



Peakirk Neighbourhood Plan 2016-2030

A report to Peterborough City Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

2 May 2017

Executive Summary

I was appointed by Peterborough City Council on 1 March 2017, with the agreement of Peakirk Parish Council, to carry out the independent examination of the Peakirk Neighbourhood Plan 2016-2030.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 29 March 2017.

The Neighbourhood Planning Group for the village state that their vision is to ensure that Peakirk “remain a small, green village within a rural parish, with a rich heritage and culture which can be enjoyed, protected and where possible enhanced, whilst supporting appropriate and proportionate growth”. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the group carried out before settling on the final draft of the Plan.

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

Contents

- Introduction
- Procedural matters
- The village of Peakirk
- The basic conditions
- Other statutory requirements
- National policy
- The existing Development Plan for the area
- The consultation exercise (Regulation 14)
- Representations received (Regulation 16)
- General observations about the Plan
- Policy PK1: Preventing the coalescence of Peakirk and Glington
- Policy PK2: Views important to the historic and cultural setting of Peakirk
- Policy PK3: Protect and enhance our heritage and rural landscape character
- Policy PK4: Neaverson’s Yard
- Policy PK5: Design and amenity
- Policy PK6: Encouraging micro and small businesses
- Policy PK7: Dwelling size and type
- Policy PK8: Drainage and flood risk
- Policy PK9: Building sustainable homes
- Policy PK10: Community renewable energy
- Policy PK11: Trees
- Policy PK12: Local Green Space
- Policy PK13: Protection of allotments
- Conclusions on the basic conditions
- Formal recommendation.

Introduction

1. This report sets out the findings of my examination of the Peakirk Neighbourhood Plan 2016-2030 (the PNP). The Plan was submitted to Peterborough City Council (PCC) in December 2016 by the Neighbourhood Planning Group (PNPG), which was set up by the Parish Council. The Neighbourhood Area is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which continues to be the principal element of national planning policy. Detailed advice is provided by National Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that the Plan should proceed to referendum. If this results in a positive outcome, the PNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the NP area.
5. I am independent of both the PNPG and the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the PNP either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted PNP (Revision 8.1)
 - the PNP Basic Conditions Statement (the BCS)
 - the PNP Consultation Statement
 - the PNP Strategic Environmental Assessment Screening Report
 - the Peakirk Landscape Character Assessment (August 2016)
 - the representations made to the PNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

- selected policies of the adopted Peterborough Local Plan, where they have been brought to my attention
 - relevant paragraphs of the NPPF (March 2012)
 - relevant paragraphs of the PPG (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 29 March 2017, when I looked at the overall character and appearance of the village (together with its wider context) and at those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the PNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

The village of Peakirk

10. Peakirk is a small village within the northern part of the unitary authority of Peterborough, the city centre itself lying about five miles to the south. The village, which the introduction to the neighbourhood plan records as having a population of about 450 (180 households), is surrounded by the flat, largely agricultural landscape of the Fenland edge. The village is one of several in the broad area close to the expanding northern suburbs of Peterborough, but remains a separate and distinctive settlement. This distinctiveness is reinforced by the strong sense of historical continuity which is evident at the heart of the village, a designated conservation area with many attractive traditional buildings, the protection of which is understandably an important priority for the plan.
11. The “village envelope” is tightly defined around the existing built-up area. The boundary has formal significance, since it is shown clearly on Inset 18 of the adopted Peterborough Local Plan for the purposes of Core Strategy policy CS1: this identifies Peakirk as a “small village”, the development management implications of which are referred to later in this report. The PNP adopts the defined village envelope unchanged, as shown on maps 2 and 4.
12. The traditional character of the village has been compromised over the years to some extent by some recent housing schemes which have a more suburban appearance, and which have not always used local materials in their construction. It is therefore not surprising that one of the key aims of the Plan is to arrest this trend by encouraging a more sensitive approach to design issues. This objective also runs to protection of the wider landscape setting of the village, much of which owes its particular character to the way the Cambridgeshire fens have been settled and managed over many hundreds of years.
13. The Peakirk Landscape Character Assessment, carried out on behalf of the PNPG as part of the evidence base for the Plan, contains a thorough and detailed description of the characteristics of the local area. It explains that the setting of the village is determined to the west by the landscape associated with the Welland Valley (specifically a sub-area based on the creation of the Maxey Cut and the draining of the North Fen), and to the east by the area described as the Peterborough Fens (specifically Bedford North Level). While superficially these broad areas might appear very similar in character, there are important differences both in the physical detail and in what the Character Assessment advises should be the management response. A key policy of the PNP is to prevent any urban development outside the village envelope, other than in a limited number of circumstances – while this would be the primary vehicle for ensuring this important heritage is

