters Farm, Peters Barn

East End

The Chapel

School Lane

The Old Post Office, Post Cottage, The Old School House, Old Road

Manor Cottage, The Hillyards, The Smithy, Tudor Barn

# WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

**20 September 2023**

**Rebecca Breese, Strategic Planning, Built Environment & Rural Affairs**

<b>Report Title</b>	<b>Response to consultation on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making</b>
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<b>Report Author</b>	<b>Alan Munn Planning Policy Team Leader</b>
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## **Contributors/Checkers/Approvers**

<b>Deputy Monitoring Officer</b>	Sarah Hall	Email sent 04.09.2023
<b>Chief Finance officer (S151)</b>	Martin Henry	Email sent 04.09.2023
<b>Director</b>	Stuart Timmiss	Email sent 04.09.2023
<b>Communications Lead/Head of Communications</b>	Becky Hutson	Email sent 04.09.2023
<b>Legal</b>	Theresa Boyd	Email received 11.09.2023

## **List of Appendices**

**Appendix 1 – Suggested response to consultation on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making**

### **1. Purpose of Report**

- 1.1 For members to consider a suggested response to the current consultation on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making

### **2. Executive Summary**

- 2.1 The report summarises the government’s proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making and suggests a response from this Council.

### **3. Recommendations**

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- 3.1 It is recommended that Planning Policy Committee:
- a) Agrees the suggested response to the consultation as set out in Appendix 1.

### **4. Reason for Recommendations**

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- 4.1 To ensure that Government is aware of this Council’s views on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making and in some cases to seek to persuade government to revise its proposed changes.

### **5. Report Background**

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- 5.1 The Government is consulting on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making.
- 5.2 The consultation runs until 18 October 2023 and the draft response to the consultation is attached at Appendix 1. Full details of the consultation can be seen on the [government’s website](#).
- 5.3 The consultation sets out further details on proposals first announced last year in a policy paper presented alongside the Levelling Up and Regeneration Bill and outlines how the Government intends to bring these measures forward through regulations, policy and guidance by the autumn of 2024. These include measures based around the governments vision that local plans (and minerals and waste plans) should:
- Be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve.
  - Clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up.
  - Be prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs.
  - Make the best use of new digital technology, so that people can get involved and to drive improved productivity and efficiency in the plan-making process.
- 5.4 Set out through 15 Chapters and 266 paragraphs are a number of proposals for how that vision can be delivered. A summary of the consultations main proposals is set out below with the full consultation available on the [government’s website](#). The Councils suggested response to the consultation is presented at Appendix 1 to this report.

## 5.5 Making the role and content of plans clearer

The consultation proposes to make it clearer what the role of plans should be, and what they should or might contain. This, it is considered, will allow them to be simpler, shorter and more visual, showing more clearly what is planned in local areas so that local communities and other users of the plan can engage more easily.

It is proposed rather than planning authorities splitting their local plan across multiple documents, that in the future they will have a single local plan to help make it clear which planning policies will be considered when planning applications are considered. Additionally, minerals and waste plans (which set the planning policy for minerals extraction, waste and recycling facilities and so on) will either sit separately or – depending on which body is responsible for preparing it – could be incorporated into the local plan.

The consultation proposes that policies will focus only on locally important matters and that a set of ‘national development management policies’, will be introduced to cover many of the ‘general’ policies typically found in plans. New plans will therefore not repeat the national development management policies, reducing duplication across the country.

## 5.6 Speeding up the process for preparing a plan

The consultation proposes to set a timeframe of 30 months to prepare and put in place (adopt) a plan. It is proposed that the process will become more standard for planning authorities to follow. Before the timeframe begins, planning authorities will be able to undertake preparation to be in the best position to start their plan, and will be required to announce when the formal plan preparation process will start.

