



The Planning Inspectorate

Report to Kettering Borough Council

by Elaine Worthington

an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Kettering Site Specific Part 2 Local Plan

The Plan was submitted for examination on 28 May 2020

The examination hearings were held between 8 and 16 October 2020

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Abbreviations used in this report

AMR	North Northamptonshire Annual Monitoring Report
dpa	Dwellings per annum
DPD	Development Plan Document
The Framework	National Planning Policy Framework (February 2019)
GT	Gypsies and Travellers
GI	Green Infrastructure
The Guidance	National Planning Practice Guidance
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitats Regulation Assessment
HVI	Historically and Visually Important (green space)
JCS	North Northamptonshire Joint Core Strategy
JPC	North Northamptonshire Joint Planning Committee
JPU	North Northamptonshire Joint Planning and Delivery Unit
LDS	Local Development Scheme
LGS	Local Green Space
MM	Main Modification
NP	Neighbourhood Plan
The Plan	Kettering Site Specific Part 2 Local Plan
PPTS	National Planning Policy for Traveller Sites (March 2012)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document
SFRA	Kettering Strategic Flood Risk Assessment
SuDs	Sustainable Urban Drainage Systems
SUE	Sustainable Urban Extension
TCAAP	Town Centre Area Action Plan
UCO	Town and Country Planning (Use Classes) Order 1987
VA	Site Specific Part 2 Local Plan Viability Assessment

Non-Technical Summary

This report concludes that the Kettering Site Specific Part 2 Local Plan (the Plan) provides an appropriate basis for the planning of the borough provided that a number of main modifications (MMs) are made to it. Kettering Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and habitats regulations assessments of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The main modifications can be summarised as follows:

- Amending or deleting site allocations and designations to ensure consistency with the National Planning Policy Framework (the Framework);
- Deletion and amendments to ensure that only policies that provide a clear indication of how a decision maker should react to a development proposal are included in the Plan;
- Rewording policies to ensure they are positively prepared, effective and consistent with the JCS and the Framework; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 35 of the Framework makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Kettering Site Specific Part 2 Local Plan, submitted in May 2020 is the basis for my examination. It is the same document as was published for consultation in December 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in Appendix 1.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessments (HRA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA assessments that have been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Appendix 3 Policies Maps as set out in Examination Document reference PKB1 dated December 2019 (the Plan).
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the

policies map were published for consultation alongside the MMs in the schedule of proposed changes to the policies map.

7. This schedule includes a number of changes made to the policies map by the Council which are unrelated to the MMs as follows: to correct the titles from proposals map to policies map, to explain the green notations which form part of the Ordnance Survey base map but do not appear on the key, to add a missing green infrastructure (GI) borough corridor (e), and to annotate additional areas of existing open space in Ashley and Wilbarston.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the above mentioned document, and the further changes published alongside the MMs, incorporating any necessary amendments identified in this report.

Context of the Plan

9. The Plan is a Part 2 Plan which has been produced to enable the effective delivery of Part 1 of the Plan, the North Northamptonshire Joint Core Strategy (JCS). This was prepared jointly by the district and borough Councils of Corby, East Northamptonshire, Kettering and Wellingborough and was adopted in July 2016. The JCS provides the strategic planning background to the matters contained in the Plan. It sets out the spatial strategy and the level of growth required along with its distribution. It also allocates strategic housing and employment sites and sets out strategic policies, place shaping requirements and development management policies.
10. As this is a subsidiary Plan, there is no requirement for me to re-examine the strategic issues which were covered in the JCS and found to be sound. In particular, the Framework does not require the Plan to address the question of whether further housing provision will need to be made. This is a matter for any future review of the JCS.
11. The Plan will sit alongside the JCS and the Kettering Town Centre Area Action Plan (TCAAP) which was adopted in July 2011, the Broughton Neighbourhood Plan (NP) which was made in 2018, and the forthcoming stand-alone gypsy and traveller accommodation Development Plan Document (DPD). It will replace all of the saved policies of the Kettering Borough Local Plan (January 1995) and will be used as necessary to assess development proposals in the Plan area.
12. On 1 April 2021 a number of local planning authorities in Northamptonshire merged to form two new Unitary Authorities. Kettering Borough Council now forms part of North Northamptonshire Council. Nevertheless, the Plan for Kettering will remain in place until such time as it is revoked or replaced by a new plan produced by the unitary authority covering the whole of its area. Regulation 26(3) of the Local Government (Boundary Changes) Regulations 2018 requires the unitary authority to adopt such a plan within 5 years of the reorganisation date.

Public Sector Equality Duty

13. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. This has included my consideration of several matters during the examination including amongst other things the approach to gypsies and travellers, affordable housing, and older persons housing.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. The Plan seeks to implement the strategic objectives of the JCS. As such, the strategic matters have already been appropriately considered within the JCS (where the Duty to Cooperate was found to be met).
16. Nonetheless, it is clear that the Council has a long history of working with other authorities in the North Northamptonshire area and prescribed bodies on cross boundary issues and strategic matters. These include ongoing well established joint working arrangements and the preparation of a joint evidence base. The Council's continuing collaborative approach is set out in the Council's response to my Initial Question 4, its Matter 1 Statement and Regulation 22 Consultation Statement.
17. I am therefore content that there are no outstanding cross boundary issues and am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 8 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – whether the Plan's overall spatial strategy, including the approach to the settlement hierarchy and settlement boundaries, is consistent with the JCS and national policy, justified and effective.

Spatial Strategy and settlement hierarchy

19. The spatial strategy and role of settlements is established in Table 1 and Policy 11 of the JCS. Kettering is identified as a Growth Town and the focus for infrastructure development and higher order facilities to support major employment, housing, retail and leisure development. Burton Latimer, Desborough and Rothwell are identified as market towns which provide a

strong service role for their local communities and the surrounding rural area. Here, the JCS establishes that growth in homes and jobs is appropriate to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town.

20. The next category is villages, which takes in all villages other than settlements of a dispersed form (which may be designated as countryside, outside the formal settlement hierarchy), followed by open countryside. Development in these rural areas is limited by JCS Policy 11 to that required to support a prosperous rural economy or to meet a locally arising needs, which cannot be met more sustainably at a nearby larger settlement. It is also permissive of small scale infill development in villages in some instances.
21. The rural area in Kettering takes in all those parts of the borough outside Kettering and the market towns and covers much of the borough. In terms of the categorisation of villages in the rural area, the JCS is clear that Part 2 Local Plans may identify villages that may have a sensitive character or conservation interest, in which new development will be strictly managed. With this in mind, the Council has identified three categories of villages.
22. Category A includes all villages not in Category B or C and includes the majority of the villages in the rural area. Category B includes villages which have a sensitive character or conservation interest, and Category C includes settlements of a dispersed form. The Categorisation of Villages Background Paper 2019 explains that the 1995 Local Plan provided a starting point for the approach and I am content that the resultant categorisation of the villages is consistent with the role of the settlements identified in the JCS and is justified.

Settlement boundaries

23. The supporting text to JCS Policy 11 indicates that in order to clarify the application of criteria 2b and 2c of Policy 11, Part 2 Local Plans may define village boundaries or more detailed boundary criteria, taking account of the character of the village. It recognises that village boundaries can provide a tool to plan positively for growth and to prevent ad-hoc encroachment into open countryside, particularly for villages located close to larger settlements where coalescence is a concern.
24. Policy LOC1 in the Plan identifies settlement boundaries for Kettering, the market towns and for Category A and B villages (Category C villages do not have boundaries due to their scattered nature and are treated as being part of the open countryside). These have been established in order to direct and control the location of new development. They are also an important tool in establishing whether land is inside the settlement or in the countryside for the purposes of JCS Policies 11 and 13 (Rural Exceptions) and Policies RS1 and RS2 in the Plan which relate to the different village categories.
25. The boundaries have been determined in line with four principles which have been the subject of consultation through the Plan making process. These are set out in the Settlement Boundaries Background Paper Update April 2018 and have resulted in boundaries which are tightly drawn around the existing built up area, where possible, following defined features.

