Prepared by Higham Ferrers Neighbourhood Plan Steering Group

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1. **Introduction**

1.1 This Basic Conditions Statement has been prepared by James Wilson Associates as part of the work on the Higham Ferrers Neighbourhood Plan on behalf of Higham Ferrers Town Council. The Town of Higham Ferrers has been designated a qualifying area and the Town Council is a qualifying body. See Appendix 1 for East Northamptonshire Council’s designation statement. During the course of preparing the Neighbourhood Plan a series of Parish boundary changes were confirmed by East Northamptonshire Council which has changed the Neighbourhood Plan Area. (See Appendix 2).

1.2 This report sets out the reasons for producing the Neighbourhood Plan for the community of Higham Ferrers and explains how the Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (the regulation). The Basic Conditions Statement also addresses how the basic conditions of neighbourhood planning have been met as prescribed by the Town and Country Planning Act (TCPA) 1990 (as amended) Paragraph 8(2) of Schedule 4B.

2. **The Higham Ferrers Neighbourhood Plan**

2.1 The Higham Ferrers Neighbourhood Plan has been conceived by the local community and sponsored by the Town Council to enable the community to take a greater role in influencing the future growth of the town and in encouraging sustainable development. It has developed out of consultation and issues which were raised as part of a Community Plan exercise in 2012.

2.2 The plan has been prepared by a community led Steering Group and with strong engagement by the local community. The main purpose of the plan is to deliver the shared vision and objectives agreed by the community. These are:

2.3 **Vision** - Higham Ferrers will be:

   **A sustainable, vibrant, thriving community**
   
   *Strongly based on its history with an emphasis on its individuality, which encourages growth that complements its market town heritage.*

   **A community which encourages attractive, high quality development**
   
   *Including new housing, commercial property and community facilities within a compact market town environment.*

   **A community that is inclusive**
   
   *With safe access to its town centre and excellent links to adjacent housing estates, the surrounding countryside and the regional transportation network.*

   **An attractive town centre**
   
   *With increased vitality and activity that attracts a variety of new businesses and supports existing businesses to create a thriving High Street and*
2.4 Objectives

**DEVELOPMENT** - To promote sufficient housing and commercial development to meet local needs and to attract visitors, thereby providing a degree of growth and employment opportunity whilst preserving the historic character and compactness of the town.

**SERVICES** - To enhance residents' quality of life by improving leisure, education, health and environmental facilities.

**DESIGN & ENVIRONMENT** - To conserve and enhance the town's heritage and environmental features and promote quality and visually attractive and sustainable design in all new developments.

**ACCESS** - To improve pedestrian/cyclist links within the town’s boundary and to the surrounding countryside; provide more and better parking.

**TOWN CENTRE** - To encourage a variety of new employment and the retention of the existing businesses.

**METHOD** - To deliver the above objectives in partnership with the residents, other stakeholders and all necessary statutory authorities.

2.5 Overall the community wants the Higham Ferrers Neighbourhood Plan to provide the framework within which the Town can positively plan for its future for the benefit of all sections of the community. It will enable the delivery of development to meet the needs of the local community and minimise its impacts on the town and wider parish. The plan should also protect the unique character and heritage of Higham Ferrers and sustain the high quality of design which has been protected within the town centre and needs to be maintained in other parts of the town.

2.6 The draft plan has been through the Neighbourhood Plan Independent Examiner Referral Service (NPIERS) health check and this has helped produce a plan that meets the basic conditions.

3. Legal Requirements and Outline Compliance Statement

3.1 The Draft Plan is being submitted by a qualifying body.

3.1.1 The Higham Ferrers Neighbourhood Plan is being submitted by Higham Ferrers Town Council which is a qualifying body under the regulations.

3.2 What is being proposed is a neighbourhood development plan.

3.1.2 The plan proposal relate to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the regulations.
3.3 The proposed Neighbourhood Plan states the period for which it is to have effect.

3.3.1 The Higham Ferrers Neighbourhood Plan period is from 2011 to 2031. This period has been chosen to align with the emerging North Northamptonshire Joint Core Strategy which is being prepared by the North Northamptonshire Joint Planning Unit.

3.4 The policies do not relate to excluded development.

3.4.1 The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

3.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

3.5.1 The neighbourhood plan proposal relates to the Higham Ferrers Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area.

3.6 Outline Compliance Statement

3.6.1 The Higham Ferrers Neighbourhood Plan Consultation Draft was made available for consultation in accordance with Regulation 14 of the regulations from 16th February 2015 to 31st March 2015.

3.6.2 Part 5, paragraph 15 of the Regulations sets out the requirements for the qualifying body submitting a neighbourhood plan to the local planning authority as follows:

15.δ (1) Where a qualifying body submits a plan proposal to the local planning authority, it must include

(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;

(b) a consultation statement;

(c) the proposed neighbourhood development plan; and

(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

3.6.3 Part (a) is provided within Appendix 1 of this statement and includes the application, map and designation notice.

3.6.4 Parts (b) and (c) have been prepared and will accompany this statement as part of the submission.

3.6.5 The requirements for part (d) in respect of neighbourhood development plans are that the Higham Ferrers Neighbourhood Plan meets the following basic conditions:
The plan has regard to national policies and advice contained in guidance issued by the Secretary of State

The plan contributes to the achievement of sustainable development

The plan is in general conformity with strategic policies contained in the development plan for the area of the authority

The plan does not breach, and is otherwise compatible with EU obligations

Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the plan

3.6.6 The next sections set out how the Higham Ferrers Neighbourhood Plan has met these basic conditions.

4. Submission of Supporting Documents and Evidence

4.1 In addition to this Basic Conditions Statement, the following documents have been prepared to support the preparation of the Plan and meet the Basic Conditions:

Higham Ferrers Neighbourhood Plan ñ the neighbourhood plan for the designated neighbourhood area of Higham Ferrers which has been developed with the community and contains policies to guide future development in the area.