When producing a plan, it is expected that planning authorities will do the following:

- define the scope of the plan and prepare a programme for how they are going to develop the local plan (through the Project Initiation Document) including when they will consult with the public
- through close working with local communities and stakeholders, prepare a vision for how the area could change and develop, and how progress towards meeting this vision will be delivered and monitored, giving communities a genuine opportunity to shape, from the earliest stages, how their area meets its needs and evolves over time
- prepare the right amount of evidence to test and underpin the proposals in the plan, so that there is transparency and confidence in the plan
- invite early participation and hold different stages of consultation with local communities, stakeholders and statutory bodies along the process, to make sure the plan takes account of a wide range of views
- ensure that the plan is maximising opportunities to protect the environment and human health, and deliver on the government’s environmental targets and commitments, informed by relevant environmental policy including strategies for water, flood risk management, air quality and landscapes, and Local Nature

- Recovery Strategies, as well as the processes of Strategic Environmental Assessment, and its eventual replacement Environmental Outcomes Reports
- have the plan assessed by a Planning Inspector at public examination, which should take no longer than 6 months (plus an additional three months if further consultation is needed)

The consultation proposes the introduction of three new ‘gateway’ assessments – around the beginning, middle and end of the process for preparing a plan, with the final assessment taking place just before the examination. It is intended that these will support the preparation of plans by providing advice to the planning authority and identifying difficult issues earlier in the process.

So that it is clear what stage the planning authority has reached in preparing their plan, it is proposed to build upon the requirement for planning authorities to prepare and maintain a local plan timetable or a minerals and waste plan timetable, and introduce a requirement for that timetable to be updated at least every 6 months and made available to the public.

Finally, a requirement for planning authorities to start updating their plans every 5 years is proposed.

## **5.7 Ensuring local communities are engaged**

As part of the 30 month timeframe a requirement for planning authorities to undertake two periods of public consultation is set out. Outside of this, proposals to introduce a new requirement for planning authorities to “notify” and “invite” early participation on matters that might shape the direction of the plan is proposed.

## **5.8 Dealing with complexity**

Throughout the consultation document there are references to policy, guidance and templates. It is intended to remove ambiguity and uncertainty, so that all participants in the plan making process are clear about what is expected at every stage, reducing the need for additional work that is not necessary to get a plan in place.

## **5.9 Making the most of digital technology**

The consultation considers that a significant way to speed up the production of plans and make the process simpler and more accessible is by making best use of digital technology. It identifies how it can support authorities in plan-making and considers that it will improve accessibility, when used alongside more traditional methods of engagement.

The consultation outlines that digital transformation could mean plans are presented as interactive maps rather than static documents to show how an area could develop and change over time. It also identifies that making standardised planning and environmental data openly available and accessible would make it easier to prepare planning applications and give communities the information they need to provide feedback on proposals for their area. The government outlines that it will work closely with the planning sector to introduce changes incrementally, testing and learning as they go, including consideration of how digital will impact the different needs of communities. It is felt that new digital tools and better use and availability



of standardised data in the plan-making process will improve the way that plans are prepared. Making it faster to produce a plan and easier for communities to get involved.

### 5.10 Other proposals

This consultation proposes details for a new type of plan called a “supplementary plan”. Supplementary plans are intended to help planning authorities react quickly to changes in their areas (for example, an unexpected regeneration opportunity) by producing a plan that has the same ‘weight’ (in other words, status) as local plans or minerals and waste plans and will also be subject to consultation and independent examination. They can also be used to set authority-wide design policies.

It also proposes to pilot “Community Land Auctions”, which are a new way of identifying land for development in a local plan in a way which seeks to maximise the benefits to the local community.

### 5.11 Bringing in the new plans system

The consultation document proposed arrangements for how the government will move from the current plans system to the new one. It confirms the intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans.

## 6. Issues and Choices

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- 6.1 The purpose of this report is to suggest a response from this Council to the Government on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making. Members could decide to submit an amended response.
- 6.2 An alternative approach would be to not respond to the consultation.

## 7. Implications (including financial implications)

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### 7.1 Resources and Financial

- 7.1.1 There are no financial implications arising specifically from this report.

### 7.2 Legal

- 7.2.1 There are no legal implications arising specifically from this report.

### 7.3 Risk

There are no risks arising from the recommendations in this report.

### 7.4 Consultation

7.4.1 Not applicable.

7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not applicable

7.6 **Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report.

