

## COUNCIL

### 7<sup>th</sup> December 2023

<b>Report Title</b>	<b>East Northamptonshire Local Plan Part 2</b>
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<b>Lead Member</b>	Cllr David Brackenbury, Executive Member for Growth and Regeneration

<b>Are there public sector equality duty implications?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

#### List of Appendices

- Appendix A** – East Northamptonshire Local Plan Part 2
- Appendix B** – Local Plan draft adoption statement
- Appendix C** – Sustainability Appraisal adoption statement
- Appendix D** – Inspector’s Report
- Appendix E** – Schedule of Main Modifications
- Appendix F** – Schedule of Additional Modifications
- Appendix G** – Schedule of changes to the Policies Map

#### 1. Purpose of Report

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- 1.1 To progress the Part 2 Local Plan for East Northamptonshire to adoption in order to provide an up-to-date development plan for making planning decisions and to guide development proposals for the area.
- 1.2 This report includes the Inspector’s report into the examination, and the Main Modifications required to make the Plan sound and subsequently seeks the Council’s agreement to adopt the Plan, as modified by the Inspector’s Report and the Council’s Additional Modifications.

## 2. Executive Summary

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- 2.1 Local plans are usually prepared by Local Planning Authorities (LPAs). North Northamptonshire Council is the responsible body, as the LPA, for plan making within North Northamptonshire and is required to ensure that development plan documents for the area remain up to date.
- 2.2 The former Council of East Northamptonshire resolved to submit the Local Plan for examination to the Secretary of State in March 2021, the examination hearing sessions were subsequently held from April to May 2022.
- 2.3 The Council worked with the Inspector to agree a series of Main Modifications necessary to make the Local Plan sound. These were subject to consultation earlier this year, the responses were then considered by the Inspector before the Inspector's Report was submitted to the Council.
- 2.4 The outcome of the examination was a report prepared by the appointed Planning Inspector, received by the Council on 31<sup>st</sup> July 2023. This concluded, that whilst the submitted plan had a number of deficiencies in respect of soundness and legal compliance, by taking into account the Inspector's recommended Main Modifications to the Plan, this would mean that the East Northamptonshire Local Plan Part 2 would satisfy the legislative requirements and would therefore be found sound and could proceed to adoption.
- 2.5 Formal adoption is the final stage in the process of producing an up-to-date development plan which will form the basis for making planning decisions and guiding development proposals in the East Northamptonshire area. In order to progress the Local Plan to adoption, Council is requested to consider supporting the Plan, as revised through the Main Modifications schedule and the Council's Additional Modifications.

## 3. Recommendations

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- 3.1 It is recommended that Council:
  - a. Supports the content of the Part 2 Local Plan, (as set out in **Appendix A**) to provide for its adoption;
  - b. Delegates authority to the Executive Member for Growth and Regeneration, in consultation with the Assistant Director for Growth and Regeneration, to
    - i) make any minor alterations to the Plan, or its accompanying Policies Map, that relate to factual updates or typographical errors for the purposes of publishing the Plan to presentation standard; and;
    - ii) prepare and publish the Local Plan Adoption Statement (**Appendix B**) and the Sustainability Appraisal Statement (**Appendix C**) and to

fulfil any other duties, as required by Regulations 26 to 36 of the Town and Country (Local Planning) (England) Regulations 2012.

### 3.2 **Reasons for Recommendation**

- The National Planning Policy Framework (NPPF) states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area and a framework for addressing housing needs and other economic, social, and environmental priorities.
- The Plan prepared by the Council was subject to thorough examination and has been modified as a result of the recommendations made by the Inspector, as set out in her report (**Appendix D** refers). The Council has previously consulted on a schedule of these Main Modifications (**Appendix E**) and has also made non-substantive modifications to the plan during the examination, which are set out at **Appendix F** to this report. Corresponding changes to the Policies Map are also set out in **Appendix G**.
- Subsequent to the adoption of the East Northamptonshire Local Plan Part 2, it will supersede all the saved policies from the 1996 Local Plan for East Northamptonshire, along with the extant policies from the 2011 Rural North, Oundle and Thrapston Local Plan.