Higham Ferrers Neighbourhood Plan Consultation Statement ñ this sets out the consultation and community engagement processes from early engagement through to the formal pre-submission consultation.

Higham Ferrers Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening Reports and decision letters ñ these reports establish that no SEA or HRA assessment is required in response to the potential impacts that may ensue due to the plan’s policies and proposals.

Higham Ferrers Neighbourhood Plan Equalities Assessment ñ this report forms part of this Basic Condition Statement and assesses whether the Neighbourhood Plan policies and proposals have any impact on protected characteristics as defined by the Equalities Act 2010 or contravenes the Convention Rights as defined by the Human Rights Act 1998.

Higham Ferrers Neighbourhood Plan Housing Requirements and Site Allocation report ñ this provides the rationale and methodology used in order to identify which site(s) should be allocated within the plan and define the housing target for the neighbourhood plan period.
5. **The Basic Conditions**

5.1 *The plan has regard to national policies and advice contained in guidance issued by the Secretary of State.*

5.2 The National Planning Policy Framework (NPPF) in sections 184 refers to Neighbourhood Plans and seeks that those plans are aligned to the strategic needs and priorities of the wider local area and as such must be in *general conformity* with the strategic policies of the Local Plan. Neighbourhood Plans should also have regard to the NPPF.

5.3 Within the Higham Ferrers Neighbourhood Plan, following each policy area under the heading *Conformity* the policy or paragraph where there is conformity or regard to the Core Spatial Strategy or NPPF is set out. This section expands on and explains those statements in relation to the NPPF. It has been set out to cover the key principles in paragraph 17 and the main sections of the NPPF (Chapters 1 to 13) excluding *Protecting Green Belt land* and *facilitating the sustainable use of minerals* which are not relevant.

5.4 **General Regard for NPPF – Key Principles**

5.4.1 The Higham Ferrers Neighbourhood Plan reflects the 12 core principles of the NPPF which are set out in Paragraph 17 in the following ways;

5.4.2 It is **plan-led** through the community-led planning process, which included extensive consultation in understanding the community’s issues and formulating the policies of the Plan. Collaboration with East Northamptonshire Council has been sought to ensure that policies are practical and workable and that it complies with the existing Core Spatial Strategy and saved Local Plan policies.

5.4.3 It contains policies which are at the heart of **place making** enhancing design, conserving green space and protecting the environment and creating places where people will be proud to live and work.

5.4.4 The plan promotes the **delivery of new homes** which is required for the future needs of the Parish and **supports economic sustainable growth** by positively anticipating and planning for the expansion of Rushden and Higham Ferrers in the long-term and supporting town centre vitality.

5.4.5 It promotes the achievement of **high quality design** and the protection of amenity through the need to respect local character and the existing built and natural environments.

5.4.6 It takes account of the **roles and character** of different areas through the Character Assessment and areas which have been identified in the plan and
supports the growth of the settlement in the context of protecting the Special Protection Area (SPA) and rural countryside.

5.4.7 It takes **account of local flood risk** through its requirements for Sustainable Urban Drainage (SUDs) solutions and addresses **climate change** by conserving and enhancing the natural environment and protecting local green spaces.

5.4.8 The plan allocates **land of lesser environmental quality** within the existing urban area and protects open space sites with high community value to conserve and enhance the natural environment.

5.4.9 The plan promotes the continued **mix of uses** within the town centre to maintain its vitality and allocates land for housing to meet the local need while protecting valued green space and environmental assets.

5.4.10 It helps to conserve the local **heritage assets** by reference to the Conservation Area and the designated and non-designated heritage within the Parish including listed buildings, Scheduled Ancient Monuments and buildings of local significance.

5.4.11 It sets out access design requirements for new developments which will create safe and convenient routes for walking, cycling and disabled users and access to **public transport to make developments sustainable**.

5.4.12 The plan promotes the retention and development of community facilities including leisure and recreation which will have a positive impact on **health, social and cultural wellbeing**.

5.5 The Higham Ferrers Neighbourhood Plan is considered to have regard to the NPPF, particularly in relation to Neighbourhood Planning provisions and the policy areas set out in the main Chapters between paragraphs 18 and 149 (excluding Protecting Green Belt Land and Facilitating the sustainable use of minerals).

5.5.1 **Building a strong, competitive economy** ï the Plan encourages the future growth of Higham East (Policy HF.H3) with potential allocation of employment land and the continued vitality of the town centre for commercial activity (Policy HF.TCE1).

5.5.2 **Ensuring the vitality of town centres** ï The Plan promotes the town centre as the location for shops, services and community facilities (Policy HF.TCE1) and supports public realm improvements (Policy HF.TCE2) to enhance access to the town centre and the visitor experience.