7.7 **Community Impact**

7.7.1 There are no community impacts arising specifically from this report.

7.8 **Communications**

7.8.1 None directly arising from this report.

**8. Background Papers**

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None

## **Appendix 1 : The future of plans and plan making consultation response**

**Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

Yes

Additional reference to Health, Climate Change and Heritage would be supported.

**Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?**

Yes, plans must contain a vision. Measurable outcomes will need to be carefully considered with additional resource required to monitor the plan. Examples of the key diagram would be useful

**Question 3: Do you agree with the proposed framework for local development management policies?**

Agree.

It is also important to acknowledge the role that locally derived environmental designations have to play in complementing allocations for growth in recognition of the sensitives and significance of local landscapes and settlement morphology. Examples being Special Landscape Areas and Green Wedges successfully used in areas of West Northamptonshire based on robust evidence.

Conversely, whilst the Council considers that there is a clear benefit in having national development management policies for a consistent approach to issues nationally and to streamline the scope of local plans and allow them to focus more on locally specific issues, given the statutory weight proposed for these policies it is essential that these are properly tested and examined in a similar way to local plans to demonstrate that they contribute to delivering sustainable development. There must be suitable consultation and testing of these polices before they are implemented.

**Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

Agree that in principle a standardised approach to structure, layout, supporting text and policy could be beneficial and assist in the plan preparation process.

**Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?**

No

**Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?**

Agree with the need to prepare plans in an efficient and timely fashion. Raise observation in relation to the six month examination deadline based on experience and the resourcing of PINS. Also note that the plan preparation process is identified as taking up 23 of the 30 months followed by six months for examination with 1 month thereafter remaining to adopt the plan. Of the 23 months 18 weeks are allocated to the proposed Gateways assessments further reducing the time available.

Also make observations in respect to the reliance on private sector specialists in terms of evidence base, costs and timings and the resourcing of planning policy teams. Concern that this proposed timescale could result in less ambition in the plan making process.

**Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?**

Agree

**Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

HENA data. Transport modelling data. Strategic Land Availability Assessments. Constraint's mapping. Although how would the cost of this and licencing agreements be dealt with?

Will applicants be expected to make submission in a standard format too?

How will this work in terms of accessibility?

Financial implications for all of the above.

**Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?**

Agree that these are some of the challenges of the plan making process. Care needs to be taken to not disincentivise those who currently engage and do not have access to digital services.

**Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?**

Agree that these represent areas for consideration

**Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?**

No Comment

**Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?**

Agree

**Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?**

No

**Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?**

None

**Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?**

See Question 8 above

**Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

Yes in principle but raise concerns of how this would work in practice. There is ambiguity in the paragraphs of the consultation in relation to this including, the role of the gateway assessments and what 'regularly released' data means. Also the nature of consultation and examination is such that new evidence is likely to be introduced.

**Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?**

Yes in principle, again however the ambiguity of the consultation is such ("this would not prevent planning authorities choosing to publish wider materials to help to explain decisions taken") that further information is required.

A similar requirement should be placed upon others taking part in the local plan examination too?

**Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?**

Agree

**Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?**

Query the timing/nature of the 3rd gateway assessment immediately before examination? Also the overall length of the Gateways which could remove 18 weeks from the 30 month timetable.

**Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?**

Broadly. Need to be mindful of consistency and continuity through the process and the retention and availability of inspectors.

**Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?**

No.

If this is the case further thought needs to be given to how the local plan process is funded.

**Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

Speeding up the process is supported; however it is important that this is not at the expense of democracy.

**Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?**

Six months may provide adequate time in most cases to address any issues, however the risk in making this a maximum in all cases is that some plans may need to be withdrawn that could have progressed if a slightly longer time frame were permitted.

**Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?**

This is supported in principle, however, there should be some flexibility to adapt these as plan preparation progresses. Whilst it's important to be ambitious, as engagement is central to plan preparation, it is also important that the gateway process recognises that authorities have limited resources.

**Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?**

As this participation is part of the plan preparation process it is unclear why it would sit outside of the timeframe, therefore the timeframe should be extended to include this.

**Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

Yes, continuing the existing approach of front loading the plan preparation process would be helpful.

**Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

In principle this is supported, provided this is not overly prescriptive, otherwise there is no scope for planning authorities to develop engagement strategies that best suit local circumstances.

**Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

Yes, this would be helpful.

**Question 29: Do you have any comments on the proposed list of prescribed public bodies?**

This seems sensible.

**Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

This seems reasonable

**Question 31: Do you agree with the proposed requirements for monitoring?**

These seem sensible, although some are already reported so, so it is important that we do not duplicate reporting systems

**Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

Any further reporting should be a matter for the local authority to decide, based on what is important locally.

**Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?**

This seems to be needlessly creating a complicated system that will inevitably lead to challenges around process rather than the substance of planning documents. Provided that the Council undertakes all necessary processes regarding consultation, evidence gathering etc, it is unclear why the proximity of sites is important.

**Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.**

The introduction of Supplementary plans will inevitably raise questions about what should be in the plan and what can go into the supplementary plan, particularly given that different procedures are proposed but both plans will have the same weight. This will need to be resolved in the guidance.

**Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?**

See response to question 34. It is unclear why a supplementary plan would be attributed the same weight as a plan that had been through a full process, including two stages of consultation.

**Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.**

Introducing alternative routes for examination will inevitably lead to challenges, which will slow down plan making, so it would be better if all plans were examined by a person appointed by the Secretary of State.

**Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?**

See responses to other questions regarding supplementary plans having the same status as a local plan but having different processes.

**Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?**

None identified

**Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?**

No views at this stage. Because this is such a different approach to plan making it is important that it is tested in a number of areas, before being rolled out more widely.

**Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?**

This should have limited impact, as the purpose of plan making is to ensure that there is a sustainable pattern of development.

**Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?**

It is not considered feasible that every local authority in the country can produce plans in accordance with the phased timetable, they each have their own issues to deal with, including other priorities, staffing levels and funding issues. Councils should therefore have flexibility to start their plan when it best suits them.

**Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?**

Yes, this seems sensible

**Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

**Please provide a free text response to explain your answer where necessary. Is there anything that could be done to mitigate any impacts identified?**

No comments





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# WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

**20 September 2023**

**Rebecca Breese, Strategic Planning, Built Environment & Rural Affairs**

<b>Report Title</b>	<b>Response to consultation on proposed changes to the Nationally Significant Infrastructure Project regime</b>
<b>Report Author</b>	<b>Richard Wood, Head of Planning Policy and Specialist Services richard.wood@westnorthants.gov.uk</b>

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## **List of Appendices**

### **Appendix 1 – Suggested response to consultation on the NPPF.**

#### **1. Purpose of Report**

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- 1.1 For members to consider a suggested response to the current consultation on proposed changes to the Nationally Significant Infrastructure Project (NSIP) regime.

#### **2. Executive Summary**

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- 2.1 The report summarises the government's proposed changes to the NSIP regime and suggests a response from this Council.

### **3. Recommendations**

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3.1 It is recommended that Planning Policy Committee:

- a) Agrees the suggested response to the consultation on proposed changes to the NSIP regime as set out in Appendix A.

### **4. Reason for Recommendations**

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4.1 To ensure that Government is aware of this Council's views on proposed changes to NSIP and in some cases to seek to persuade government to revise its proposed changes.

### **5. Report Background**

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5.1 The Government is consulting on proposed changes to the NSIP regime.

5.2 The consultation closed on 19<sup>th</sup> September i.e. the day before the meeting of this committee. In order to meet the deadline, the draft response, attached at appendix A, was submitted as a holding response following consultation with the Portfolio Holder. If members agree any changes to the response those details will be sent to DLUHC. Full details of the consultation can be seen on the [government's website](#).

5.3 Major infrastructure projects are considered through the NSIP process rather than through planning applications. Locally, the Northampton Gateway scheme and the latest phase of DIRFT were determined using this process.

5.4 The process has been in place for over ten years, and the government is now reviewing it to ensure it is fit for purpose in delivering timely decisions whilst ensuring communities and the environment remain at the heart of decision making.