26. The principles which have been used to determine whether an area should be included within or excluded from the settlement boundary are based on desk top studies and site visits, and include a review of the existing settlement boundaries in the 1995 Local Plan and an assessment of the spatial extent of the settlements. Whilst in some instances the boundaries have been drawn more tightly than was previously the case, this approach is grounded on a clear rationale to promote sustainable patterns of development and protect the countryside in line with the spatial strategy in the JCS.
27. Although some degree of judgement is inevitable in finalising the detailed boundaries in certain circumstances, I am content that the methodology for determining the boundaries is sound and that the defining principles have been consistently applied such that the boundaries are appropriately drawn.
28. Whilst I accept that the establishment of boundaries as a means to direct development is in principle a restrictive approach, these provide certainty and clarity for the purposes of development management. They are a helpful practical tool that seeks to ensure consistency in decision making, rather than leaving applications to be determined on a case by case basis with the resultant ad-hoc development within and around the edge of villages.
29. Thus I am satisfied that Policy LOC1 helps to achieve the spatial strategy set out in the JCS over the plan period and also to ensure that the intrinsic character of the countryside is recognised in accordance with paragraph 170 of the Framework. **MM3** is necessary to remove repetition in the supporting text and to refer correctly to the policies map in order to ensure the effectiveness of Policy LOC1.
30. Each of the village categories are subject to a policy in the Plan which sets out the scale of development anticipated within them and the increasing levels of restriction that applies. Policy RS1 relates to Category A villages and allows development of infill sites within the settlement boundary in accordance with JCS Policy 11. Policy RS2 relates to Category B villages where development is more restrained due to the sensitive character of these villages and infill is limited to proposals of only 1 or 2 dwellings within the settlement boundary. Policy RS3 relates to Category C villages and identifies those six villages which are scattered in nature and limited in size with few facilities. These are considered to be in the open countryside.
31. Subject to the MMs considered below, I am content that the Plan is positively prepared in this regard and that these policies are justified in their approach to directing development to locations inside the settlement boundaries under the terms described, and in protecting the open countryside.
32. **MM54** provides clarification to explain the different approaches intended in each category of village and the countryside. **MM55** amends Policy RS1 to precisely define infill development (**MM94** adds the JCS definition of infill development to the Glossary in this regard), refer to the policies map, remove unnecessary wording, reflect the requirements in the JCS whilst avoiding repetition and to provide consistency with the other village category policies. **MM56** makes similar alterations to Policy RS2 and clarifies the limited nature of the infill permitted in the Category B villages. **MM57** amends Policy RS3 to indicate that the Category C villages are to be treated as open countryside in

line with the provisions of Policy RS4 (which is considered in detail under Issue 7). These modifications are necessary to ensure the policies accurately and clearly reflect the respective roles of the settlements in the hierarchy, in the interests of clarity and effectiveness and to ensure consistency with the JCS.

Conclusion on Issue 1

33. Subject to the MMs identified above, the Plan's overall spatial strategy, including the approach to the settlement hierarchy and settlement boundaries, is consistent with the JCS and national policy, justified and effective.

Issue 2 – whether the Plan is justified and effective in meeting the requirements set out in the JCS in relation to housing provision.

Overall approach to housing requirement and provision

34. Policy 29 of the JCS sets the housing requirement for Kettering borough at 10,400 dwellings in the period 2011-2031. It also establishes how it will be distributed in line with the spatial strategy and sets out housing requirements for Kettering (6,190 dwellings), Burton Latimer (1,180 dwellings), Desborough (1,360 dwellings), Rothwell (1,190 dwellings) and the rural areas (480 dwellings). The JCS allocates strategic housing sites of 500+ dwellings. It identifies three Sustainable Urban Extensions (SUEs) in the borough which provide strategic locations for housing and employment development. These are at East Kettering (known as Hanwood Park), Desborough North and Rothwell North. The JCS also allocates two strategic employment sites at Kettering North and Kettering South. **MM2** is necessary to ensure that all these important strategic sites are reflected in the Plan and shown on the policies map for completeness as a key element of the spatial strategy and approach to housing development in Kettering. The changes are included in the schedule of proposed changes to the policies map including the provision of a consolidated map for Kettering.
35. Alongside the SUEs the Plan allocates smaller scale sites to meet housing requirements in the towns and villages. These allocations, together with completions, commitments and sites already allocated in the adopted Kettering TCAAP, are intended to meet the housing requirement in the JCS and its timescale for delivery.
36. Without planning for any additional housing development through site allocations, the Plan indicates that there is sufficient supply from committed and completed developments to exceed the requirement for 10,400 dwellings set out in the JCS. However, in order to allow for a degree of choice and flexibility the Council has chosen to provide a greater supply of land to ensure that needs are addressed in the Plan period. This is to ensure that housing targets are met across the borough, particularly in Rothwell and the rural areas (where completions and commitments fall short of the requirements in the JCS as set out in Table 4.2 of the Plan). The Council has therefore applied a 10% flexibility allowance above the housing requirement for each settlement set out in the JCS (but not to the rural areas). The housing target for the rural areas will be met through housing allocations and a windfall allowance. In principle, I consider that the Council's flexible approach would be effective and positively prepared.

37. As set out above, revising the housing requirement is not within the scope of this Plan. However, it is necessary to ensure that the Part 2 Plan allocates sufficient housing land to deliver the housing requirement and distribution as set out in the adopted JCS as well as to achieve its overall delivery trajectory. The most recent monitoring data for the period ending March 2020 is provided in EXAM7 and updates the completions and commitments site schedule in Appendix 1 of the Housing Land Supply Background Paper October 2019. This site schedule table sets out the Council's calculations of its likely sources of housing land supply over the plan period and was discussed at the hearings.
38. The smaller scale housing allocations in the Plan are focussed on Kettering, the market towns, and the villages, and are considered under Issue 3 below. However, it is necessary to acknowledge here that a site proposed for allocation for up to 217 dwellings (and 1 hectare of employment land) at KET9 Mc Alpine's Yard, Pytchley Lodge Road in Kettering is to be deleted under **MM37**. Of a less substantial scale, but mentioned here for completeness, the proposed allocation for 16 dwellings at STA2 Land to the south of Harborough Road, Stoke Albany is subject of **MM84** which increases the number of dwellings by 2 to a total of 18. The reasons for these changes are considered under Issue 3.
39. Adopting the most up to date monitoring figures and taking into account the deletion of KET9 and the minor increase in the number of dwellings at STA2, the housing land supply evidence indicates that a total of 12,714 dwellings will be delivered over the plan period to 2031. This is 2,314 dwellings above the JCS requirement of 10,400 dwellings (or 22.3 %) and as such represents a comfortable surplus. An updated housing trajectory has been prepared and gives an indication of the forecast housing completions for each year of the plan period. **MM93** amends the housing trajectory at Table 16.1 in Appendix 1 of the Plan, and is necessary in the interests of accuracy and effectiveness.
40. Consideration is needed in relation to a number of factors concerning housing provision as follows:

The SUEs

41. In accordance with the spatial strategy set out in the JCS, the three SUEs identified in the borough are relied upon to deliver a good deal of the housing requirement. For the Plan to be effective these, along with the additional housing sites proposed, must be capable of meeting identified needs over the plan period. It is widely recognised that progress has not been as fast as anticipated on the SUEs and completion rates have not matched the growth projections in the JCS. The Council's position statements EXAM2G and EXAM2H include trajectories that are supplemented by the most recent monitoring data provided at EXAM7.
42. Hanwood Park to the east of Kettering is the largest of the SUEs with 5,500 dwellings, schools, employment area and local centres and community facilities. It was granted outline permission in 2010 and is subject to a Strategic Masterplan. Development is well under way and of the three SUEs in the borough it is where the most progress has been made. A significant number of homes have been completed and a good deal of infrastructure provided including drainage works, access roads and a primary school.