respected, the descriptions in the Character Assessment of the historical and physical setting of the village, and the scope for enhancement, provide a valuable backcloth to any consideration of its future.

The basic conditions

14. I am not required to come to a view about the ‘soundness’ of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the plan, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance¹. I deal with each of these conditions in turn below but, in brief, all neighbourhood plans must:

- have regard to national policy and guidance;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the local area;
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements;
- not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site, either alone or in combination with other plans or projects; and
- comply with any other prescribed matters.

Other statutory requirements

15. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:

- that the PNPG is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
- that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act 2011; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
- that the Plan period must be stated (which in the case of Peakirk is confirmed as being the period 2016 to 2030); and
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

16. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas Act) to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.

17. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake

¹ Reference ID: 41-065-20140306

any necessary environmental assessments, but it is the Local Planning Authority's responsibility to engage with the statutory consultees.

18. PCC duly carried out a screening exercise, and their report, dated 27 July 2016, accompanies the documents submitted for examination. The report summarises the aims of the PNP and sets down the legislative background, including the established criteria for determining whether the Plan is likely to have any significant environmental effects. Having followed Governmental advice on the process for carrying out the screening exercise, the City Council have concluded in relation to each of the criteria (to the extent that they are relevant to Peakirk), that the Plan would be unlikely to have any significant environmental effects, and thus that no SEA is required. The responses from the relevant statutory consultees support that conclusion, and I have no reason for taking a different view.
19. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. Where I consider that a policy or proposal has more of the character of an aspiration, I have drawn appropriate attention to the point.

National policy

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

The existing Development Plan for the area

21. The adopted Local Plan for the City of Peterborough has a number of component parts, the most relevant for my purposes being the Core Strategy (adopted February 2011) and the Planning Policies Development Plan Document (December 2012). These policies provide the strategic context with which the neighbourhood plan must be in "general conformity", and the PNP Basic Conditions Statement [required by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended)] is the principal vehicle for setting out the relevant evidence to demonstrate that this requirement (along with the others involved) has been met.
22. The BCS for Peakirk is dated December 2016 and contains three tables. The first two helpfully show how both the objectives and the specific policies of the Plan conform to Government policy, as set out in the NPPF. The third carries out the same exercise in relation to the Development Plan, but mistakenly checks the PNP against policies in the *emerging* Local Plan for Peterborough, which an online search reveals is at the stage of a second draft upon which consultation has only recently finished. The adoption of the replacement Local Plan is not expected until around September 2018.
23. To satisfy the basic conditions, the PNP must be considered against the existing *adopted* Local Plan. Some weight could in principle be accorded to the draft replacement if thought justified, but nothing I have read requires me to consider that hypothetical situation for the purposes of my role. Nor do I consider it necessary for me to make any recommendations about changing the way the BCS dealt with the issue of conformity with the development plan, since it does not form part of the PNP itself. Importantly, notwithstanding the way the BCS approaches the matter, the City Council have generally referenced the relevant adopted Local Plan policies in their Regulation 16

comments, and this has enabled me to reach appropriate conclusions about conformity on each policy in the PNP.