5.5 The consultation sets out the Government's proposals to reform the operation of the Nationally Significant Infrastructure Project (NSIP) system through the Planning Act 2008 consenting process and outlines how it intends to bring these measures forward through secondary legislation and guidance changes over the coming months. This includes measures to:

- strengthen the role of pre-application and ensure consultation is effective and proportionate
- support faster and more proportionate examinations
- establish a fast-track route to consent
- review the process for post consent changes to a Development Consent Order
- and ensure the system is adequately resourced through:
  - resourcing the Planning Inspectorate and updating existing fees
  - strengthening the performance of government's expert bodies

- improved engagement with local authorities and communities
- building the skills needed to support infrastructure delivery

5.6 This consultation focuses on operational reforms to the NSIP consenting process and does not cover strategic aspects of the Nationally Significant Infrastructure Project reform programme, such as updating the existing National Policy Statements, proposals for Biodiversity and Marine Net Gain and changes to environmental assessment which are being progressed separately.

5.7 This consultation builds upon the Nationally Significant Infrastructure Reform Action Plan which was published in February of this year. That Action plan identified 5 reform areas:

1. Setting a clear strategic direction, where National Policy Statements and wider government policy reduce the policy ambiguity faced by individual projects.
2. Bringing forward operational reforms to support faster consenting with an emphasis on delivering proportionate examinations for all projects, strengthening pre-application section 51 advice and introducing a fast-track consenting timeframe for projects that meet the proposed fast track quality standard.
3. Realising better outcomes for the environment replacing the cumbersome environmental assessment processes with new Environmental Outcomes Reports; reviewing the protected sites and species policy framework (including Habitats Regulations Assessment (HRA)); and introducing biodiversity net gain and developing principles for marine net gain for Nationally Significant Infrastructure Projects.
4. Recognising the role of local authorities and strengthening community engagement with Nationally Significant Infrastructure Projects, with greater support and measures to embed community input and benefits much earlier in the process.
5. Improving system-wide capacity and capability, including through developing skills and training and extending proportionate cost recovery by the Planning Inspectorate and key statutory consultees to support effective preparation and examination of Development Consent Order applications and build resilience into the system.

The current consultation focuses on the measures needed to deliver against reform areas 2, 4 and 5.

## **6. Issues and Choices**

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- 6.1 The purpose of this report is to suggest a response from this Council to the Government on proposed changes to the NSIP regime. Members could decide to submit an amended response.
- 6.2 An alternative approach would be to not respond to the consultation.

## **7. Implications (including financial implications)**

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## 7.1 **Resources and Financial**

7.1.1 There are no financial implications arising specifically from this report.

## 7.2 **Legal**

7.2.1 There are no legal implications arising specifically from this report.

## 7.3 **Risk**

There are no risks arising from the recommendations in this report.

## 7.4 **Consultation**

7.4.1 Not applicable.

## 7.5 **Consideration by Overview and Scrutiny**

7.5.1 Not applicable

## 7.6 **Climate Impact**

7.6.1 There are no climate change impacts arising specifically from this report.

## 7.7 **Community Impact**

7.7.1 There are no community impacts arising specifically from this report.

## 7.8 **Communications**

7.8.1 None directly arising from this report.

## **8. Background Papers**

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8.1 [Operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) consenting process](#)

## **APPENDIX A:**

### **Suggested Response from WNC to Government Consultation on NSIP.**

***Question 1: Do you support the proposal for a new and chargeable pre-application service from the Planning Inspectorate?***

Yes, this reflects the approach of most planning authorities who provide a chargeable pre-application service to ensure the formal stages of applications run more smoothly.

***Question 2a: Do you agree with the 3 levels of service offered?***

Yes, the tiered approach seems sensible.

***Question 2b: If you are an applicant, which of the 3 tiers of service would you be most likely to use and for how many projects?***

Not applicable.

***Question 3: Would having the flexibility to change subscriptions as a project progresses through pre-application be important to you?***

Not applicable

***Question 4: To what extent do you agree that the overall proposals for merits and procedural advice will enable the policy objective to be met?***

It seems sensible to identify issues with the merits of a proposal at an early stage, rather than leaving it to the more formal later stages.