43. At June 2020 reserved matters permission for 1,222 dwellings had been granted with 464 completions (355 occupations) with pending reserved matters for a further 925 dwellings. The development is split into parcels of land, with three national housebuilders delivering simultaneously. A number of parcels are under construction, some have reserved matters permission but have not commenced, and others are the subject of reserved matters applications which are currently with the Council for determination. A new outline application for the remainder of Phase 1 and Phase 2 was imminent at the time of the hearings.
44. The Council's monitoring shows that the number of completions on the site has increased year on year since the first completions in 2016/17. 179 dwellings were completed in 2019/20 with 133 anticipated in 2020/21. Anticipated build out rates vary for each parcel within the site but have been provided by the respective housebuilders based on their experience of other large sites in the borough including, where relevant, those achieved on adjacent parcels of land within the SUE. The overall envisaged figures for the SUE increase in subsequent years to 369 dwellings in 2021/22, with a peak of 470 dwellings in 2022/23.
45. I accept that this is a marked increase and represents ambitious targets particularly in the current context of only three housebuilders or outlets. I also appreciate that these higher delivery rates are in the initial years of the Plan and are intended to contribute to the Council's five year housing land supply. Objectors refer to progress made on other SUEs in the wider North Northamptonshire area, particularly Priors Hall in Corby which reached a maximum of 269 dwellings per annum (dpa) on the basis of nine separate outlets, and had an average of 200 dpa. Evidence at the national level is also cited including the Lichfield's Study 'Start to Finish' (February 2020) which suggests an average delivery for sites over 2000 dwellings of 160 dpa. It also recognises that whilst some large sites may have a peak year of 300 dwellings, none consistently deliver over this figure year on year.
46. On the other hand, I am mindful that the projected delivery rates have been arrived at by the Council in conjunction with the site developer and benchmarked against other developments. Development at Hanwood Park has been up and running for some time and a significant amount of enabling infrastructure is now in place as a result of the development of the earlier parcels of land. The access roads, electricity and water are already provided to some of the forthcoming parcels, the housebuilders are already on site and the site compounds have been established. Thus, there are fewer constraints to quick delivery and significant momentum has been established. Notwithstanding the evidence relating to national averages or the situation in the nearby area, in this particular local context and taking in to account the circumstances outlined, I see no reason why it could not be reasonably expected that the pace of delivery would be accelerated going forward.
47. Indeed, the site promoter suggests that the Council has underestimated the progress likely to be made on housing and seeks more ambitious targets. The use of off-site/modular methods of construction and options to provide private rented sector accommodation in addition to more conventional market and affordable housing delivery are being explored. This brings with it the prospect of up to eight different delivery units on site. These would provide a

variety of housing offers and help to avoid the situation whereby a number of directly competing outlets would exceed the absorption capacity of the local housing market and lead to its over saturation. Thus, whilst the rates for Hanwood Park are challenging, they reflect the considerable progress already made, the stage that SUE is at overall, the infrastructure and consents that are in place, and the site promoter's optimism and intentions with regard to the nature of future development there.

48. Desborough North is a mixed use development for up to 700 dwellings. Outline planning permission was granted in 2014 and a number of reserved matters have been approved. At the time of the hearings the remaining reserved matters were expected to be submitted prior to the April 2021 deadline. The land promoter has been liaising with prospective developers and the updated monitoring and trajectory for the site expects 25 units to be delivered in 2021/22 with 120 in subsequent years (until the final year which indicates 75 units). This timeframe allows for reserved matters to be submitted and essential infrastructure to be delivered and assumes two or three house builders on site. The build out rate has been determined in conjunction with the site promoter and aligns with what has been achieved on other sites in the borough.
49. Whilst this is the least well advanced SUE and is behind schedule in starting, some progress has been made. Following an unsuccessful bid to Homes England to support infrastructure the Council is working closely with the site promoter and investigating options to revise the timings for the provision of contributions and infrastructure. Despite a housebuilder not being on board as yet, I have seen no substantiated evidence to suggest that there are unsurmountable constraints or fundamental viability issues associated with the development of the site that would preclude it coming forward within the timeframes anticipated by the Council.
50. Rothwell North is also a mixed use development for up to 700 dwellings. The SUE was granted outline permission in 2018 with three reserved matters applications approved in 2019 for a total of 227 dwellings as well as the strategic link road connecting the A6 to the B576 under Phase 1. Work has now commenced on Phase 1 and at the time of the hearings 16 completions were anticipated by the end of 2020. A trajectory has been prepared in conjunction with the housebuilder and indicates the completion of 45 units in 2020/21 with 100 homes per year after that (reducing towards the end of the Plan period). The delivery rates are based on what the housebuilder has achieved on the Kettering East SUE (67 completions in the second half of 2019). On this basis, it is evident that the development at Rothwell North is gaining momentum.
51. Taking all these matters into account, on the whole I am content that the anticipated rates of growth for the SUEs in Kettering borough are realistic. I am also mindful that the progress of all the SUEs across North Northamptonshire is monitored through the North Northants Authorities Monitoring Report (AMR). A monitoring trigger is set out in paragraph 9.18 and Table 9 of the JCS and indicates that in the event of the SUEs in a district/borough delivering less than 75% of projected housing completions in three consecutive years (based on the trajectories in Appendix 4 of the JCS),

the North Northamptonshire Joint Planning Committee (JPC) will undertake a partial review of the JCS to ensure that the need for housing is met.

52. The JPC considered the need to review the JCS at a meeting on 29 July 2019. The report acknowledges that the trigger relating to the SUEs has been engaged as a result of slower than planned development at the Wellingborough and Kettering SUEs arising from market conditions and the high costs of up front infrastructure. However, it also finds that the SUEs are now making significant progress on site and anticipates that delivery will continue to accelerate.
53. The report also indicates that the SUE performance trigger alone should not necessitate an immediate review of the JCS. It finds that notwithstanding the slower than planned development of the SUEs, all the councils could (at that time) demonstrate a five year supply of housing land and a realistic trajectory for delivering the JCS housing requirements over the plan period. There is an additional monitoring tool at Table 9 of the JCS which seeks to gauge each local authority's land supply position if a 25% buffer (in excess of national requirements) is applied on an annual basis. The target is included to serve as an early warning to local authorities when a housing land supply shortfall could be imminent and corrective action is required.
54. In line with this requirement, the Council regularly reports on housing land via the AMR and confirms it is able to maintain a rolling five year supply of specific deliverable housing sites. Whilst objectors disagree on this point, in terms of the JCS monitoring requirements for which it is responsible, the JPC is satisfied in relation to this target. Overall it finds that the JCS is up to date and the policies are working, including in relation to housing delivery, and concludes that it is not considered that an update of the JCS is required at the current time, but will be kept under review if there is a significant change in circumstances.
55. In any event, as indicated above, this examination concerns a subsidiary plan which deals with the allocation of sites for an amount of housing which has already been considered in the JCS and found sound. The Framework does not require such a plan to address the question of whether any further housing provision needs to be made. It is clear that within the North Northamptonshire area the delivery of housing has not been at the pace anticipated and that the monitoring provisions of the JCS have been engaged and considered. Nevertheless, to be clear, the JCS monitoring indicators are intended to be used to judge the effectiveness of the JCS, not the follow on Part 2 Plans which are required to have their own monitoring mechanisms.
56. A consideration of the monitoring triggers in the JCS relating to the SUEs, and any potential shortfall in housing delivery in the wider North Northamptonshire area along with any remedial measures necessary, are a matter for any future review of the JCS. As set out above, a unitary authority has been created which takes over from the JPC as the strategic planning authority. The provisional timetable for the unitary authority to review the JCS indicates that an initial consultation regarding scope and issues could take place in winter 2021 with the adoption of a strategic plan anticipated at the end of 2023.