The consultation exercise (Regulation 14)

24. This regulation required the PNPG to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live work or carry on business in the area”, and to provide details of how representations about them could be made. A most comprehensive series of exercises was carried out by the Group in order to satisfy this requirement, the details of which are set out in the Consultation Statement, dated December 2016. The aims were to involve as much of the community as possible (including statutory and local bodies) at all stages; to ensure that consultation events took place at critical points in the process in order to help decision-making; and to ensure, by a variety of means, that the results of the consultation were fed back to local people quickly. These activities took place from July 2013 to the autumn of 2016, with the PNPG breaking the exercise down into four phases.
25. I am more than satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met by the PNPG’s activities. As an indication of their success in bringing the community along with their ideas for the village, the Group achieved a 35% response rate to their request for views on the vision, aims and objectives, with up to 95% of those responding stating their support for them. I also note that the Group retained the services of a planning consultant to help them formulate the Plan’s policies in the most appropriate way. By the time the whole process was completed, the Plan went through the order of eight revisions – evidence of the Group’s determination to ensure that the submitted version was fit for purpose.

Representations received (Regulation 16)

26. Formal consultation on the submitted plan was undertaken by the City Council for a six-week period which ended on 6 March 2017. The representations received may be summarised as follows:
- Natural England are generally supportive of the PNP, given that it includes policies to protect and enhance the countryside, landscape and green infrastructure, whilst promoting sustainable small-scale development and safeguarding the water environment. They suggest a minor addition to policy PK11 (see below).
 - Anglian Water support the use of sustainable drainage systems (see policy PK8) and would wish to comment further on specific development proposals (eg policy PK4) as and when they come forward. They support the encouragement the Plan gives to attempts to minimize the use of clean water (see policy PK9).
 - Historic England regretted that staff shortages meant that they were unable to provide any specific responses to the Plan.
 - The Environment Agency, in commenting on the Strategic Environmental Assessment Screening Report, concluded that the proposals in the Plan would be “unlikely to have significant effects on the environment”.
 - General public. Two related objections were received in relation to the proposed designation as Local Green Space of land associated with the site of the former Peakirk Waterfowl Gardens (policy PK12). I provide a detailed response to these objections later in the report. A

third person objected to the inclusion in the Plan of a policy (PK1) to prevent the coalescence of Peakirk with the village of Glinton, which adjoins the NP boundary to the south-west. I also deal with this representation later.

27. The City Council itself have provided assistance to the PNPG since the neighbourhood area was designated in June 2013. They have placed on record their recognition of the efforts that have been made by the Group in producing the Plan and the evidence which underpins it, and have noted with satisfaction that comments they have made along the way resulted in changes which “have alleviated all areas of concern raised, and it is considered that the PNP, as submitted, meets the basic conditions as required by the Localism Act”.

General observations about the Plan

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

- the PNPG have spent considerable time and energy, in full consultation with the local community at large, in identifying the issues and objectives that they wish to be included in their Plan, and this entirely reflects the aims of the “localism” agenda. I have therefore considered it appropriate to apply a “light touch” to my role as examiner;
- the recommendations I do make focus on the policies themselves, since that is what the basic conditions relate to. In one or two cases, I have also recommended changes to the associated supporting text;
- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
- I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of the plan policies, irrespective of whether or not any modification is thought necessary;
- my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in bold italic print.

29. The introductory elements of the Plan set the scene for the range of policies. They introduce the reader to the village, past and present, explaining that the four themes that have informed the approach to the preparation of the Plan are “housing, the community, getting about and the environment”. After summarising the way community engagement was achieved and the various stages through which the PNPG approached the exercise, Section 1 crisply sets out the vision for the village:

“Our vision is for Peakirk to remain a small, green village within a rural parish with a rich heritage and culture which can be enjoyed, protected and where possible enhanced, whilst supporting appropriate and proportionate growth”.

30. This is followed, in Section 2, by a summary of four aims (“high level, aspirational statements of what is needed (to) make the vision a reality”), each of which is then broken down into a number of objectives which are designed to achieve the stated aims. This provides a very clear context to the role and purpose of neighbourhood planning and the designation of the neighbourhood planning area. More specifically, it sets the scene for the justification for the policies themselves.