5.5.3 **Supporting a prosperous rural economy** ï while Higham Ferrers is a thriving town it also supports a rural Parish. The Plan supports the development of community facilities (Policy HF.CD1) which will help to sustain the rural area. It also promotes and supports better design (Policy HF.DE1) and protection of its heritage (Policy HF.DE2) which will assist in developing tourism.
5.5.4 **Promoting sustainable transport** Ũ the Plan supports better access design for new developments (Policy HF.TC3) which will encourage sustainable modes of transport such as walking and cycling. It promotes mixed use areas (Policy HF.H3) to encourage less use of the car.

5.5.5 **Supporting High Quality Communications Infrastructure** Ũ the Plan supports the increased access and delivery of super-fast broadband access (Policy HF.TC2) which will support business and also home working decreasing the need to travel as often.

5.5.6 **Delivering a wide choice of high quality homes** Ũ the Plan specifically allocates housing (Policy HF.H4) to meet the objectively assessed need of the local area and provides for future growth, if necessary, through the development of Higham East (Policy HF.H3). It also makes provision for affordable housing and for groups that may be restricted in their access to the housing market (Policy HF.H2).

5.5.7 **Requiring good design** Ũ the Plan specifically focusses on achieving high quality design (Policy HF.DE1) and has set out the local character and distinctiveness of character areas in the town within the Higham Ferrers Character Assessment.

5.5.8 **Promoting healthy communities** Ũ the Plan promotes the protection and enhancement of community facilities (Policy HF.CD2) which will include sports and leisure facilities making an impact on healthy communities. It also seeks to limit the development of hot food takeaways (Policy HF.TCE1) which will help to reduce the incidence of increasing obesity.

5.5.9 **Meeting the challenge of climate change, flooding and coastal change** Ũ The Plan allocates sites which are cognisant of flood risk and require that drainage solutions Policy HF.DE1) are designed in accordance with national standards for Sustainable Urban Drainage systems. The reduction of vehicle movements promoted through policies HF.TC3 and HF.TC2 will also assist in reducing carbon emissions and limit climate change.

5.5.10 **Conserving and enhancing the natural environment** Ũ the Plan promotes the protection of the environment (Policy HF.DE3) and designates 12 areas of Local Green Space (Policy HF.DE4). Policy HF.CD2 also prioritises development contributions for environmental improvements and mitigation required for the SPA.

5.5.11 **Conserving and enhancing the historic environment** Ũ the Plan seeks to protect the historic built environment and their settings (Policy HF.DE2) as well as requiring high quality design in new development respecting the existing character areas through the need to adhere to the Higham Ferrers Character Assessment.
5.6 Contribute to the Achievement of Sustainable Development

5.6.1 The Higham Ferrers Neighbourhood Plan Steering Group has prepared the plan with a conscious approach to delivering a document and policies which actively promotes sustainable development for the community.

5.6.2 The plan, in section 3.3, sets out the approach it will take in delivering Sustainable Development and acknowledges the requirement to balance its 3 dimensions – Economic, Social and Environmental which go towards achieving sustainable development. It goes on to set out the need for the Town Council to encourage a more direct and positive engagement with the local community as a key stakeholder.

5.6.3 The Higham Ferrers Neighbourhood Plan helps to achieve Sustainable Development by:

- promoting significant housing growth, over the plan period, in a sustainable location with the ability to integrate further growth of the town with the expansion to the east associated with the Rushden East extension;

- locating the development where it is accessible to the Town’s services by foot and cycle and through providing enhanced pedestrian and cycleways as well as better access for public transport;

- ensuring the continued vitality and viability of the town centre by focusing commercial activity within the town centre and protecting its heritage assets which will continue to make the town attractive for residents and visitors to access and use; and

- protecting and enhancing the natural environment of Higham Ferrers by:
  - enhancing biodiversity and creating and protecting Local Green Spaces;
  - encouraging high quality development that reflects and responds to the local character of Higham Ferrers; and
  - protecting the adjacent Special Protection Area and Ramsar Site

- promoting greater social cohesion through the protection and enhancement of community facilities.

5.7 Being in Conformity with Strategic Local Policies

5.7.1 The Higham Ferrers Neighbourhood Plan has been prepared in close liaison with planning officers at East Northamptonshire Council. As such the Steering Group has ensured that through this process the development of policies for the plan have been fully scrutinised in terms of conformity with strategic policies of the development plan. This includes the North Northamptonshire Core Spatial Strategy adopted in 2008 and saved policies of the East Northamptonshire Local Plan 1996. While the latter has policies which relate
to Higham Ferrers, advice from the Council suggested that these are not strategic in nature and these policies are now almost entirely superseded by the Core Spatial Strategy or out of date. Regard has also been had to the emerging Joint Core Strategy and the evidence base behind this review as well as that associated with the emerging Four Town Plan. The Plan is therefore fully aligned to these emerging strategies.

5.7.2 The following sets out the strategic policies which are relevant to the Higham Ferrers Neighbourhood Plan and states how the plan is in general conformity with these strategic policies in the Development Plan.

North Northamptonshire Core Spatial Strategy (NNCSS) 2008 and emerging North Northamptonshire Joint Core Strategy (NNJCS).