57. The Part 2 Plan before me is not a means by which to rectify any potential failings of the allocations in the JCS which are a strategic matter. Moreover, they are not a reason to consider the ad-hoc allocation of additional sites at a local level which could lead to a lack of consistency and the identification of sites where reasonable alternatives could be located in other districts/boroughs. Rather, the Plan seeks to allocate a number of smaller sites to ensure a flexible supply of housing and choice of homes in the borough.

Flexibility

58. In addition to the housing requirements set out in the JCS the Council has applied a flexibility allowance for Kettering and the market towns. The 10% allowance, over and above the JCS housing requirements, is intended to ensure that if some sites are slower to come forward than anticipated, sufficient sites would still be available to meet the JCS requirements.
59. The Council has considered but discounted the use of an increased allowance of 20% which was found to be too high and unnecessary in this instance. I am mindful that the 10% has been applied without a windfall allowance, such that windfall development likely to come forward in the urban areas over the Plan period will provide further flexibility and contingency beyond the 10% uplift. When such windfalls are taken into account alongside all sources of supply, as set out above, across the borough there would be an overall delivery of dwellings of a magnitude which would be 22.3% above the housing requirement in the JCS. This would be well in excess of the 10% uplift target in the urban areas. In this context, I am not persuaded that a higher allowance is warranted.
60. The 10% allowance has not been applied to the housing requirement in the rural area. This position has been taken since the JCS seeks to focus development in the urban area and to limit development in the rural areas. I am satisfied that this approach aligns with the JCS and the aims of the Framework to secure sustainable patterns of development and protect the countryside. Furthermore, I am conscious that there are other sources of housing in the rural area including allocations in NPs, affordable housing under the terms of JCS Policy 13 and self-built rural exceptions. Whilst the approach to windfall in the rural areas is considered below, I do not regard the provision of a flexibility allowance in the rural areas to be necessary for soundness.
61. Overall, I find that the flexibility allowance is a useful tool that is at an appropriate level and has been applied sensibly to provide sufficient flexibility and contingency in the event that the SUEs in particular are not delivered to their anticipated timescales, whilst retaining the JCS's required focus on the most sustainable settlements.
62. To provide some of the housing needed to achieve the flexibility allowance and to ensure a range of sites in a variety of locations, in addition to the SUEs the Plan allocates a number of housing sites. These are considered where necessary under Issue 3 in more detail, but include a number of housing sites in the towns and villages. Some of these already have planning permission so are included as commitments in the housing site schedule but are identified as allocations in the Plan as work had not started on site. There are nine sites

allocated in Kettering and Barton Seagrave, three sites in Burton Latimer, two sites in Desborough, one site in Rothwell and eleven sites in the rural area. When commitments are discounted, a total of some 785 dwellings would arise from the allocations proposed.

63. Even with the deletion of KET9, housing provision is strong for the growth town of Kettering, where the total housing provision arising from completions and commitments and allocations (7,536 dwellings) significantly exceeds the JCS requirement and 10% flexibility allowance (6,809 dwellings) in line with the focus and status afforded to it by the JCS. In the market towns of Burton Latimer, Desborough and Rothwell alongside completions and commitments, the allocations would also exceed the JCS requirement and the 10% uplift, albeit by a less considerable margin. This is set out in Table 4.3 of the Plan (as amended by **MM37** which includes the consequential changes to that table arising from the deletion of KET9 and is considered below under Issue 4).
64. In the rural areas, as well as the potential for infill development set out in Policies RS1 and RS2, housing allocations and sites with planning permission have been identified within the settlement boundaries of some of the villages. The allocated sites in the rural area would deliver 151 dwellings, which along with completions (173 dwellings), commitments (50 dwellings), and windfall development (108 dwellings over the Plan period as considered below), would meet the relatively modest rural requirement for 480 dwellings as set out in the JCS.
65. The rural allocations are sites which would otherwise have been located outside of the settlement boundaries and so would not normally have come forward as windfall development. Additionally, the Council indicates that the settlement boundaries are not expected to accommodate all development. The approach to rural exception sites is set out in JCS Policy 13 and allows for development adjoining established settlements but outside the defined boundary, provided the criteria in the policy are met. JCS Policy 11 also allows NPs to identify sites adjoining settlement boundaries to meet locally identified needs and rural housing.
66. Overall the allocated sites across the borough range in size from 350 dwellings to 3 dwellings and provide a mix of greenfield and brownfield sites in the urban and rural areas. I am content that these are suitable for different types of developers and could be built out over different timescales.
67. Paragraph 68 of the Framework states that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of housing requirements on sites no larger than one hectare. Details of these are set out in Section 4 of the Housing Land Supply Background Paper October 2019 which indicates that a total of 187 dwellings are allocated in the Plan on sites of 1 hectare or less. **MM4** is necessary to ensure that this is recognised in the Plan to ensure consistency with national policy and effectiveness.
68. Taking all these factors into account, in terms of flexibility, I am content that the Plan does not rely unduly on commitments and completions to meet the requirements of the JCS or on the housing to be delivered via the SUEs. The Council has taken positive steps to identify more land across the borough to

meet an uplifted overall figure established via the flexibility allowance. This provision is made up of a range of sites, including in the rural area and allows sufficient flexibility and contingency in the event of any further slippages in the delivery of the SUEs to ensure that the housing requirements of the JCS are met over the Plan period. This being so, there are no soundness reasons to enlarge the settlement boundaries discussed under Issue 1 above, to allow more development outside the settlement boundaries, or to allocate additional sites in the rural area as suggested by objectors. Indeed, such an approach would be contrary to the provisions of the JCS and its clear spatial strategy.

Windfall

69. Windfall sites are those not specifically identified in the Plan. Paragraph 70 of the Framework recognises that windfall can form part of an anticipated supply providing there is compelling evidence that they provide a reliable source of supply. Whilst windfall development is not relied upon by the Plan to meet the JCS requirements and flexibility uplift in the urban area (rather it is counted as an additional source of supply), in the rural area, alongside the allocations, a windfall allowance will help to meet the JCS rural housing requirements.
70. In the urban areas a windfall allowance of 513 dwellings is allowed from 2022/23 to 2030/31, which equates to 57 dpa. This is based on an analysis of historic windfall in the urban area but has removed large scale greenfield windfall sites from the calculation. Additionally the Plan only includes a windfall allowance for minor development to avoid the double counting of brownfield sites which are included in the Plan. Based on the average number of windfall completions on minor development of 56.9 dpa over the past 10 years and an average of 58 dpa over the past 3 years, an allowance of 57 dpa has been included in the urban area from 2022/23 onwards.
71. In the rural areas a windfall allowance of 108 dwellings is made and equates to 12 dpa. Again, large greenfield sites were removed from the calculation and an analysis over the past 10 years has been undertaken which shows that windfall sites have delivered an average of 15.6 dpa. Using more recent figures the average number varies between 11.4 and 13 dpa. On this basis, an allowance of 12 dpa has been included in the rural area from 2022/23 onwards.
72. I have had regard to the potential impact of the settlement boundaries in the Plan (as considered under Issue 1) on the delivery of windfall sites in the rural areas in particular. Whilst I appreciate that these have been more tightly drawn in some cases, settlement boundaries were a feature of the existing Local Plan and have provided the context for the consideration of windfall development in the rural areas for a number of years. I have seen no evidence to demonstrate that development would be significantly more curtailed by the newly drawn boundaries than was the case previously, or that rural windfall sites are likely to run out. Although I am mindful of the reliance on windfall development in meeting the JCS housing requirement in the rural area, the rate is relatively modest and achievable in the context of those consistently delivered in the past.
73. In applying the windfall allowance for the remaining years of the Plan period, to avoid double counting, the Housing Land Supply Background Paper October

2019 indicates that the allowance is only included from the fourth remaining year onwards. Given the date of the background paper, the year 2022/23 is included within the allowance. Whilst time has moved on, I have seen no evidence to demonstrate what double counting is likely to arise from the inclusion of the 69 dwellings anticipated from windfall in 2022/23 within the overall figures.