31. The Plan is very well set out and is user-friendly. Each policy is accompanied, where appropriate, by clear maps on an Ordnance Survey base, making it easy to understand to what areas of land or locations specific policies relate. There is a clear distinction throughout between the policies themselves (helpfully highlighted in grey-shaded boxes) and the contextual material (consistently sub-headed “background and justification” and “ambition”). This greatly aids understanding – perhaps especially for any future potential applicants for planning permission. Since there are only 13 policies in total, the absence of any grouping of them into “themes” or similar causes no difficulty. Photographs of the village add appropriate interest.
32. The Plan concludes with a list of village projects “to see if they are deliverable” – helpfully (and necessarily) separated from the body of the document; an appendix listing relevant background documents and supporting evidence; and an equally useful glossary and list of acronyms. All these elements add greatly to the utility of the Plan document.

The policies

I will now turn to an examination of the policies themselves in the light, where relevant, of representations received.

Policy PK1: Preventing the coalescence of Peakirk and Ginton

33. Mr James Agnini objects to the inclusion of this policy. His grounds are that “whilst Peakirk [lies] on [a] flood plain, north-east area of Ginton isn’t and could have suitable high-standard houses”. Mr Agnini provides no details of the land to which he refers, but I take it he means some or all of the area lying within the PNP area, to the west of the built-up area of the village.
34. It is clearly a key objective of the PNP that the distinctiveness of Peakirk be maintained into the future. The City Council confirm that such an approach is supported by policies in the adopted Local Plan (CS1, CS20, CS17 and PP2 are referred to). The specific issue of the desirability of maintaining the physical separation of Peakirk from other nearby villages (such as Ginton) is also raised in the Landscape Character Assessment carried out on behalf of the PNPG in August 2016.
35. On my visit to the village, I made a specific point of inspecting the area of open land which currently separates Peakirk and Ginton, a gap of around 800m (at its narrowest) broadening to around 1.2km (at its widest). Each settlement starts and finishes abruptly at the national speed-limit marker (with the exception of the minor anomaly of the small group of houses lying within Peakirk parish down Foxcovert Road). Between the two villages there are wide open views across the agricultural landscape, punctuated by attractive groups of roadside trees. These vistas emphasise the separateness of the two settlements, and I can well understand why the Plan seeks to protect this important characteristic.
36. It is therefore clear to me that the objective of maintaining the separation between the two villages is soundly based on the policy context set by the Local Plan, and that policy PK1 therefore satisfies the basic conditions. I would also observe that, whatever might be the physical capacity of the land to accommodate development, this of itself cannot be the only factor in considering the appropriateness of the policy in local planning terms. **No change to the policy is therefore required.**

Policy PK2: Views important to the historic and cultural setting of Peakirk
Policy PK3: Protect and enhance our heritage and rural landscape character

37. I have taken these two policies together, since they cover overlapping issues. Policy PK2 identifies six important “landscape views” (all but one looking outwards from the built-up area of the village) which the Plan seeks to protect for the contribution they make to the historic and cultural setting of the village. These viewpoints are clearly identified on Map 2. The policy says that development proposals that would have an unacceptable impact on any of these views by “closing off or reducing the view, or through detracting from important features that make the view important, will not be supported.” Such an approach clearly mirrors a range of national and local policy objectives.
38. The first part of PK3 amounts to a presumption against any new development outside the village envelope other than “...that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services, and to residential development on rural exception sites”. This, too, clearly meets wider planning objectives for achieving more sustainable patterns of development and preserving the distinctiveness of rural communities.
39. I am therefore satisfied that, in principle, both these policies satisfy the basic conditions. As it stands, however, it is not absolutely clear whether or not the second part of PK3 (which says that development would only be permitted where it would not have a detrimental impact on a number of factors which influence the setting of the village) is meant to apply to *all* development within the NP area, or to be limited to development which would be considered acceptable in principle outside the village envelope. I have assumed the former (if only because there would be no disadvantage in doing so); and to make the point clear ***I recommend that the first phrase of the second part of the policy be worded: “Any development within the Plan area will only be permitted where it would not have a detrimental impact.....”***. Subject to this small amendment, I conclude that both policies PK2 and PK3 satisfy the basic conditions.
40. Since policy PK3 does not rule out all possibility of planning permission being given to housing development outside the village envelope (and see NPPF at paragraph 54, which refers to “rural exception sites”), I recommend that a small change is made to Objective A in section 2 of the Plan, which seeks to “locate new homes within the defined village envelope”. In order to bring this text into clearer alignment with the policy, ***I recommend that the phrase “Other than in very special circumstances, to...” be inserted before the existing wording.***