5.7.3 Policy 1: Strengthening the Network of Settlements.

This policy states that development will be principally directed towards the urban core, focused on the three Growth Towns of Corby, Kettering and Wellingborough. The smaller towns of é Higham Ferrers é will provide secondary focal points for development within this urban core. The emphasis will be on regeneration of the town centres, through environmental improvements and new mixed use developments, incorporating cultural activities and tourism facilities, in order to provide jobs and services, deliver economic prosperity and support the self-sufficiency of the network of centres.

5.7.4 The Higham Ferrers Neighbourhood Plan has set a level of housing development that can provide for its own needs and contribute to the wider housing supply of East Northamptonshire by supporting and facilitating the delivery of the Rushden East urban extension. The plan aligns to the policy aspiration that the smaller towns provide a secondary focal point for development. This is echoed in the emerging Joint Core Strategy in draft Policy 11 where Market Towns are to provide ‘a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate.’

5.7.5 The Higham Ferrers Neighbourhood Plan is therefore in conformity with both the existing Core Spatial Strategy and the emerging Joint Core Strategy. The justification for the level of housing growth to be accommodated in the plan is set out in the ‘Housing Requirements and Site Allocation Report’ also submitted alongside the Plan.

5.7.6 Policy 2: Connecting North Northamptonshire with Surrounding Areas

This promotes stronger connections with surrounding areas to North Northamptonshire and strategic infrastructure investments to 2021 to improve rail, bus and road connections. This is relevant to Higham Ferrers for enhanced bus services and road network infrastructure particularly within the A45 corridor.

5.7.7 The Neighbourhood Plan specifically supports the strategic improvements for
the A45 (Wellingborough-Thrapston) as referenced in Policy 2 of the NNCSS particularly in respect of mitigating the impact of development on the Chowns Mill A45 Roundabout (HF.TC1) as this has a local as well as strategic dimension. The emerging Joint Core Strategy goes further and lists the Chowns Mill Roundabout in draft policy 16 as road infrastructure required to ‘relieve existing communities from traffic’ while it will also be helping to facilitate the delivery of Rushden East urban extension. The plan also supports better access to public transport (HF.TC3) which is in conformity with NNCSS Policy 2 and emerging NNJCS Policies 16 and 17.

5.7.8 Policy 4: Enhancing Local Connections

This policy promotes connections between the rural hinterland and their most accessible service centre and within urban areas from their local neighbourhoods to town centres and will be strengthened by improving the strategic and local bus network and by improved walking and cycling strategies.

The Neighbourhood Plan is considered to be in general conformity with this policy through its promotion of access to public transport (HF.TC3) for new developments and safer and more convenient routes for walking and cycling. Further requirements for better pedestrian and cycle access for the Ferrers site (Policy HF.H4) and Higham East (Policy HF.H3) are promoted. Therefore it is considered that the Neighbourhood Plan is in conformity with the Core Spatial Strategy and draft Policy 15 of the emerging Joint Core Strategy.

5.7.9 Policy 5: Green Infrastructure

Requires a net gain in green infrastructure proposals affecting the Upper Nene Valley Gravel Pits proposed Special Protection Area need to satisfy tests of Habitats Regulations. Higham Ferrers sits adjacent to a Sub-regional Green Infrastructure corridor which is to be safeguarded, amongst other things, through using developer contributions to facilitate improvements to their quality and robustness.

5.7.10 A Strategic Environmental Assessment and Habitats Regulations Assessment screening opinion have identified that significant impacts to the Nene Valley Gravel Pits SPA from the plan’s proposals as unlikely. The plan helps to reinforce the existing Green Infrastructure corridors and provides potential protection through the prioritisation of environmental improvements through policy HF.CD1 which seeks to guide s106 contributions and CIL payments to various community facilities and themes. The identification of valued open space and justification for its protection is also set out in the ‘Local Green Space Assessment’ 2014.

5.7.11 Policy 7: Infrastructure Delivery and Developer Contributions

This policy requires that new development be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced self-
sufficient communities. Emerging Policy 10 of the NNJCS also promotes the timely delivery of infrastructure including next generation broadband access.

Policy HF.CD1 within the Neighbourhood Plan requires that financial contributions will be sought to mitigate impacts of development where a need is identified in line with local guidance on planning contributions. It further prioritises the element of s106 contributions or CIL payments which are of most importance for Higham Ferrers. Policy HF.TC2 also supports the increased access and delivery of super-fast broadband services. In this respect it is considered that the Neighbourhood Plan is in conformity with both the existing and emerging core strategies.

5.7.12 Policy 9: Delivering Economic Prosperity

This requires a net increase in jobs across North Northamptonshire maintaining the broad balance between homes and jobs to create a more diverse economic base and to develop greater self-sufficiency. The policy also states that allocations for specific employment use classes will be made and safeguarded in order to ensure balanced economic growth.

The emerging NNJCS Policy 22 also seeks a net increase in jobs albeit at a lower level of 31,100. It also aims to safeguard existing and committed employment sites for employment use unless it can be demonstrated by an applicant that there is no reasonable prospect of the site being used for that purpose. This is in conformity with NPPF paragraph 22 which states that planning policies should avoid the long term protection of sites allocated for employment. Policy HF.H4 of the Neighbourhood Plan allocates the Land East of the Ferrers School site for housing, whereas formerly it was allocated for employment. However, it is considered that this is in conformity with both the existing and emerging Core Strategies as this land has not come forward as employment land since being allocated in 1996. The Neighbourhood Plan now provides the opportunity of allocating alternative employment land within a comprehensively planned Rushden East Urban extension. The emerging NNJCS (Policy 35) also allocates Nene Valley Farm as a strategic employment site which is adjacent to the Higham Ferrers urban area and will provide employment opportunities for local people.