***Question 5: Do you have any specific comments on the proposals in the Table above?***

No.

***Question 6: Do you agree with the proposed changes to the consolidated list of statutory consultees outline above?***

Yes

***Question 7: Are there any other amendments to the current consolidated list outlined in table 2.1 that you think should be made?***

No

***Question 8: Do you support the proposed introduction of an early 'adequacy of consultation' milestone?***

Yes, this will help developers and communities understand what the expectations are.

***Question 9: Are there any additional factors that you think the early 'adequacy of consultation' milestone should consider?***

It is important that any consultation and engagement is measured by its effectiveness rather than scale.

**Question 10: Our evidence shows that there is a substantial amount of community consultation that happens during the lifetime of an NSIP. To guide our reforms, and to ensure that reforms support faster consenting, preventing consultation fatigue, more proportionate community consultation, with clearer tests for adequacy, it is important to gather further information about the causes for multiple consultations. What are the main reasons for consulting with communities multiple times during the lifetime of an NSIP application?**

- **What constitutes adequate consultation is not clear from legislation.**
- **What constitutes adequate consultation is not clear from guidance.**
- **What the Planning Inspectorate will accept as adequate consultation is not clear.**
- **It is challenging to get the right level of information from consultations.**
- **The age of the National Policy Statements means more consultation is needed than before.**
- **It is the main way to update a community on changes that are made to a project.**
- **It is hard to engage with the correct communities.**
- **It is a means to mitigate legal challenge for the project.**
- **It is part of how to build enthusiasm for a project over time.**
- **It is a helpful way to develop the project.**

**Are there any other factors that play a part in multiple consultations seen to be required by developers?**

No further issues identified.

**Question 11: Are there any other measures you think that government could take to ensure consultation requirements are proportionate to the scale and likely impact of a project?**

Nothing further, the clear guidance already referred to in the consultation document is key to this

**Question 12: To what extent do you agree with the proposal to remove the prohibition on an Inspector who has given section 51 advice during the pre-application stage from then being appointed to examine the application, either as part of a panel or a single person?**

**Please provide your reasons**

The removal of the prohibition is supported. Enabling Inspectors to be involved at various stages of the proposal's consideration is helpful for continuity and is the practise undertaken in local authorities.

**Question 13: To what extent do you agree that it would lead to an improvement in the process if more detail was required to be submitted at the relevant representation stage?**

Please provide your reasons



The frontloading of the system would be very helpful in that it would enable issues to be identified at the earliest stage and enable the applicant to address such issues. However this would also require the applicants to provide relevant material at an early stage.

***Question 14: To what extent do you agree that providing the Examining Authority with the discretion to set shorter notification periods will enable the delivery of examinations that are proportionate to the complexity and nature of the project but maintain the same quality of written evidence during examination?***

***Please provide your reasons***

Agree that notification periods should be proportionate to the complexity of the project.

***Question 15: To what extent do you agree that moving to digital handling of examination materials by default will improve the ability for all parties to be more efficient and responsive to examination deadlines?***

The provision of materials in digital format would make the process more efficient, however provision needs to be made for those who are not able or not comfortable with using material in a digital format.

***Question 16: To what extent do you agree that the submission of 'planning data' will provide a valuable addition as a means of submitting information to the Planning Inspectorate?***

***Please provide your reasons***

This would be helpful for all parties concerned.

***Question 17: Are there any other areas in the application process which you consider would benefit from becoming 'digitalised'?***

None identified.

***Question 18: To what extent do you agree that projects wishing to proceed through the fast track route to consent should be required to use the enhanced pre-application service, which is designed to support applicants to meet the fast track quality standard?***

***Please provide your reasons***

Yes, in order to qualify for the fast track service it is very important that the enhanced pre-application service is used to help front the process.