Policy PK4: Neaverson’s Yard

41. This is a specific proposal which the Plan says relates to an area of land of some 0.54ha lying at the southern extremity of the village. Around half of the site, adjoining the main East Coast railway line, is occupied by a modern factory building; the remainder, between the factory and the rear of two dwellings facing St Pegas Road, the Plan says has historically been used for treating timber (with the result that it may require remediation). This undeveloped area is seen as suitable for a small housing scheme.

42. Local Plan Core Strategy policy CS1 establishes a settlement hierarchy for Peterborough, and Peakirk is named as a “small village” where no new sites for development will be formally allocated, and residential development of any windfall site is intended to be limited in scale to “infilling or a group of no more than nine dwellings”. Some attempts have been made in the past to develop this site for housing, but these did not succeed. In reviving proposals for housing, Policy PK4 (properly, in my view) does not seek to put a figure on the total number which the site could accommodate.
43. PCC, when submitting their response to the draft Plan, were considering a planning application for the land. A web search reveals that the reference number of this full application is 16/02075/FUL and that it relates to nine detached dwellings intended to occupy the whole of the site (in other words, including land currently occupied by the factory). Taken as a whole, policy PK4 seems to be promulgated on the assumption that the factory would remain (although it should be noted that neither the policy itself nor the associated Map 3 make that clear), with paragraphs 4.5 and 4.17 seeing its subdivision as a chance to increase the range of employment opportunities in the village. At the time of my visit, the building appeared to be unoccupied.
44. Clearly, it is for PCC to determine the present application taking into account the current development plan and any other material considerations. I see no reason why PK4, in broadly its present form, needs to be altered in the light of this recent development, and readily conclude that it meets the basic condition requiring general conformity with strategic local plan policies, as well as contributing towards the achievement of sustainable development.
45. I have come to this conclusion having taken particular note of the wording of the policy: “Proposals for residential use on the Neaverson’s Yard site which contribute to the achievement of a sustainable and mixed community will be supported”. The policy requires proposals to deliver “a mix of dwelling types, sizes and range of tenures to meet the identified future needs.....”. This reflects the significance of Objectives B) and C). The policy is also complemented by PK7 (see below).
46. The policy lays down five requirements in total, in addition to that just mentioned. Four of these relate to various aspects of car-parking, where I have no observations to make. I do, however, question the requirement for “a comprehensive and detailed archaeological assessment” to accompany any proposals: this is a potentially onerous pre-condition which could only be justified if there were any reason to believe the site has a particular archaeological value. There is no reference to this possibility in the list of objectives which PK4 is designed to meet. ***I therefore recommend that unless substantial evidence is brought forward to justify the inclusion of the sixth bullet-point to policy PK4, it is deleted.***
47. The last bullet-point of the list below PK4 is not a requirement relating to the housing allocation, and for clarity should be separated from it. I also suggest some small additions to the wording: ***I therefore recommend that the seventh bullet-point under policy PK4 be set out as a separate paragraph, and be modified to read: “Proposals involving the use of this land (or any part of it) for non-residential purposes will also be supported in principle where they contribute to the economic sustainability of the village”.***