5.7.13 Policy 10: Distribution & Location of Development

Development will be distributed to strengthen the network of settlements. Priority will be given to the reuse of previously developed land within urban areas followed by other suitable land in urban areas. Preference will also be given to locations that are accessible by a choice of means of travel. Site specific Development Plans Documents may identify opportunities for smaller scale Sustainable Urban Extensions at smaller towns and rural service centres.
The Neighbourhood Plan allocates up to 300 dwellings at the Land east of the Ferrers School site which is located within accessible walking distance from the town centre and is likely to provide enhanced bus provision if not directly then certainly in association with Rushden East. The location of the main focus for growth is Corby, Kettering and Wellingborough and Higham Ferrers supports the overall distribution and location of development by providing a secondary focal point providing a scale of development which is related to infrastructure provision and regeneration needs. Policy 11 of the emerging NNJCS in addition to the existing growth towns adds Rushden within this category of settlement. Higham Ferrers is re-designated as a Market Town which is very similar to the previous role of 'smaller town' in the existing Core Strategy. Crucially the Neighbourhood Plan supports the delivery of Rushden East while maintaining the focus of limited regeneration for Higham Ferrers within the existing urban area and within the boundaries of infrastructure provision. The Neighbourhood Plan is therefore in agreement with both strategies.

5.7.14 Policy 11: Distribution of Housing

New housing is to be focussed at the 3 growth towns with modest growth at the smaller towns and Rural Service Centres, limited development in the villages and restricted development in the open countryside. Development Plan Documents will make provision for the amounts of housing development in the named settlements or groups of settlements.

The focus of housing development in the NNCSS is on the main growth towns, however, a limited and secondary level of housing allocation is directed to the smaller towns and rural areas. Overall the Neighbourhood Plan provides for 620 dwellings over the plan period including completions, commitments and the housing allocation in policy HF.H4. (See Housing Requirements and Site Allocation Report Appendix 2). This level of housing is in excess of the requirements in the existing NNCSS and also the emerging NNJCS which requires 560 houses for the Parish. Additional future growth would also be able to be accommodated as part of Higham East if the need was justified at the point of the comprehensive masterplan being developed. It is deemed therefore that the Neighbourhood Plan is in conformity with this policy and the emerging NNJCS.

5.7.15 Policy 12: Distribution of Jobs.

Existing employment areas and allocated employment sites will be safeguarded for employment use unless it can be demonstrated that an alternative use would not be detrimental to the overall supply and quality of employment land. New sites will be allocated to meet any identified shortfall in
supply. These will be within or adjoining the main urban areas, the Sustainable Urban Extensions.

As stated above in 5.7.12 the Neighbourhood Plan allocates the Land East of the Ferrers School for housing which previously was allocated for employment. However, it has already been demonstrated that the land had been allocated since 1996 and has not been developed for the purposes of employment, therefore, the policy and the NPPF allows for this site to be reallocated for alternative uses. New sites have been allocated adjacent to Higham Ferrers boundary in the form of Nene Valley Farm (which could meet the employment needs of the town) and further employment sites might come forward as part of the masterplanning of Rushden East. Therefore it is considered that the Neighbourhood Plan is in conformity with this policy.

5.7.16 Policy 13: Distribution of Retail Development

Retail development will be focussed on the town centres of the growth towns. The remaining Smaller Towns and Rural Service Centres will consolidate their roles in providing mainly convenience shopping and local services.

Policy HF.TC1 promotes the diversification and enhancement of local shops and services for the local community thereby consolidating this area as the location for convenience shopping and the place to access local services. It does not promote a level of activity which is in conflict with the size of the town or be at odds with the settlement hierarchy. Policy 12 requires that the scale of retail development should be appropriate to the role and function of the centre where it is to be located. In limiting the expansion of the defined town centre commercial area around the existing commercial activity it ensures that only small scale local retail facilities will be developed. Emerging Policy 12 of the NNJCS also supports the appropriate growth of retail in market towns (where this is of a scale and nature consistent with the character of the settlement and the role of Market Towns). Given the historic nature of the core area of Higham Ferrers the scope for it to be redeveloped for a greater level of retail floorspace is limited. The policy also promotes the enhancement of the public realm within town centres which is supported in policy HF.TC2 of the Neighbourhood Plan.

5.7.17 Policy 14: General Sustainable Development Principles

Development should meet principles of sustainable development in meeting needs of residents & businesses, raising standards of development and protecting assets.

The Neighbourhood Plan is considered to be in conformity with the general principles of sustainability and in protecting the amenity of other land users. Policy HF.DE1 aims to improve the design of new development while protecting and preserving the character of the settlement. Policy HF.DE2 seeks to conserve and enhance the heritage of the Parish therefore protecting these assets. Policies HF.CD2, HF.DE4, HF.TC4 and HF.TC3 aim to protect
community facilities; maintain the provision of Local Green Space; provide for adequate parking to reduce on street parking pressure; and provide for convenient routes for pedestrians, cyclists and disable users for new developments. All of which assist in meeting the needs of the local community and as such it is felt that this demonstrates conformity of the Plan with both the current NNCSS and emerging NNJCS.

