

Examination of the East Northamptonshire Local Plan Part 2

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Mr Palmer
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By email via the Programme Officer

Dear Mr Palmer,

Examination of the East Northamptonshire Local Plan Part 2 Next Steps following the Hearing sessions

At the Examination Hearing which closed on 5 May 2022, I discussed a number of issues on which the Council's planning policy team agreed to either clarify and update its evidence or provide draft Main Modifications (MMs) to address matters of soundness. These were set out in an action list that was updated after the close of the Hearing. Proposed MMs were also set out in the Statements of Common Ground (SoCG) with Natural England and Historic England. The proposed MMs set out in the SoCG with Natural England (Exam-13) are necessary to ensure that the requirements of the Habitat Regulations¹ are met.

The Council has now submitted most of the documents and a draft schedule of MMs for which I am grateful. Please note that I am still awaiting the following outstanding information which was requested at/following the Hearing sessions:

- Revised Spatial Strategy policies taking account of my recent comments.
- Graphical representation of the Housing Trajectory.
- Information regarding the extent to which vacant plots on existing Gypsy and Traveller sites can accommodate the outstanding requirement.

This information is required to be submitted by 12 August 2022.

As indicated at the close of the Hearing, I am now writing to set out the next steps for the Examination. My comments are based on all that I have read, heard and seen to date. However, I emphasise that the Examination is not yet concluded and consultation on proposed MMs is still to take place. Consequently, the comments set out in this letter are without prejudice to my final conclusions on the Plan and subject to receipt of the outstanding information.

¹ The Conservation of Habitats and Species Regulations 2017

Further main modifications

In addition to the proposed MMs already identified, there are a number of matters, where I consider that further amendments are necessary to ensure a sound plan on adoption. I set these out below and advise that the full reasoning for them will be set out separately in my report.

Spatial Development Strategy (Policies EN1; EN3; EN4; EN5; EN6)

As discussed at the hearing sessions, several amendments are required to the spatial development strategy policies and supporting text in the interests of effectiveness and consistency with national policy. These are set out in the Action Points. I shall continue to liaise with the Council via the Programme Officer regarding the wording of the policies.

Economic Prosperity

A number of amendments are required to the economic prosperity policies as set out in the list of Action Points and the proposed Main Modifications in the interests of effectiveness and consistency with national policy. In addition, criterion d of Policy EN23 should be deleted for reasons which will be set out in my report.

Delivering the Housing Requirement

Housing supply

The Council has provided a list of sites which contribute to each of the sources of supply set out in question 3 of the Matters, Issues and Questions to a base date of 1 April 2020 for which I am grateful. Revised trajectories have also been provided for the Rushden East and other housing sites, reflecting discussions at the hearing sessions. Whilst a housing trajectory has been provided, this will also need to be provided in graphical form for inclusion in the Plan.

Housing Allocations in Oundle (Policies EN24, EN25, EN27)

As discussed at the hearing sessions, a number of amendments are required to the policies in the interests of effectiveness as set out in the Action Points (26-45). In addition, Policy EN24 should be deleted in the interests of effectiveness.

Rushden East Sustainable Urban Extension (SUE) (Policy EN33).

The Masterplan Framework Document (MFD) for the Rushden East SUE is too detailed for inclusion within the Local Plan. In its current form it does not provide sufficient flexibility and could constrain the future development of the site and is not, therefore, effective. Consequently, as discussed at the hearing session and set out in the action points (49-62), the 'blue box' planning/development plan document (DPD) requirements of the MFD should be reviewed with a view to incorporating them within a revised Policy EN33. Policy EN33 would be strengthened by the inclusion of these planning requirements. I have received a first draft of the revised policy and will liaise with the Council via the Programme Officer regarding the detailed wording in due course.

More detailed design matters should be retained within the MFD or potential supplementary planning document (SPD). For the avoidance of doubt, the MFD/SPD would not form part of the Local Plan but should be progressed separately. There is no requirement in the Joint Core Strategy (JCS) for the masterplan to be included within the Local Plan.

Furthermore, there is no evidence before me to support a blanket restriction of large-scale distribution uses within the Rushden East SUE. Neither is there a requirement for a blanket restriction of such uses in the JCS. Consequently, no reference should be made in Policy EN33 to such a restriction. However, in recognition of the potential landscape impacts of such uses generally, Policy EN33 should include a specific criterion which seeks to ensure that appropriate mitigation is incorporated into any proposals for large - scale distribution uses.

Meeting Housing Needs (Policies EN29, EN30, EN31, EN32)

Policy EN29 Delivering wheelchair accessible housing

Additional information has been provided in terms of the proportion of the Council's existing housing stock which is wheelchair accessible. The Council has provided revised wording for Policy EN29 which reflects the distinction between wheelchair accessible and wheelchair adaptable homes. However, further modifications are required to reflect paragraph 009 (Reference ID: 56-009-20150327) of the Planning Practice Guidance which states that Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

Policy EN32 Custom Build Housing

In addition to the proposed modifications set out in the draft schedule, the second sentence of criterion b and criterion b ii of Policy EN32 should refer to a minimum period of 6 months as opposed to 12 months after which the serviced plots may be released for general market housing in the interests of effectiveness.