74. Taking all these factors into account, and bearing in mind that the analysis of past trends includes a period of significant economic downturn, I am satisfied that the windfall allowances are realistic having regard to historic windfall and delivery rates and expected future trends. I see no reason why the rates anticipated are not likely to continue over the remaining plan period.

Conclusion on Issue 2

75. Overall, subject to the MMs referred to above and for the reasons given, I find that the Plan is justified and effective in meeting the requirements set out in the JCS in relation to housing provision.
76. Whilst I am satisfied that the proposals in the Plan are such that the aims of the JCS will be met and housing development delivered in accordance with it, as set out previously, it is not appropriate for me to consider specifically whether the Council has a five year housing supply as part of this examination (since this would require me to consider sites already allocated in other plans that are not before me). To ensure that the Plan is effective, **MM4a** is necessary to remove specific reference to the five year housing land supply situation and to refer instead to the housing trajectory.

Issue 3 – whether the Plan will meet the requirements set out in the JCS and Framework in terms of meeting housing needs.

Gypsies and Travellers and Travelling Showpeople

77. Paragraph 61 of the Framework requires planning policies to reflect an assessment of the size, type and tenure of housing needs for different groups, including gypsies and travellers (GT). The National Planning Policy for Traveller Sites (March 2015) (PPTS) requires local planning authorities to plan positively for the needs of travellers, to robustly assess needs and to identify criteria to guide land supply where there is an identified need.
78. Paragraph 9.52 of the JCS identifies a need for 13 residential pitches and 1 transit pitch in Kettering borough (2011-2022) based on the 2011 Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA). The updated GTAA (March 2019) identifies a need for 23 additional pitches in Kettering borough over the GTAA period for GT households that meet the planning definition set out in the PPTS. Additionally a need for up to 4 additional pitches for households that may meet the definition, and 21 additional pitches for those GT households who do not meet the definition was identified (giving a total of 48 pitches). No need for plots for travelling showpeople was identified.

79. Policy 31 of the JCS indicates that where necessary Part 2 Plans will allocate further sites for accommodation for gypsies and travellers. As set out at paragraph 1.4 of the Plan, the consideration of GT accommodation in Kettering borough is to be progressed through a stand-alone DPD. The decision to deal with this matter separately was taken to enable an up to date and robust evidence base to be provided. In addition to the 2019 GTAA, in September 2020 the Council commissioned further work to better understand the need in the borough and to consider the options for meeting it. This includes re-visiting the questionnaires to undertake additional interviews and better understand accommodation needs, as well as assessing the suitability of existing sites to provide additional capacity, and identifying potential locations for new sites across the wider North Northamptonshire area in the context of the new unitary authority.
80. The Council has produced a timetable which seeks to ensure that the preparation of the DPD follows on from the Plan as quickly as possible. This has been included in the Local Development Scheme (LDS) and would see the adoption of the DPD in April 2022. Whilst the preparation of a separate DPD pushes the timeline for the consideration of these particular and important accommodation needs onwards, I appreciate that the alternative approach of addressing this matter in the Plan would have risked its considerable delay. In the circumstances, I consider that this is a pragmatic and justifiable approach to the situation and agree that it is the most positive and effective way to ensure that the needs of gypsies and travellers and travelling showpeople are met alongside the other wider development needs in the borough.
81. In the meantime, JCS Policy 31 sets out the criteria to be applied to planning applications for GT accommodation and is referred to in paragraph 1.4 of the Plan. However, in the interests of effectiveness, **MM1** amends this paragraph to clearly signal the Council's commitment to the preparation of the DPD and to provide more certainty in relation to its timetable. I have also made an additional minor amendment to the wording of **MM1** to reflect the fact that the North Northamptonshire Unitary Council has now been created and am satisfied that this does not alter the fundamental requirements of the Plan. On this basis, I find that the Plan's approach to gypsies and travellers and travelling showpeople is justified and effective.

Housing for Older People

82. Policy HOU2 indicates that on sites of 50 dwellings (or 1.6 hectares) or more, the Council will seek the provision of a proportion of dwellings that are suitable to meet the needs of older people. Paragraph 61 of the Framework requires that the size, type and tenure needed for different groups in the community should be assessed and reflected in planning policies. Policy 30(f) of the JCS supports the provision of specialist housing for older people. As such, Policy HOU2 aligns with the Framework and the JCS.
83. The Site Specific Part 2 Local Plan Viability Assessment (VA) recommends a flexible approach to over 55 housing, and finds Policy HOU2 to have a low impact on viability on this basis. In my view the threshold is set high enough

to ensure that only larger schemes are required to contribute, and that smaller schemes are not unduly affected by any financial impacts. Additionally, the policy is worded to ensure regard is had to viability, local need and the scale and location of the site when determining the proportion of older persons housing to be provided. This allows some considerable leeway in its application and provides an appropriate balance between deliverability and flexibility whilst offering some clarity for individual development proposals.

84. **MM6** requires changes to ensure that the types of accommodation sought reflect the specific local needs that are identified in *The Study of Housing and Support Needs of Older People Across Northamptonshire (2017)* and to emphasise that the policy requirements will be applied flexibly and proportionately. These changes are necessary to ensure the policy is justified and effective.
85. Policy HOU3 sets out the Council's support for retirement housing where it has good access to public transport links and local facilities. Paragraph 16(d) of the Framework states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. It also indicates at paragraph 16(f) that plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework). JCS Policy 30 Housing Mix and Tenure (f) encourages proposals to meet the specialised housing requirements of older households. JCS Policy 8 Place Shaping Principles (a) requires development to be created connected places, to connect to existing services and facilities (i) and integrate well with existing public transport networks (ii).
86. In this context, Policy HOU3 is for the most part a statement of support which has little practical application to day to day decision making and duplicates the JCS. As such it serves no clear purpose and is unjustified. Accordingly it is recommended that it is deleted by way of **MM7** (which also includes the consequential changes to the Plan arising from this deletion).

Self and Custom Build housing

87. The Self-Build and Custom Build Housebuilding Regulations 2016 requires councils to grant planning permission for enough serviced plots to meet the demand for self-building and custom building in their area within three years. JCS Policy 30 supports individual and community custom build schemes and requires the SUEs to provide serviced plots to facilitate self-build.
88. In July 2019 there were 41 people on the Council's register of interest, all with a preference for serviced plots. Modelling work on the demand for self and custom build found levels of demand to be higher, in the region of 66 to 72 units per year. Whilst, I accept that it is difficult to predict demand levels confidently, this backdrop nevertheless provides evidence of interest and need for these forms of housing in Kettering borough.