5.7.18 Policy 15: Energy Efficiency and Sustainable Construction

Development should meet the highest viable standards of resource & energy efficiency and reduction in carbon emissions. Residential development involving 10 or more dwellings or >=0.5 ha should demonstrate that at least 10% of demand for energy will be met onsite from a renewable supply.

The requirement for meeting the Code for Sustainable Homes has now been replaced and all new building will need to meet revised Building Control Regulations which sets a new national standard for energy efficiency at a similar level to Code 4. This existing policy is therefore largely out of date. The emerging NNJCS contains Policy 9 which sets out the expectations for sustainable buildings and ‘allowable solutions’ that might be suitable in reaching reduced carbon developments. The Neighbourhood Plan does not explicitly set out requirements for standards for sustainable buildings, however, it will rely upon the emerging policy of the NNJCS and the existing Sustainable Design Supplementary Planning Document and does not propose to duplicate this emerging policy or guidance. However, the Policies within the Neighbourhood Plan are not at odds with achieving these aims and therefore it is considered that the Plan is in conformity.

5.7.19 Policy 16: Sustainable Housing Provision

Provision will be made for the delivery of a balanced mix of housing types and tenure and 40% affordable housing provision will be sought within East Northamptonshire. New dwellings will be capable of being adapted to meet the needs of all people in line with the ‘lifetime homes’ standard.

The Neighbourhood Plan seeks to deliver sustainable residential communities and Policy HF.H2 sets out the level of affordable housing that is to be sought on all developments. This will be required to be in general conformity with the relevant standards for affordable housing, mix and tenure set out in the Local Plan. For Higham Ferrers this means that housing developments will be required to provide standards in line with the existing NNCSS and Policy 30 of the emerging NNJCS when this is adopted. The policy also supports the delivery of a balanced mix of housing with an emphasis on the provision of smaller houses with 1 to 2 bedrooms, where there is greater demand, which is also in line with the emerging NNJCS policy 30. As such the Neighbourhood plan is considered to be in conformity with both core strategies.
5.7.20 Conclusions

In conclusion, from the above assessment and through the liaison with officers at East Northamptonshire Council, the Higham Ferrers Neighbourhood Plan Steering Group considers that the Plan is in general conformity with both the strategic policies of the North Northamptonshire Core Spatial Strategy 2008 and the emerging policies of the North Northamptonshire Joint Core Strategy.

6. Compatibility with EU Obligations

6.1 Convention Rights

The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning are the right to family life and in preventing discrimination. An Equalities Assessment has been prepared and is submitted in support of the Neighbourhood Plan. This concludes that the Plan does not generate any negative equality impacts on any parts of the local community with protected characteristics arising from policies or proposals contained within the Neighbourhood Plan. It also concludes that there are no issues or implications in relation to any of the convention rights in the Human Rights Act 1998.

6.2 Strategic Environmental Assessment

The Higham Ferrers Neighbourhood Plan Steering Group has completed a Strategic Environmental Assessment screening for the Neighbourhood Plan (See Appendix 3). This is based on a template prepared by East Northamptonshire Council. It is the opinion of the Steering Group and Town Council that there are no likely significant environmental effects or impacts arising from the plan. The Screening Opinion conclusion provides the statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects. It concludes that:

- the policies of the plan provide for the future development of the town, protecting the social and environmental assets and supporting the economic vitality of the Parish,
- it is anticipated that there will be localised positive environmental impacts,
- that mitigation and offsetting measures have been proposed within the plan to neutralise any potential impact to the SPA/Ramsar site from proposed future development, and
- the Plan does not promote growth or development which is above or beyond that anticipated within the higher level plans.

As such, therefore, it is concluded that the Higham Ferrers Neighbourhood Plan does not require a full SEA to be undertaken. The response letters from Natural England, Environment Agency and English Heritage are attached also in Appendix 5 which affirm this conclusion.
6.3 Habitats Regulations

The Higham Ferrers Neighbourhood Plan Area is located adjacent to the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site. It is a Natura 2000 site which provides protection under the European Communities (1992) Council Directive 92/43/EEC (the ‘Habitats Directive’), transposed into UK law by Conservation of Species and Habitat Regulations 2010. Higham Ferrers Neighbourhood Plan Steering Group carried out a Habitats Regulation Assessment Screening exercise, which was completed on a template devised and designed by East Northamptonshire Council.

The conclusion of the screening exercise following amendments to policies after consultation with the statutory bodies was that the plan would not cause any significant effects which would have a material impact on the SPA. Therefore a full Appropriate Assessment was not required. The assessment of in-combination effects from other Neighbourhood Plans in the local vicinity, taken together with Higham Ferrers Plan, were also considered not to cause significant effects. The HRA screening report is attached at Appendix 4 and the consultation responses from the statutory agencies are also provided at Appendix 5.