Gypsies and Travellers

Further information is required to clarify the extent to which vacant plots on existing sites and planning permissions would meet the pitch requirement.

Town Centres (Policies EN21, EN22, EN23; Appendix 4)

A number of changes, set out in the Action List, are required in order for the policies to be effective and consistent with national policy. I will liaise with the Council via the Programme Officer in due course on the precise wording of the policies.

Town Strategies (Policy EN40; EN37)

Policy EN40 Former Rushden and Diamonds FC Stadium site

For reasons which will be set out in my report, Policy EN40 should include an additional criterion requiring that facilities of an equivalent value should be provided to mitigate the loss of the stadium and associated playing fields.

Policy EN37 Rectory Business Centre, Rushden

Criterion e should be deleted as there is no evidence to support the requirement for development contributions for education and training and the mechanism to secure the provision of such contributions is not clear.

Social Capital (Policy EN17)

Policy EN17 should be deleted as the school/site is constructed.

Natural Capital (Policies EN7, EN8, EN9, EN10, EN11)

A number of changes to the policies are required, in particular, to clarify the circumstances in which financial contributions will be sought towards the off-site

provision of open space/green infrastructure and sports provision and how contributions will be calculated, in order to avoid double counting.

Infrastructure and Viability

I note the information provided by the Council in response to my request. However, the information does not adequately explain how the section 106 cost assumptions have been arrived at in paragraph 4.31 of the East Northamptonshire Local Plan Viability Assessment (B-13). A more detailed explanation is required to ensure that the costs are justified and that the Plan is effective.

Monitoring and Implementation

As discussed in the hearing sessions, Table 29 'Performance indicators and targets for monitoring' requires amendment to ensure that the targets are more specific and measurable in the interests of effectiveness.

There are a number of other detailed MMs arising from discussions at the Hearing sessions and set out in the Action Points and I will liaise with the Council on these in due course. The list of Action Points with the latest updates should be added to the Examination website.

Overall, at this stage of the Examination, I consider that, subject to MMs, the Plan is likely to be capable of being found legally compliant and sound. My final conclusions on this and all of the main issues covered in the Matters, Issues and Questions will be set out in my report, which will be published following consultation on the proposed MMs, taking account of any representations on them.

The next step in the Examination is for the Council to prepare a consolidated schedule of all the potential MMs identified prior to, and during, the Hearing sessions, set out in the Statements of Common Ground and as set out in this letter. The Council should also consider the need for any consequential changes that might be required in connection with any potential MMs.

The schedule of MMs should be presented in plan order. The proposed additional modifications (AMs) should be set out in a separate schedule. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together as one MM, setting out the full policy with additions shown underlined and deletions shown as ~~struck through~~.

There are a number of proposed MMs which would generate changes to the submitted Policies Map. Additionally, the Council has identified a number of areas where the Policies Map needs to be updated and amended for factual and other reasons. It is important that the Schedule of Proposed Modifications to the Policies Map accompanies the consultation on proposed MMs for transparency.

The proposed Policies Map changes and any AMs being proposed by the Council should be published alongside the MMs for completeness, albeit these are outside the scope of the Examination.

The MMs will need to be the subject of Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA), insofar as this is necessary, to be undertaken by the Council prior to consultation and published alongside the proposed MMs. The updated SA and HRA will need to reflect the two SoCGs with Natural England and Historic England.

With regards to the evidence provided by the Council at my request during and after the Hearing, the consultation should make it clear that interested parties can comment on the documents submitted where this relates to their representation on a proposed MM.

Advice on MMs and SA, including on consultation is provided in the Planning Inspectorate's Procedure Guide for Local Plan Examinations 2021 (in particular, paragraphs 6.1 to 6.12). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed MMs and not about other aspects of the plan and that the MMs are put forward without prejudice to the Inspectors' final conclusions.

I will need to review the schedule provided and may have comments on it. I will also need to agree the final version of the schedule before it is made available for public consultation for a minimum of 6 weeks. The draft SA and HRA should be sent to me for consideration before they are published alongside the proposed MMs.

If, following the MMs consultation, I consider that a further Hearing is necessary to discuss matters raised in representations, I will advise the Council at that stage. However, currently I do not anticipate a further Hearing will be required.

I would be grateful if the Council could publish a copy of this letter on the Examination website as soon as possible after receiving it. However, I need to be clear that I am not inviting or proposing to accept comments on this letter from any Examination participants. The consultation on the proposed MMs will provide the opportunity for any further representations on whether they adequately address any outstanding issues of soundness and legal compliance with the Plan.

I would like to thank the Council for its cooperation during the Hearing sessions and the work to date on the proposed MMs. If you need any clarification on the contents of this letter, please contact me through the Programme Officer.

Yours sincerely,

Caroline Mulloy

Inspector