89. Policy HOU4 requires housing developments of 50 or more dwellings (or 1.6 hectares) to provide 5% of plots to be made available as self or custom build serviced plots. The Council has tested a lower size threshold and analysed past completions to establish how many self-build homes would be likely to be achieved by the Policy using the 5% requirement. This finds that whilst Policy HOU4 is unlikely to deliver sufficient plots to meet the demand anticipated by the modelling, it will meet the need arising from the register. Alongside the 5% requirement, smaller windfall sites delivered via other policies in the Plan would be likely to exceed that need.
90. In terms of viability, whilst self/custom build housing was not tested separately in the VA, it finds overall that the policy has a low impact on viability. The VA assessed a variety of development types in order to consider the cumulative impacts of the policy requirements in both the JCS and the Plan, and finds that these build in an appropriate level of overarching flexibility to ensure that costs and viability are taken into account.
91. A 6 month marketing period is included in the policy and in my view is sufficient and not so long so as to result in logistical problems for developers if they need to return to the site to build out any such plots which have not been taken up. I am therefore satisfied overall that the policy as presented provides sufficient flexibility and strikes an appropriate balance between meeting national policy and local need whilst having regard to viability.

Affordable Housing

92. JCS Policy 30 takes account of the need for affordable housing in the context of viability considerations and sets targets of 30% on sites of 15+ dwellings, 20% in the SUEs and 40% on sites of 11+ dwellings in the rural area. The Plan reflects this approach. JCS Policy 13 also enables the provision of affordable housing on exception sites and allows affordable housing which meets locally identified need located adjacent to settlement boundaries in the rural area. Policy HOU5 concerns single plot affordable exception sites for self-build, and seeks to specifically support self/custom build schemes in these circumstances to allow people to build their own affordable home.
93. **MM8** is necessary to ensure consistent wording with JCS Policy 13 (whilst avoiding repetition). It is also required to remove the requirement for properties to be built to the minimum nationally described space standards since JCS Policy 13 includes the requirement that the form and scale of such properties are justified and do not exceed identified needs. Additionally, the National Planning Practice Guidance (the Guidance) includes advice regarding the use of conditions to restrict the future use of permitted development rights, and indicates that the blank removal of such freedoms are unlikely to meet the tests of reasonableness and necessity. The wording of Policy HOU5 is amended accordingly in **MM8**. On this basis, I am satisfied that the Plan is effective in delivering the affordable housing required for the borough by the JCS.

Conclusion on Issue 3

94. For the reasons given, and subject to the MMs outlined above, I conclude on this issue that the Plan will meet the requirements set out in the JCS and Framework in terms of meeting housing needs.

Issue 4 – whether the housing allocations in the plan are reasonable and justified and deliverable over the plan period, and whether the specific requirements of the site allocation policies are justified and consistent with national policy and the JCS.

95. As considered above, in addition to the SUEs the Plan designates a number of housing sites in the towns and villages. The Housing Allocations Background Paper 2012 (and subsequent updates) considers the site selection methodology and the details of the sites which were approached in a two stage process.
96. Stage 1 identified potential sites in the SHLAA and those put forward as part of an Issues Paper consultation in 2009. An initial sieve of these was made against the JCS and for any significant negative effects. Stage 2 involved a detailed assessment using criteria linked to the SA objectives. Whilst there was no site area threshold in the rural areas, in the urban areas only sites large enough to accommodate 10 dwellings at a density of 30 dwellings per hectare were assessed. The detailed assessment considered the sites for their suitability, availability and achievability and ranked the sites into three categories: those with potential for allocation, those with more significant constraints, and those unsuitable for development in the Plan period.
97. The sites were appraised in a number of phases including via the Issues Paper in 2009 as well as through the assessment of further sites arising from subsequent consultations relating to housing sites in 2012 (Options Paper) and in 2013 (Assessment of additional sites and update consultation), including consultation with site promoters and stakeholders. Details are set out in the Housing Allocations Background Papers, which include the reasons for selecting the preferred sites and rejecting others. They also identify potential constraints, infrastructure requirements and necessary mitigation measures. Section 7 of the SA sets out the approach taken to identifying and considering reasonable alternatives.
98. This process sets out a clear trail of why sites were selected and why others were rejected and the evidence demonstrates that reasonable alternatives were tested. Thus I am satisfied that the overall methodology is logical and that the steps taken to identify the housing sites allocated in the Plan are reasonable, justified and consistent with national policy.
99. Turning to the viability of sites, in line with the advice in the Guidance, the VA does not assess each housing site individually, but identifies a number of typologies based on location, greenfield/brownfield, size of site and current and proposed use/type of development. Overall, the VA finds that the Plan is generally viable, and that most of the sites can viably provide their affordable housing target. Whilst a limited number of smaller brownfield sites and over 55's accommodation are considered to be unviable, this is addressed through the Plan's flexible approach to affordable housing as recommended by the VA.

These typologies in any event make up only a small percentage of the development proposed.

100. In terms of the timescales for delivery, the updated housing site schedule in EXAM7 considers the allocations and indicates in which year of the Plan period development is anticipated. Rather than relying on standard lead in times or delivery rates, where possible the estimated timescales are based on an assessment of each allocation from consultation with the relevant land owners and developers. Whilst updated monitoring has found some slippage has occurred on some of the sites, this is not considerable and we discussed the reasons for it at the hearings. The Housing Trajectory at Appendix 1 of the Plan (as updated by **MM93**) includes a breakdown of the Council's housing land supply including the Plan's allocations over the plan period.
101. It is inevitable that the conclusions reached in undertaking the site selection process are to some extent matters of planning judgement to which some representors will disagree. This is so in relation to matters including the site boundaries, planning status, timescales for delivery and site constraints, as well as the impacts that would arise from the development and the weight that should be attributed to them. The development of some of the sites will necessarily result in some environmental and other impacts. Nevertheless, this has been balanced against the extent to which mitigation can be achieved and the benefits in terms of meeting housing needs that would arise.
102. Thus, I am content that the sites have been assessed appropriately and the corresponding policies drafted to include the necessary mitigation measures. On this basis, notwithstanding my findings in relation to KET9 and the changes that are required to the development principles to be applied to each site which are detailed below, I am generally satisfied that the housing allocations proposed in the Plan are justified and would be capable of being delivered during the Plan period. Nevertheless, a good number of MMs are necessary to the housing allocation policies for common reasons. To avoid unnecessary and excessive repetition, I have dealt with these together rather than individually.
103. In summary the policies have been amended to: avoid duplicating JCS policies and repeating other policies in the Plan, refer to the policies map, explain particular requirements, improve readability, tighten up language, clarify which criterion apply, move lengthy explanatory wording to the supporting text, make factual corrections, update planning status, add site areas, take account of other changes to the Plan, and to provide consistency across sites/policies. Where necessary they have also been amended to address comments from Anglian Water in relation to sites affected by existing sewers, to address detailed wording changes from the Environment Agency regarding contaminated land and stability, and to accurately reflect statutory provisions and national policy and guidance relating to heritage assets.
104. These changes are incorporated in **MM29** (KET1), **MM30** (KET2), **MM31** (KET3), **MM32** (KET4), **MM33** (KET5), **MM34** (KET6), **MM35** (KET7), **MM36** (KET8), **MM38** (KET10), **MM42** (BLA4), **MM43** (BLA5), **MM44** (BLA6), **MM48** (DES4), **MM49** (DES5), **MM53** (ROT3), **MM62** (BRA2), **MM64** (CRA2), **MM65** (CRA3), **MM67** (GED2), **MM68** (GED3), **MM69** (GED4), **MM73** (GRC2), **MM78** (MAW2), **MM81** (PYT2), **MM84** (STA2), and **MM90** (WES2) and are

necessary to ensure that the site allocation policies and their respective requirements are effective.