3.3 **Alternative Options Considered** -The options considered are either to adopt the Local Plan incorporating the recommended modifications, or to resolve not to adopt the Plan.

3.4 Adoption of the Plan would provide full coverage for Part 2 Plan policies across the whole of North Northamptonshire. If the Plan was not adopted this would put at risk the delivery of key policies guiding future, sustainable development proposals across East Northamptonshire area.

## 4. **Report Background**

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4.1 All councils are required to have a plan for development in their area, which is known as a Local Plan. The plan is expected to set out a range of development proposals as well as planning policies and should support the delivery of the Council's vision for the area.

4.2 The North Northamptonshire Joint Core Strategy (JCS) was adopted in July 2016 by the North Northamptonshire Joint Planning Unit, endorsed by the former councils that now comprise the North Northamptonshire local government administrative area. The strategy provides the overarching strategic local plan, commonly referred to as the Part 1 Local Plan – it outlines the strategic policy direction, to be developed in more detail through Part 2

Local Plans, prepared by each former borough/district council and any neighbourhood planning groups.

- 4.3 The Part 2 Local Plan sets out the non-strategic development allocations and detailed policies to manage development in line with the strategic policies of the JCS for the East Northamptonshire area of the Council.
- 4.4 The decision to submit the East Northamptonshire Part 2 Local Plan to the Secretary of State for examination was made by the former East Northamptonshire Council's Planning Policy Committee on 27<sup>th</sup> January 2021.
- 4.5 The purpose of the examination is for the appointed planning inspector to ensure that the relevant legal and procedural requirements have been followed and to test the plan for its soundness as set out in paragraph 35 of the NPPF. Only if the plan is considered sound by the planning inspector can it be capable of legal adoption by the Council.
- 4.6 The Inspector issued her report to the Council on 31<sup>st</sup> July 2023, in that report the planning inspector identified 10 main issues in the draft plan that were material to her assessment of the soundness of the Plan:
  - i) Whether the Plan's spatial strategy, including the approach to the settlement hierarchy and settlement boundaries, is positively prepared, consistent with the JCS and national policy, justified and effective;
  - ii) Whether the Plan is positively prepared, justified and effective in meeting the requirements set out in the JCS in relation to housing provision;
  - iii) Whether the Plan is positively prepared, justified, effective and consistent with national policy and the JCS in terms of meeting other housing needs;
  - iv) Whether the Housing Allocations are positively prepared, justified, effective, consistent with national policy and the JCS and deliverable/developable;
  - v) Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards building a strong, competitive economy;
  - vi) Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of town centres, town centre strategies and development sites?
  - vii) Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of social capital;

- viii) Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to natural capital;
  - ix) Whether the Plan is positively prepared, justified, effective and consistent with national policy in relation to viability;
  - x) Whether effective arrangements are in place for the monitoring of the Plan.
- 4.7 The examination was a rigorous and public process, involving consideration of all the relevant matters (including all issues in the written representations) and the supporting evidence base together with examination hearing sessions conducted between 6<sup>th</sup> April and 5<sup>th</sup> May 2022 (a total of 8 hearing days examining 14 separate matters). The hearings were run by the appointed Inspector, Caroline Mulloy, and included council representatives and invited participants, including Josef Cannon a specialist planning barrister, who advised the Council during the examination.
- 4.8 The hearings covered matters and questions which the Inspector considered required further exploration, allowing those parties with concerns about the plan to provide further information linked to the matters and issues determined by the Inspector. Further statements and information were produced as part of the examination process at the request of the Inspector and made available on the examination website.