6.4 It is therefore considered that the Higham Ferrers Neighbourhood Plan is compatible with EU obligations.

7. Conclusion

7.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Higham Ferrers Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Higham Ferrers Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Localism Act.
Appendix 1: Neighbourhood Plan Application for Area Designation and Decision Notice
Higham Ferrers Town Council

Sandra Mitcham BA(Hons)
FILCM
Town Clerk

Town Hall
Market Square
Higham Ferrers
Rushden
Northamptonshire
NN10 8BT

01933 312075

Mayor 2012-13: Councillor Mrs S A Mantle

Karen Britton
Planning Policy and Conservation Manager
East Northamptonshire Council
Cedar Drive
Thrapston
NN14 4LZ

Date: 19th December 2012

Dear Karen,

APPLICATION FOR THE DESIGNATION OF A NEIGHBOURHOOD PLAN AREA
Higham Ferrers Parish

Further to our recent conversations regarding the designation of a Neighbourhood Plan area for Higham Ferrers, Higham Ferrers Town Council wishes to formally register its intent to produce a Neighbourhood Plan.

Please find enclosed the application form and plan setting out the proposed area which is to incorporate the whole of the Parish.

We understand that the regulations require the Local Planning Authority to publicise this application for not less than 6 weeks before coming to a decision on the suitability of the area proposed and agreeing to register the area.

Please let me know if there is anything further that you require in processing this request and we would appreciate your confirmation after the consultation period whether we have been successfully in registering the Parish as a Neighbourhood Plan area.

Yours sincerely,

S Mitcham BA(Hons), FILCM
Town Clerk

A Quality Council serving the needs of Higham Ferrers
Yesterday, today and tomorrow
Town and Country Planning Act 1990
As amended by the Localism Act 2011, Sch 9, Part 1

The Neighbourhood Planning (general) Regulations 2012 – Part 2 (5) –
Application for designation of a Neighbourhood Area

APPLICATION BY HIGHAM FERRERS TOWN COUNCIL

Higham Ferrers Town Council hereby applies for the designation of the following area to be the subject of a Neighbourhood Plan under the above Regulations:

Section 5(1) (a) Application Area

The area outlined in blue on the attached plan encompassing and representing the whole of the Parish of Higham Ferrers is the land to be applied for as the Neighbourhood Plan area.

Section 5(1) (b) Appropriate Statement

The area is considered appropriate for designation as a neighbourhood area for the following reasons:

- The Town Council and the Project Group consider that the whole Parish is an appropriate area. This will ensure that any policies which are developed which extend or have influence outside of the existing urban confines and Town boundary line can be implemented and will have weight within the plan.
- The allocation of sites for housing, employment and community facilities across the Parish will have an impact on the delivery of the Neighbourhood Plan aspirations and therefore the entire Parish should be included within the designated area. The Neighbourhood Plan will require to be in conformity with the emerging Core Spatial Strategy and Four Towns Plan.

Section 5(1) (c)

Higham Ferrers Town Council meets the criteria of a relevant body by virtue of satisfying the requirements of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, Section 9, Part 1, section 61G(2) (a).

Signed ............................................ Mayor

Signed ............................................ Proper Officer

18 December 2012
Town and Country Planning Act 1990 (amended by the Localism Act 2011)

The Neighbourhood Planning (General) Regulations 2012

NOTICE UNDER THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 FOR THE DESIGNATION OF HIGHAM FERRERS PARISH AS A NEIGHBOURHOOD PLAN AREA

Under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"), on 18 December 2012 East Northamptonshire Council received an application from Higham Ferrers Town Council to designate the whole of the Higham Ferrers parish area as a Neighbourhood Plan area.

In accordance with Regulation 6, East Northamptonshire Council (on behalf of Higham Ferrers Town Council) undertook a statutory public consultation between 18 February and 1 April 2013 (inclusive). This "Regulation 6" consultation, invited the submission of comments as to whether there was any reason why the District Council should not designate the whole of Higham Ferrers parish as a Neighbourhood Plan area.

5 separate representations were received during the 6-weeks consultation period and none objected to the designation of the whole of Higham Ferrers parish as a Neighbourhood Plan area. In response, on 17 June 2013 East Northamptonshire Council formally designated the whole of Higham Ferrers parish as a Neighbourhood Plan area, in accordance with Regulation 7.

The designation of Higham Ferrers parish as a Neighbourhood Plan area will facilitate the preparation of a Neighbourhood Development Plan by Higham Ferrers Town Council.

Elizabeth Wilson
Interim Head of Planning Services
East Northamptonshire Council
HIGHAM FERRERS NEIGHBOURHOOD PLAN AREA, DESIGNATED BY EAST NORTHAMPTONSHIRE COUNCIL ON 17 JUNE 2013 UNDER REGULATION 7 OF THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012
Appendix 3: Higham Ferrers SEA Screening Report

(Submitted as a separate document)

Appendix 4: Higham Ferrers HRA Screening Report

(Submitted as a separate document)
Appendix 5: Statutory Agencies responses to SEA and HRA consultation

Dear Mike

SEA and HRA Screening for Higham Ferrers Neighbourhood Plan

Thank you for referring the SEA and HRA screening report for the Higham Ferrers Neighbourhood Plan, which was received on 12 November 2014.

We have reviewed the information submitted and consider the Higham Ferrers Neighbourhood Plan is unlikely to result in significant environmental impacts.

As the plan is required to be in general accordance with the North Northamptonshire Core Spatial Strategy and emerging replacement Joint Core Strategy, we do not consider that we are able to provide you with further advice at this stage until we are consulted on individual planning applications by your Authority. However, we can offer the following comments which may be of use.