105. In addition to these amendments, the MMs for some of the sites in the list above include additional changes to address individual site specific considerations. **MM64** includes an additional criterion (i) to CRA2 which secures the removal of the adjacent farm buildings as a condition of any planning permission to ensure that adequate living conditions would be provided for the future occupiers of the site. The requirement for thatch as a roofing material under criterion (c) is also removed to align with the requirements of registered social landlords given that the site is proposed for affordable housing.
106. In the case of CRA3, **MM65** is necessary to address comments from the Environment Agency in relation to the detailed wording regarding a contaminated land investigation and mitigation scheme. **MM68** in relation to GED3 includes clarification that groundwater flood risk is a particular issue to be addressed. Additionally, with regard to GED2, **MM67** is necessary to clarify why a site specific flood risk assessment is required.
107. The remainder of this section of the report considers only those allocations which raise particular soundness concerns, along with the most significant of the sites where suitability was questioned at the hearings by representors. As set out above, this report does not respond to every point or issue raised by representors or refer to every allocation in the Plan.

KET9 Mc Alpine's Yard, Pytchley Lodge Road, Kettering

108. The proposed housing allocation for 217 dwellings (and 1 hectare of employment land) is identified in the Kettering Strategic Flood Risk Assessment (Level 1) (SFRA) as being at risk of reservoir breach flooding. This is due to its proximity to Cransley Waters, Thorpe Malsor and Slade Brook balancing reservoirs. The Guidance advises that the failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water. The proposed allocation remains subject to an objection from the Environment Agency with regard to reservoir breach flooding. In the absence of a Level 2 SFRA or site specific flood risk assessment to consider the impact of these upstream reservoirs, I am also concerned that it has not been demonstrated that the exception test can be met or that the proposed development can be made safe.
109. These are significant factors which indicate that the allocation is not justified in line with the advice in the Framework relating to flood risk. As such, I do not consider the proposed allocation to be appropriate or justified and it should be deleted from the Plan. Accordingly **MM37** deletes the policy in the interests of soundness and is reflected in the schedule of proposed changes to the policies map.
110. The Council has confirmed (EXAM9) that the implications of KET9's removal for its housing and employment requirements are limited, and would not require the identification of any alternative site/sites to meet the authority's strategic requirements. As set out above, there is already a significant over provision in the growth town of Kettering such that the deletion of this site would not undermine the spatial strategy. Nevertheless, the consequential changes to

the Plan arising from the deletion of KET9 are also taken into account in **MM37** including to update the figures in Table 4.3, to amend the numbering of the housing allocations in Chapter 2, and to update Table 15.1. The consequential changes to the housing trajectory are covered in **MM93**.

KET10 Land at Wicksteed Park, east of Sussex Road and Kent Place, Kettering

111. The proposed housing allocation is for 30-35 dwellings, but we discussed at the hearings the Council's aspiration for the policy to refer to an area of further land. This is in response to representations from the Wicksteed Charitable Trust who seek a much larger site that could accommodate 100-110 dwellings. I appreciate that the Trust is a non-profit making organisation which reinvests all monies back into Wicksteed Park, a Grade II listed park and garden, in order to maintain and improve its function as an important recreational, heritage, educational and ecological destination. The development of a larger area for housing development would offer higher reinvestment opportunities for the Park and a greater scale of enhancements there.

112. I also understand that a reference to this further land in the Plan would provide flexibility in the future in line with paragraphs 11a and 81 of the Framework and provide a helpful marker for effective future decision making. However, it would not be appropriate or effective to apply the requirements of Policy KET10 to an unidentified larger area of land which is not within the site boundary. I note that the Council considered including a larger allocation within the Publication version of the Plan but ruled this out due to the additional site assessment work that would have been required and the potential for this to delay the progress of the Plan. Nevertheless, for the criteria in KET10 to apply, that larger area of land would need to be defined and assessed and included within the site boundary on the policies map.

113. Accordingly, whilst some revisions are required to the wording of Policy KET10 under **MM38** as considered above, changes in relation to a wider site as discussed above are not required for soundness.

ROT3 Land to the west of Rothwell

114. The site is proposed for 300 houses and is immediately adjacent to the Rothwell North SUE. It was previously included within the boundary of the SUE and will be accessed through it. Concerns have been raised that the site is not needed for housing in advance of the completion of the SUE and consideration of the impact of that development on Rothwell. Nevertheless, I am mindful that the site has been identified to meet the spatial strategy and the housing requirements for Rothwell set out in the JCS. As such, the levels of growth proposed for the market town overall have already been determined. The site is well related to the SUE and would benefit from access to the services and facilities there as well as in Rothwell.

115. Whilst the site relies on the delivery of the SUE, as set out above in relation to Issue 2, development has now begun on the SUE and I see no reason why it will not continue. Development is not anticipated on the proposed allocation until later in the Plan period to reflect this situation. In terms of GI, a local corridor runs to the west of the site (10a) and into part of the SUE to the north. The policy for the site includes criterion (d) which requires a GI link

along the site's western boundary to link with the proposed GI corridor in the SUE. This provision has been included in the masterplanning of the site so far, and I am content that there is an opportunity to improve and extend the existing linkages.

116. I note the developer's view that in practical terms the development of the site cannot commence until the section of the strategic link road within the SUE to connect the proposed allocation to the A6 is complete. However, circumstances and phasing can alter, and I am content that criterion (h) of the policy is required to ensure that this important infrastructure precedes the development of the proposed allocation. Taking all these factors into account, and subject to **MM53** detailed above, I consider the allocation to be justified.

GRC2 Land to the north of Loddington Road, Great Cransley

117. The site is proposed for 10/15 dwellings which would be provided towards the middle of the Plan period. The yield, although increased from previous estimates, is supported by the site promoter. Concerns have been raised regarding failures in the site assessment process most notably relating to archaeology, levels, highway safety, and flood risk. As set out above, I am mindful that the site selection process requires judgements to be made with which there is scope for people to disagree. However, as previously indicated, I am generally content that the process overall is robust and that constraints and necessary mitigation are reflected in the policy requirements for the site.

118. Whilst some matters will need to be addressed through the development management process, I am not persuaded that they would preclude the development of the site for housing. On this point, my attention is drawn to a planning application for the site for 9 dwellings which was withdrawn in 2020. However, whilst I acknowledge the concerns raised by local residents and the Parish Council to that scheme, the objections raised by the statutory consultees relate primarily to the need for the provision of further information rather than to the principle of the development of the site. There is no evidence to demonstrate that these objections could not be overcome.

119. In terms of the need for the allocation, notwithstanding the requirements of Policy 11, the JCS is clear that some housing is to be provided in the rural areas. I have considered the Council's approach to this under Issue 2 and found it to be justified. Although Great Cransley has a limited range of facilities, it is in close proximity to Broughton which has more facilities and is not remote from Kettering. As a Category A village, it is reasonable for the Council to seek to allocate development here and I am mindful that the site selection process considered the sustainability and capacity of each settlement. There are no other allocations proposed in the village.

120. Consultation at the options stage of the Plan, and the findings of the Kettering Borough Rural Masterplanning Report (February 2012) (Rural Masterplanning Report) raised a need for affordable housing in the village. In the absence of a housing needs survey the site was not allocated specifically for affordable housing/as a rural exception site in the publication version of the Plan. I am aware that a subsequent Housing Needs Survey for Great Cransley (March 2020) identifies an indicative need for five affordable dwellings and two open market dwellings in the village. The first draft of the subsequent Housing

Needs Assessment (August 2020) prepared to support the emerging NP, finds a need for five affordable dwellings.

121. Whilst these assessments form part of the evidence base for the NP, they are not in themselves a housing policy for the village. I am mindful that the NP remains at a relatively early stage of production and has yet to be examined. The evidence in relation to housing need will have to be balanced against other evidence to ensure it is achievable and realistic and will be tested by an independent examiner. In short, this is a matter for the NP.
122. The allocation of GRC2 as a housing site to meet the rural housing targets in this Plan does not undermine the aims of the NP or its process. On the basis of the numbers of dwellings anticipated for the site, it would be expected to provide 40% affordable housing in accordance with JCS Policy 30. This has the potential to achieve between 4 and 6 affordable dwellings which would contribute towards meeting the village's need. Whilst I note the concerns raised that schemes of less than 10 dwellings may be sought on the site by developers in order to fall below the threshold for affordable housing in JCS Policy 30, that is not the site promoter's current intention and is in any case a matter that could be considered through the development management process.
123. Taking all these matters into account, and subject to **MM73** considered above, I consider that the allocation is justified and effective.