#### **Main Modifications to the submitted Plan**

- 4.9 A Planning Inspector can recommend changes to the plan (known as 'Main Modifications') during the examination to make a submitted plan sound and legally compliant, but only if asked to do so by the local planning authority, this was agreed by the Council.
- 4.10 During the examination the Inspector identified issues that she considered affected the soundness of the plan. Throughout the hearing sessions a schedule of potential main modifications was drafted. After the hearings closed in May 2022, the Council drafted a composite list of main modifications and, through an iterative process, agreed these with the Inspector.
- 4.11 The Schedule of proposed Main Modifications, and the main issues arising were reported to the Planning Policy Executive Advisory Panel at its meeting held on 14<sup>th</sup> December 2022 and then published for public consultation from 10<sup>th</sup> March to 21<sup>st</sup> April 2023.
- 4.12 The Inspector considered the results of the public consultation on the modified draft plan and issued her report into the soundness of the plan on 31<sup>st</sup> July 2023. This is stated in the section entitled Overall Conclusion and Recommendation (para 236 of **Appendix B**) that:

4.13 *“The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.”*

4.14 However, the Inspector further added the following:

4.15 *“The Council has requested that I recommend Main Modifications (MMs) to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix the East Northamptonshire Local Plan Part 2 2011-2031 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound”.*

4.16 The Inspector’s report has been published on the Council’s website, and all contributors to the plan process have been notified of its availability. The receipt of the Inspector’s report marks the completion of the examination.

#### Minor/Additional Modifications to the submitted Plan

4.17 In preparing the Local Plan for adoption, additional minor modifications can be made to it by the Council provided they do not materially affect the plan’s policies. These include such things as correcting typographic errors, changes which are consequential to the Main Modifications and factual updating. The Council has authority to make minor modifications without reverting to the Inspector or carrying out consultations on them. The changes that have been made to the Plan, and approved by the Inspector under this provision, are set out in **Appendices E, F and G**.

4.18 The Local Plan, as attached at **Appendix A** to this report, incorporates all the modifications set out in the Main, Additional and Policies Map schedule of changes, and therefore represents the Plan as proposed to be adopted.

## **5. Issues and Options**

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5.1 The Council has now reached the adoption stage of the development plan preparation process. In accordance with section 23 of the 2004 Planning and Compulsory purchase Act, the Council can now either:

- adopt the East Northamptonshire Local Plan Part 2 incorporating the recommended modifications; or
- resolve not to adopt the Local Plan.

5.2 Adoption of the East Northamptonshire Local Plan would provide full coverage for Part 2 Local Plan policy across the whole of North Northamptonshire. Its adoption would also provide an up-to-date suite of policies for guiding future development proposals and allocations across East Northamptonshire, providing clear direction, borne out of significant public

consultation and interaction with councillors and various stakeholders over recent years.

- 5.3 If the Local Plan is not adopted, as modified, this would put at risk the delivery of key policies in guiding sustainable development. It would also result in there being an incomplete and partially out of date local planning policy framework to guide future development decisions in the East Northamptonshire area.
- 5.4 If the Council agrees to adopt the East Northamptonshire Local Plan Part 2, the Plan will be finalised for adoption and publication. Council is therefore recommended to support the submission of the Plan for adoption and to delegate to the Executive Member for Growth and Regeneration in consultation with the Assistant Director for Growth and Regeneration, the ability to finalise the document by resolving the formatting and presentation of the content of the document prior to publication.
- 5.5 If adopted, the East Northamptonshire Local Plan Part 2 would carry full weight in the determination of planning applications for the area and become part of the development plan for this same area alongside the North Northamptonshire Joint Core Strategy, and any made Neighbourhood Plans. The adopted Plan would supersede the remaining saved policies from the 1996 District wide Local Plan and the 2011 Rural North Oundle and Thrapston Local Plan.
- 5.6 The adoption process also requires the Council to prepare and publish an Adoption Statement to accompany the Local Plan in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
- Date which the Local Plan was adopted;
  - Modifications following the Pre-Submission Publication Draft; and
  - Notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption
- 5.7 The Policies Map maintained by the Council illustrates geographically on an Ordnance Survey base where the policies and proposals of the development plan apply. Following the adoption of the Plan, the Policies Map would need updating to reflect the change in policy. As soon as possible after adoption, a Policies Map reflecting the adopted Local Plan will need to be published.