Plan Area Constraints
The Plan area falls mostly within Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives. Guidance on how to address specific local surface water flood risk issues may also be available through the Strategic Flood Risk Assessment or Surface Water Management Plans produced by your Authority.

Preliminary Opinion
We are able to provide a free preliminary opinion to a developer/applicant per site. This will outline our position and highlights any key environmental risks that we are concerned about as a statutory consultee and provide developers with an idea of what we would expect to receive within a planning application.

Charged Service for Planning Advice
If further bespoke advice is required outside of a formal planning application then this will form part of our charged for planning advice service.

Cont/d..
Please note that this response is based on the information provided at this time and if this changes in the future we would need to consider our position again. We trust that the above information is of assistance.

If you would like to discuss our response further, or would like more information about our charged for planning advice service, please do not hesitate to contact me.

Yours faithfully

Jennifer Moffatt
Sustainable Places Planning Adviser
Direct dial 01536 385165
Direct e-mail jennifer.moffatt@environment-agency.gov.uk

Awarded to the Environment, Planning & Engagement Department, Lincolnshire and Northamptonshire Area
ENGLISH HERITAGE
EAST MIDLANDS

BY EMAIL: mburton@east-northamptonshire.gov.uk
Our Ref: HD/P 5325
Your Ref: 
Telephone: 01604 735450

10th December 2014

Dear Mr Burton

Higham Ferrers Neighbourhood Plan – HRA and SEA Screening Opinion

Thank you for your email dated 12th November 2014.

Our comments are as follows.

For the purposes of this consultation, English Heritage will confine its advice to the following criteria for determining the likely significance of effects (Schedule 1 of SEA Regulations) in respect of our area of concern, cultural heritage:

‘The value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage;’

We note the inclusion within the commentary on the statutory built environment designations within the designated Neighbourhood Area of a list of designated heritage assets. We also note the inclusion of non-designated heritage assets within the Neighbourhood Area in the commentary on non-statutory built environment designations in the form of the emerging local listing for buildings.

We also note the assessment’s conclusion that the HF SS1, HF SS2 & HFSS3 potential site allocations for development will not impact on heritage assets or their settings and that HFSS1 requires extensive archaeological investigation prior to development.

We also note that the assessment’s conclusion that policy HF DE1 will mean that community facilities within the conservation area will not have a significant environmental impact.

English Heritage notes that in the Council’s Assessment, the answer to the question ‘Will a full strategic environmental assessment be required?’ is ‘No.’
We are in agreement with the Council’s assessment in the summary conclusion that there will be localised positive environmental impacts and that it is unlikely that there will be any significant environmental effects arising from the Plan that are not covered in the Sustainability Appraisal of the adopted Core Strategy or the emerging Joint Core Strategy review.

We would request that we are fully consulted on future iterations of the Higham Ferrers Neighbourhood Plan and the allocations within it; English Heritage wishes to ensure that an understanding of historic environment, including designated heritage assets and locally important assets, and the contribution that the historic environment makes to local character, is fully considered when Neighbourhood Plans are being prepared.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], English Heritage concurs with the Council that the preparation of a Strategic Environmental Assessment is not required; we agree with the conclusions of the Screening Report.

The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you could send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Please do not hesitate to contact me if you wish to discuss any of these comments.

Yours sincerely

Mark White
Historic Environment Planning Adviser
E-mail: mark.white@english-heritage.org.uk
Date: 05 March 2015
Our ref: 145004
Your ref: None

Sandra Mitcham
Parish Clerk
Higham Ferrers Parish Council
clerk@highamferrers-tc.gov.uk

BY EMAIL ONLY

Dear Ms Mitcham

Planning consultation: Higham Ferrers Neighbourhood Plan – Consultation Draft

Thank you for your consultation on the above document which was received by Natural England on 16 February 2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England generally welcomes the Neighbourhood Plan and considers that it provides a useful framework for achieving the sustainable development of Higham Ferrers. We consider that our interest in the natural environment is well covered within the Plan. We particularly support Policies HF.DE1: High Quality Design, HF.DE3: Access to Green Infrastructure Network and HF.DE4 Local Green Space which will all help towards protecting and enhancing natural assets and provide local residents with access to natural green space.

In addition we welcome the provisions set out in the plan, as discussed with your planning consultant James Wilson, for the protection of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). As you know this is an internationally protected site and we were concerned with the potential impact that some of the proposals may cause. However with the addition of the agreed sentences in policies HF.H3: Higham East; HF.H4: The Ferrers School Site; and HF.CD1: Provision of Community Facilities, we are satisfied that there is now sufficient protection in place for the SPA.

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA)

Natural England welcomes the accompanying Screening Reports which assess the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) for the Higham Ferrers Neighbourhood Plan.

I can confirm that following our discussions with James Wilson that additional information has been agreed and added to the SEA screening report and we can now concur with the local authority that it is considered unlikely that any significant environmental effects will result from the implementation of the Higham Ferrers Neighbourhood Plan.

Natural England can also confirm that now the additional wording has been added to both the screening report and the neighbourhood plan that we agree with the HRA screening report’s conclusions that the Higham Neighbourhood Plan would not be likely to result in a significant effect
on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 0300 060 1524. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Roslyn Deeming
Adviser
Sustainable Development Team
East Midlands Area