Policy PK5: Design and amenity

48. As the preamble to this policy makes clear, there is considerable variety to the form and overall character of the village's buildings, from the historic core (within a conservation area) to more recent suburban elements at the village edge. A full description of this mix is found in the Peakirk 2030 Character Area Assessment, carried out by the PNPG in 2016: this is a comprehensive and valuable resource which will be an extremely useful tool for considering the impact of any new development proposals on the appearance of the settlement. It builds on PCC's Conservation Area Appraisal Report and Management Plan (CAARMP), dating from 2010.
49. A prime objective of the policy is "to encourage design....which enhances and complements the character and identity of the village", and this clearly sits well with part 7 of the NPPF. A further stated ambition of the policy is "to support innovative, alternative or contemporary design where it is sensitive to its immediate setting" – something which is specifically supported by NPPF paragraphs 58 and 60. The general requirement of the policy to have appropriate regard to the two documents referred to above makes it clear what the NP's detailed objectives are. Subject to the modification I recommend below, I therefore consider policy PK5 satisfies the basic conditions.
50. As it stands, the policy requires all planning applications within the conservation area to be accompanied by an archaeological assessment. Paragraph 193 of the NPPF says that information requirements for applications should be "proportionate to the nature and scale of development proposals" and authorities "should only request supporting information that is relevant, necessary and material to the application in question". A blanket requirement to carry out an archaeological assessment makes it difficult for that test to be passed. To avoid this, ***the third bullet-point of part 2 of the policy should be amended to allow some prior consideration of any evidence that the site in question does, in fact, have some archaeological value. This can be done by deleting the phrase "should include an appropriate archaeological statement...." and substituting "should, where appropriate, include an archaeological assessment.....", and I recommend that this be done.***

Policy PK6: Encouraging micro and small businesses

51. The ambition of this policy is "to encourage more residents to work within the village, either from home or suitable local premises". As an objective, this clearly chimes well with the NPPF and local policies for supporting the rural economy and encouraging more sustainable patterns of development by reducing the need for travel. The policy satisfies the basic conditions.

PK7: Dwelling size and type

52. The background to this policy is the significant demographic changes which Peakirk has experienced in recent years. The population as a whole rose by nearly 40% between 2001 and 2011, reaching a total of around 450 residents; perhaps more importantly, the number of residents aged 16 or below rose by over 80%, and those aged 60 or over by 35%. These trends have highlighted the need for more suitable housing for both young local families and for older residents who wish to "downsize". The plan recognizes the importance of maintaining a range of

housing types in the village if it is to remain a thriving, self-sustaining community (including the need to support the local school at nearby Glinton). A particular problem which the plan highlights is the cost of local housing and its lack of affordability for many local people.

53. These are familiar problems in many rural areas, and while planning policies at the local level will not solve them entirely, the NPPF clearly supports attempts such as those being made by policy PK7 (at, for example, paragraph 50). The policy requires any housing scheme consisting of three or more units to contribute to delivering “a mix of housing in terms of size, type and tenure”, as informed by local information bases; to meet, as a minimum, the requirements of part M4(2) of the Building Regulations; and to be “tenure-blind”. I am satisfied that these requirements meet the basic conditions, including the need to avoid over-prescription (a theme of Planning Practice Guidance dealing with optional technical standards for housing).

PK8: Drainage and flood risk

54. The preamble to this policy summarises the close relationship which the village has with the drainage characteristics of the surrounding fenland. The plan’s stated ambitions are:
- to prevent future development on areas identified by the Environment Agency as being at risk of flooding;
 - to ensure existing and future residents are protected from the “foreseeable risk” of flooding; and
 - to prevent watercourse and groundwater contamination.
55. While in general terms these ambitions are clearly supported in the NPPF and in local development plan policies, and thus the basic conditions are met, there is some danger that the way they are worded might raise expectations too much, and therefore diminish the value of the policy in the eyes of the public. This is especially true given that national policy clearly supports a sequential approach to development within areas at risk of flooding, which means that it cannot be ruled out altogether. Policy PK8 (as opposed to the preamble to it) does not in any event go so far as to seek to prevent development. I do not suggest the need for any change to the scope of the policy itself, but ***recommend that there should appear under the sub-heading “Ambition”:***
- “As far as reasonably practicable:”*** (followed by the three ambitions as set out).

PK9: Building sustainable homes

56. This policy represents a serious attempt by the community to encourage development which makes a contribution towards tackling the effects of climate change, especially by making more efficient use of energy and reducing the local carbon footprint. I have noted that Peakirk and Glinton have been working with PCC for some time on a series of broader initiatives designed to make their communities more sustainable in these terms. These initiatives are strongly supported by both national and local policy.

57. PK9 provides advice and encouragement to developers by setting down examples of the design elements which would help new homes make the best possible contribution towards achieving these strategic objectives. The policy clearly satisfies the basic conditions.