***Question 19: To what extent do you consider the proposed fast track quality standard will be effective in identifying applications that are capable of being assessed in a shorter timescale?***

***Please provide your reasons***

It has potential, but this will only truly be known when a few cases have gone through the process

***Question 20: On each criteria within the fast track quality standard, please select from the options set out in the table below and give your reasoning and additional comments in the***

***accompanying text boxes. Please also include any additional criteria that you would propose including within the fast track quality standard?***

No comment

***Question 21: To what extent do you agree that the proposals for setting the fast track examination timetable strike the right balance between certainty and flexibility to handle a change in circumstance?***

***Please provide your reasons***

This seems reasonable, but this will need to be kept under review as schemes go through the process.

***Question 22: To what extent do you agree that there is a need for new guidance on which application route proposed changes should undergo?***

***Please provide your reasons.***

In some places the guidance is too complicated for those who have either not been involved in the NSIP process previously or only encounter this form of development infrequently.

***Question 23: In addition, what topics should new guidance cover that would help to inform decisions on whether a proposed change should be considered as material or non-material?***

Nothing specific other than to try and simplify the guidance for infrequent users.

***Question 24: To what extent do you support the proposal to introduce a statutory timeframe for non-material change applications?***

***What do you consider is a reasonable timeframe for determining non-material applications? Please note, determination is referred to as the time it takes for the relevant department to make a decision on an application once the appropriate consultation has been undertaken. Any timeframe included in legislation would need to provide a specific timescale for determination.***

- ***6-8 weeks***
- ***8-10 weeks***
- ***10-12 weeks***
- ***Other - Please justify your selection***

Support the proposed changes and a timeframe of 10 – 12 weeks is reasonable, but this should be reviewed periodically.

***Question 25: Taking account of the description of the services in section 2.2.1 to what extent do you believe a cost-recoverable pre-application service will represent value for money in supporting applicants to deliver higher quality applications with minimal residual issues at submission?***

***Please provide your reasons***

The introduction of a pre-application process would be invaluable, but question the extent to which it will be used by developers.

**Question 26: To what extent do you agree with the proposal to charge an overall fee (appropriate to the tier of service that will cover the provision of the service) for a fixed period?**

***Please provide your reasons***

Agree that a fixed fee process (albeit for a period) is required but this may not generate interest/use from developers.

**Question 27: The government has set out an objective to move to full cost recovery for the Planning Act 2008 consenting process. To what extent do you support the proposal to support the Planning Inspectorate to better resource their statutory work on consenting by reviewing and updating existing fees, and introducing additional fee points?**

***Please provide your reasons***

Wholly support this move/change.

**Question 28: To what extent do you support the proposal to review and update existing fees in relation to applications for non-material changes to achieve cost recovery and support consenting departments in handling these applications?**

***Please provide your reasons***

Wholly support this move/change.

**Question 29: To what extent do you agree that the proposed review and update of existing fees and introduction of additional fee points will support the Planning Inspectorate to better resource their statutory work on consenting?**

***Please provide your reasons. If do not agree, are there any other ways to support the Planning Inspectorate to better resource their statutory work?***

It is agreed that it will support the resources of the Planning Inspectorate. However, the amount should be reviewed periodically if it is to represent full cost recovery.

**Question 30: To what extent do you agree that defining key performance measures will help meet the policy objective of ensuring the delivery of credible cost-recoverable services?**

***Please provide your reasons. If do not agree, are there any other mechanisms you would like to see to ensure performance?***

Agree that the introduction/use of key performance indicators is required to justify the fee introduction.

**Question 31: Do you agree with the principles we expect to base performance monitoring arrangement on? Please select from the options set out in the table below and give your reasoning and additional comments in the accompanying text boxes:**

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree/ disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Be outcome and not output focussed to ensure better planning outcomes		X			
Please give reasons:					
The quality of the decision/outcome should be key.					
Consider quality of customer service provision		X			
Please give reasons:					
The feed back and constant review of customer care should be key.					
Cover the provision of statutory and non-statutory advice provided by the specific prescribed bodies (outlined in section 7.2.2) through pre-application, pre-examination, Examination and Decision		X			
Please give reasons:					
This will enable/improve the quality of decisions.					
Monitoring should be tailored to the context of each organisation		X			
Please give reasons:					
This will ensure that the level and quality of engagement is maintained.					
Reporting should be timely, transparent, simple to understand, easily accessible and evolved over time		X			

Please give reasons:

A swift or measured response should be central to the process.