## 6. **Next Steps**

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- 6.1 Should Council resolve to adopt the Local Plan, as recommended in this report, the polices will then carry full weight in assessing future development proposals with the East Northamptonshire area.

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

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### **7.1 Resources, Financial and Transformation**

7.1.1 The costs associated with producing the Local Plan have been met from existing budgets. There are only minimal costs outstanding to progress the Plan to adoption, which will be funded from the current planning policy budget.

7.1.2 In respect of other resources, the procedure to adopt the Plan will now largely be achieved through legislative tasks, though some additional work will be required to prepare an updated accessible Local Plan document. Thereafter, there will be no ongoing cost to the Council from the adoption of the Local Plan.

### **7.2 Legal and Governance**

7.2.1 There are no direct legal implications arising from this report, other than fulfilling the statutory requirements for adopting the Local Plan in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004 (as amended, inter alia, by the Localism Act 2011), which are set out in the body of the report.

### **7.3 Relevant Policies and Plans**

7.3.1 The policies set out in the Local Plan provide direction for a wide range of issues and will support many of the initiatives set out in the Corporate Plan 2021-25, particularly objectives 1 Active fulfilled lives; 3 Safe and thriving places; 4 Greener, sustainable environment; and 5 Connected communities.

### **7.4 Risk**

7.4.1 The greatest risk is that the adoption of the East Northamptonshire Part 2 Local Plan is challenged post adoption. To mitigate this risk, the preparation of the plan has followed a robust process, and this is reflected in the positive conclusions of the Inspector's Report. This should minimise the grounds for legal challenge after adoption. Further, the Council has received specialist legal advice throughout the process to ensure that the prospect of successful challenge is minimised.

### **7.5 Consultation**

7.5.1 The Council has complied with its obligations to undertake appropriate consultation at all points in the development of this plan in line with legislative requirements, including those requirements set out in the Council's Statement of Community Involvement. Adoption of the Plan will be published in line with legislative requirements.



## **7.5 Consideration by the Executive**

7.6.1 This report was considered by the Executive at the meeting held on 16 November 2023, where it was resolved to agree the recommendations as they were set out in the report.

## **7.6 Consideration by Scrutiny**

7.7.1 None yet, however, the matter is a key decision and is therefore eligible for call in.

## **7.7 Equality Impact**

7.8.1 The Local Plan has the potential to impact positively on all residents and visitors to the former East Northamptonshire area, with equalities implications considered at an early stage and integrated into policy development. An Equality Impact Assessment has been previously undertaken on the policy impacts of the Plan.

## **7.8 Climate Impact**

7.8.1 The Part 2 Local Plan for East Northamptonshire, in combination with the Joint Core Strategy includes policies designed to secure that the development and use of land in the former East Northamptonshire area contributes to the mitigation of, and adaptation to, climate change. These include policies setting out the policy direction on the sustainable approach to the location of future development, renewable and low carbon energy, water resources and sustainable drainage, health and wellbeing and green infrastructure.

## **7.9 Community Impact**

7.9.1 Upon adoption, the Local Plan Part 2 will ensure that the Council will have a clear up to date statutory planning policy framework to inform decisions on future planning applications, which take account of the needs of local communities, particularly in respect of addressing housing, employment and community infrastructure needs, including the provision of recreation and open space. It would also help improve the quality of future planning applications and permissions by encouraging higher quality submissions and ensuring that local planning policies reflect both national guidance and local aspirations.

## **7.10 Crime and Disorder Implications**

7.10.1 The Local Plan considers aspects of crime and disorder, particularly through design and placemaking, amplifying polices contained in the Joint Core Strategy. Consultation has been undertaken with appropriate organisations, including Northamptonshire Police, designing out crime.

## 8. **Background Papers**

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- 8.1 Background papers relating to the preparation of the Plan are available on the former Council's web site:

East Northamptonshire Local Plan Part 2 Examination webpage -  
[https://www.east-northamptonshire.gov.uk/info/200193/adopted\\_local\\_plan/65/development\\_plan\\_documents/12](https://www.east-northamptonshire.gov.uk/info/200193/adopted_local_plan/65/development_plan_documents/12)