PK10: Community renewable energy

58. The Plan recognizes the need for the generation of clean energy (NPPF paragraphs 93, 95 and 97), but understandably wishes to respond to this strategic objective in ways which respect the size and setting of the village. The preamble to the policy makes it clear that large-scale wind turbine or solar power installations would not therefore be supported (although the policy itself restricts this position of principle to proposals which might have a significant effect on the setting of listed buildings or scheduled monuments).
59. PK10 centres on support for “community-led renewable energy initiatives”, subject to a number of criteria designed principally to limit their impact. I am satisfied that it meets the basic requirements, with one proviso: I consider that the need for schemes to comply with the (Department for Business, Energy & Industrial Strategy’s) Microgeneration Certification Scheme goes beyond what is appropriate for a development plan policy, and thus that it should be deleted. ***I therefore make that recommendation.***

PK11: Trees

60. The preamble to the Plan says that Peterborough as a whole is one of the least wooded areas in the country. The Parish Council has formulated its own Tree and Woodland Policy (2013), building on work done by the City Council’s Tree and Woodland Strategy (2012), and Peakirk Landscape Character Assessment and the related Character Area Assessment both emphasise the importance of trees in the local scene. This is something I was readily able to see for myself when I visited the village and its hinterland.
61. PK11 seeks to reinforce existing development plan policies (notably PP16), the key element reading: “The felling of healthy mature and semi-mature trees as part of a development is not supported unless it is demonstrated as necessary in order to make a development acceptable in layout or viability terms”. It has to be recognized that trees which are not protected by a Tree Preservation Order or by virtue of being located within a conservation area may lawfully be felled without any intervention by the local planning authority, and to that extent the policy wording contains some “aspirational” elements. Nevertheless, taken as a whole, PK11 (which includes details of landscape management requirements where development is permitted, satisfies the basic conditions.
62. Natural England suggested that reference be made here to the City Council’s emerging revised Biodiversity and Green Infrastructure Strategy. I have been given no details about the current status of this document, but I suggest the PNPG and PCC consult on whether an appropriate comment could be added to the preamble to the policy.

Policy PK12: Local Green Space

63. This policy reflects the opportunity provided by paragraphs 76 and 77 of the NPPF for local communities “to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”. A neighbourhood plan is clearly the most appropriate vehicle for undertaking such an exercise, although it goes without saying that the relevant proposals need to take full account of all other national and local planning policies which might be relevant. The NPPF says that the Local Green Space designation should only be used: where the land in question is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land. I am satisfied that all these factors apply in relation to the sites to be designated under policy PK12.
64. The policy relates to two separate areas of land within the village. The first is known locally as Meadows Field (Map 9a). No objections have been received to this designation. The second element (Map 9b) is an area of land to north of the main part of the village, part of the former Peakirk Waterfowl Gardens (formerly Peakirk Wildfowl Trust), which closed as a public attraction in 2001. It is clearly of great significance to the village and its residents (many of whom will no doubt remember the close association the site had with Sir Peter Scott), and there is no dispute about its continuing value as a habitat of wet woodlands, reedbeds and ponds. It is identified as a Priority Habitat of Lowland Mixed Deciduous Woodland in the UK Biodiversity Action Plan (1994).
65. The proposed designation relates to two parcels of land, both within private ownership:
- land part of the garden to “The Goshams”, a large house on Deeping Road, and extending to 0.18 ha;
 - a larger area contiguous with the first, extending to 1.05h, and which itself abuts further land to the north and east which I understand to have been part of the Wildfowl Trust site, but not within the proposed designation.
66. As to the first of these, agents for Mr J Ryan say that this is land with no public access (and no prospect of public access), and therefore that the PNP has no method of securing the green infrastructure improvements it is seeking. More generally, the agents (on behalf of both Mr Ryan and Mr J Banks, commenting on both the parcels) say that
- policy PK12 is unnecessary, since other planning policies at both local and national level (they give examples of both) are sufficient to control the future of the sites and protect their environmental significance;
 - the policy stems from local affection for the former waterfowl gardens, but that these were a commercial operation based largely on a man-made habitat (principally the result of gravel extraction)
 - it is precisely because of the privately-managed character of the land that its ecological interest has been maintained – this being a second reason why the policy is unnecessary.