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**Question 32: We would like to monitor the quality of customer service provided, and the outcomes of that advice on applicant's progression through the system where practicable. Do you have any views on the most effective and efficient way to do this?**

The direct contact with stakeholders/individuals in the process will inform the level of customer service.

**Question 33: To what extent do you support the proposal to enable specific statutory consultees to charge for the planning services they provide to applicants across the Development Consent Order application process?**

**Please provide your reasons**

The introduction of this will enable consultees to recover costs associated with the level of work.

**Question 34: To what extent do you agree with the key principles of the proposed charging system? Please select from the options listed in the table below and give reasons in the 'comment' text box.**

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree/ disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Initially limit the ability to charge to the organisations listed in table 7.1		X			
Please give reasons:					
Recover costs for non-statutory and statutory services provided throughout Pre-application, Pre-examination, Examination and Post-Decision		X			
Please give reasons:					
Yes, the ability to recover the costs would ensure that the level of service within the wider areas would be beneficial.					
Setting charging schemes		X			
Please give reasons:					
A transparent, but reviewable, scheme would be advantageous to ensure that costs are recovered.					

**Question 35: Do you have any comments on the scope and intended effect of the principles of the charging system?**

No.

**Question 36: Do you support the proposal to set out principles for Planning Performance Agreements in guidance?**

Yes.

**Question 37: Do you have any further views on what the proposed principles should include?**

No.

**Question 38: To what extent do you agree that these proposals will result in more effective engagement between applicants and local communities for all applications?**

**Please provide your reasons**

The proposals will lead to more effective engagement with all interested parties.

**Question 39: Do you face any challenges in recruiting the following professions? Please complete the table below and give reasons.**

<b>Standard Occupation Classification (SOC) 2020</b>	<b>Profession</b>	<b>Yes/No</b>	<b>Reasons</b>
SOC2452	Town Planning Officers	Yes	The extent of individuals to draw from has become very limited.
SOC2455	Transport Planners		The extent of individuals to draw from has become very limited.
SOC3581	Planning Inspectors		N/a
SOC3120	Administrators		The extent of individuals to draw from has become

		very limited.
SOC4112	Local government administrative occupations	The extent of individuals to draw from has become very limited.
SOC2451	Architects	The Council does not have an architect's team.
SOC2453	Quantity Surveyors	The Council does not have any Quantity Surveyors to do this work.
SOC2455	Construction project managers and related professionals	N/a
SOC2481	Planning engineers (including windfarm)	N/a
SOC2151	Conservation professionals	The extent of individuals to draw from has become very limited.
SOC2152	Environmental professionals	The extent of individuals to draw from has become

		very limited.
SOC2483	Environmental health professionals	The extent of individuals to draw from has become very limited.
SOC2121	Water engineers	The extent of individuals to draw from has become very limited.
SOC3520	Legal associate professionals	The extent of individuals to draw from has become very limited.
SOC3544	Data analysts	N/a

***Question 40: Are there any other specific sectors (as identified above) that currently face challenges in recruiting? If so, please stat which ones and give reasons why***

The ability to recruit/attract professionals (Planners/Engineers/Conservation officers) to the Council has become increasingly difficult, because of shortages of suitably skilled and experienced officers.

***Question 41: Do you have any ideas for or examples of successful programmes to develop new skills in a specific sector that the government should consider in developing further interventions?***

The use of a trainee programme has produced a degree of success in some Council's.

***Question 42: To what extent do you agree that updated guidance on the matters outlined in this consultation will support the Nationally Significant Infrastructure Project reforms?***

***Please provide your reasons***

The revisions/reforms will move NSIP projects forward in terms of the further inclusion/understanding of individuals.



***Question 43: Do you support a move towards a format for guidance that has a similar format to the national planning practice guidance?***

***Please provide your reasons***

Yes.

***Question 44: Are there any other guidance updates you think are needed to support the Nationally Significant Infrastructure Project reforms?***

No.

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