67. I made a particular point of visiting this part of the village – although I should point out that I did not consider it necessary to attempt to enter the objection sites themselves in order to respond to the matters in dispute, notwithstanding the fact that public views into the land are extremely limited from all sides. I am satisfied, from what I have read and seen, that the area makes a major physical contribution to the village, as well as demonstrably having great significance for local residents. The land directly adjoins the village core (although it is important to note that it lies outside the defined village envelope) and its very openness and ecological and landscape value are therefore central to its character, notwithstanding the present lack of public access. The objectors themselves acknowledge the environmental importance of the land.
68. Whilst it is accepted good practice to avoid duplication between development plan policies, in this instance I consider that PK12 is clear and unambiguous and is necessary to identify and designate the two local green spaces. In addition, it seems to me that the question should also be considered alongside the desirability of producing a local planning framework which is reasonably self-contained, and therefore of more practical value both to residents of an NP area and to those who may wish to bring forward proposals for development within it.
69. The City Council confirm that the policy is in general conformity with the Local Plan and I am entirely satisfied that Policy PK12 meets the basic conditions. It would not be appropriate for me to make any comment on the merit of the suggestion by the objectors that they would be prepared to discuss with the Parish Council and the PNPG some form of “enabling” development on part of the land – what they describe as “a limited number of prestige homes”, the building of which they say could lead to a range of community benefits, including some public access. These ideas would be the subject of assessment by the parties (including, of course, the City Council and the wider public) should they emerge in the future. Given the objectors’ recognition that other planning policies designed to take into account the environmental qualities of the site already exist, it seems to me that the inclusion of PK12 in the PNP would therefore not significantly alter the status quo.
70. The policy satisfies the basic requirements as it stands. **I therefore recommend that no changes be made to policy PK12.**
71. I do, however, consider some changes to the preamble to the policy would be desirable. As drafted, it provides examples of the “very special circumstances” which might be considered sufficient to outweigh the presumption against any development of the land. Bearing in mind that Policy PK2 already sets out the approach to development outside the village envelope, it would complicate matters to introduce further categories of development which might be considered acceptable in these terms. In any event, the three types of activities which are set out in the preamble do not all clearly relate to development which is likely to require planning permission.
72. ***I recommend that the preamble to the policy be modified by the deletion of the second paragraph (“The kind of development that the Parish Council considers would comprise very special circumstances includes...a), b), c).....”), and the addition of the following as a third paragraph to the sub-heading “Ambition”:***

“The Parish Council, in partnership with other relevant bodies, intends to pursue initiatives designed to enhance the recreational and educational value of designated Local Green Spaces, including steps to improve appropriate levels of public access to them and to enhance their biodiversity.”

Policy PK13: Protection of Allotments

73. Peakirk has a thriving and attractive allotment site adjoining the defined village envelope, west of the historic core. It forms an important component of the views into and out of the village (reference 1 on Map 2). PK13 is designed to ensure its protection, but also sets out the requirements which would need to be met in the event that proposals emerge for its development. Such a policy is supported in general terms at both national and local levels (NPPF paragraphs 70 and 74, Core Strategy policy CS19), and therefore it meets the basic conditions.

Conclusions on the basic conditions

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

Formal recommendation

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

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

2 May 2017

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	PNP reference	Recommendation
39	PK3	small addition to second part of the policy for clarification
40	Section 2: Aims and objectives	small addition to Objective A to bring it into clearer alignment with policy PK3
46	PK4	delete 6 th bullet-point unless new evidence is forthcoming
47	PK4	separate 7 th bullet-point from text and minor re-wording
50	PK5	additional wording to 3 rd bullet-point of part 2 of policy, to allow consideration of any archaeological evidence
55	PK8	minor addition to wording of the “ambition” behind the policy
59	PK10	delete requirement to comply with Microgeneration Certification Scheme
72	PK12	modification to the preamble to the policy to improve clarity and avoid duplication