STA2 Land to the south of Harborough Road Stoke Albany

124. Following a recent planning application for the site, **MM84** increases the number of dwellings from 16 to 18 to reflect the development of a slightly larger area within the site than originally anticipated and to best achieve an appropriate site layout. As well as the common revisions detailed above, it also amends the policy and supporting text to accurately reflect the requirements in terms of the speed survey, to clarify open space requirements and to refer to consequential changes to Tables 4.3 and 13.1.

Conclusion on Issue 4

125. Subject to the MMs as detailed above, the housing allocations in the Plan are reasonable and justified and deliverable over the plan period, and the specific requirements of the site allocation policies are justified and consistent with national policy and the JCS.

Issue 5 – whether the approach to employment and town centres in the Plan is robustly based and consistent with the JCS and national policy.

Employment

126. The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. The JCS sets out the strategy for economic development and establishes job targets as well as allocating strategic employment sites. Policy 23 identifies a target of 8,100 jobs for Kettering over the Plan period. The Property Market Review and Assessment of Employment Sites 2018 (Employment Land Review) considers the market for employment provision in the borough along with the suitability

of employment sites and has informed the policies in the Plan. The Employment Allocations Background Paper 2019 explains the approach further and demonstrates how the job growth target will be met.

127. A good number of sites are already committed for development and the Council will comfortably meet the jobs requirements in the JCS through permissions and sites allocated in the JCS. Nevertheless, the Plan allocates a small number of non-strategic sites to provide choice and flexibility in employment land supply over the Plan period (predominantly in the light industrial and general industrial sectors) which are considered below.
128. **MM11** makes necessary amendments to the supporting text in relation to employment sites to refer to the correct evidence base and to explain the implications of the changes made to the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) in September 2020. The effects of these changes are also addressed in other MMs as detailed below and are required for effectiveness.
129. Additionally, in line with JCS Policy 22, which prioritises the enhancement of existing employment sites and safeguards them for employment use, Policies EMP1 and EMP2 safeguard a number of identified existing employment areas. EMP2 also provides some flexibility in relation to a small number of particular local employment areas which would be difficult to re-occupy should they become vacant. Policy EMP3 sets out the restrictive approach to proposals for non-employment uses within the safeguarded employment areas.
130. **MM9** is needed to recognise the existing and committed strategic employment sites in the borough including those within the SUEs and the role they play in the spatial strategy. It is also necessary to increase the flexibility of Policy EMP1 to recognise and positively address the circumstances in which existing safeguarded employment sites can be expanded. This is in line with JCS Policy 22(b) which prioritises the enhancement of existing employment sites, and paragraph 80 of the Framework which requires planning policies to help to create conditions in which businesses can invest, expand and adapt as well as paragraph 81(d) which requires policies to be flexible enough to accommodate needs not anticipated in the Plan. Further amendments to Policy EMP1 to reflect the changes to the UCO, cross reference to Policy EMP3, and ensure consistency with the JCS are also required in the interests of effectiveness. **MM9a** is also required to Policy EMP2 to reflect the changes to the UCO for this reason.
131. Policy EMP3 is amended by **MM10** to take account of the changes to the UCO, to clarify the different approaches with regard to proposals for non-employment uses which are ancillary or non-ancillary to existing employment uses, and to accurately define the marketing period in the policy itself. I am satisfied this is a reasonable period and that it sets out a suitably clear requirement for robust evidence to be presented to justify the loss of employment sites. In the absence of any indication of how it would be measured in practice, reference to the need to demonstrate a proposal would not lead to an over-concentration of non-employment uses is removed. These changes are needed to ensure that Policy EMP3 is consistent with national policy, justified and effective.

132. Policy EMP4 seeks to encourage live-work units in line with paragraph 81(d) of the Framework which requires planning policies to allow for new and flexible working practices. It also aligns with the aspirations of JCS Policy 25 in terms of live work units in the context of rural diversification schemes. **MM12** amends the policy to explain how air quality will be assessed, to reflect changes to the UCO, and to accurately describe where the different elements of the policy criteria will be applied including reference to the policies map to ensure the policy is effective.
133. The Plan allocates three sites for employment. The site selection methodology is set out in the Employment Allocations Background Papers (2012 and 2019). Potential sites arising from consultation on the Plan, the ELR, and the Kettering Employment Study were all considered to allow an assessment to be made of all available reasonable options and these were tested consistently. Those sites selected were found to have less significant constraints and to provide the appropriate type of employment land in a range of locations. Reasons for discounting the other site options are set out in the SA and the Background Papers. Whilst the process inevitably involved some element of judgement, I am content that it is generally robust and fit for purpose.
134. The methodology adopts a site threshold size of 5 hectares to accord with the approach of the JCS which considers larger allocations above that threshold. However, the employment allocation at DES6 Magnetic Park in Desborough is 8.1 hectares in size. Whilst this allocation marginally exceeds the threshold, it is intended to provide choice and opportunity in the supply of employment land and in particular to provide for businesses wishing to expand, relocate or remain in Desborough. The site formed part of a wider area of land assessed in the preparation of the JCS but was discounted due to uncertainties regarding availability and sustainability which have now been progressed. In the absence of any strategic employment sites in Desborough in the JCS, and acknowledging its role as a market town, I consider there to be local justification for this approach.
135. Given the site's relatively limited size, I am satisfied that the allocation would not disrupt the spatial strategy set out in the JCS and would be generally consistent with JCS Policy 11 which considers the roles of the market towns. It would also support employment opportunities close to new housing development at Desborough reducing the need for long distance commuting. The North Northamptonshire Joint Planning and Delivery Unit (JPU) agree that the proposal is consistent with the spatial strategy and unlikely to result in significant impacts beyond Kettering borough. As such, subject to **MM50** which is necessary to acknowledge the position regarding the JCS, and to refer accurately to the site's geographic illustration on the policies map in the interests of effectiveness, I am content that the allocation is broadly consistent with the JCS and justified.
136. GED5 allocates up to 0.28 hectares of land at Geddington South West for light industrial employment use. The site is located adjacent to an existing well occupied industrial site and would be likely to attract similar occupiers. There is a demand in the local area for such small format units and I am content that the allocation would help to respond to local business needs and contribute to meeting the jobs target in the JCS. Thus, subject to **MM70** which is required to ensure that the policy is effective in reflecting changes to the UCO and

referring to the policies map, the allocation is justified. KET9 is proposed for both housing and 1 hectare of employment land, but for the reasons set out above, it is not justified and so is deleted by **MM37**.

137. Additionally, there was some discussions at the hearings regarding the Station Road Industrial Estate in Burton Latimer, which is identified in the Plan as safeguarded employment land under Policy EMP1 and operated by Weetabix. Weetabix seek an area of future expansion land to the north of the existing site to be recognised as such (and included within the settlement boundary). We discussed the matter at the hearings and I have had regard to the submitted statement of common ground and development brief that has been produced for the wider site.

138. Whilst I appreciate Weetabix's role as a large employer in the borough and their aspirations in this regard, the land in question does not meet the criteria in the established methodologies to be allocated under Policy EMP1 as safeguarded employment land, or included within the settlement boundary of Burton Latimer. Nor has it been considered by the Council as a 'new' employment proposal. Accordingly, such allocations for the site in question do not form part of the Plan before me and have not been tested or demonstrated to be justified. However, I am satisfied that **MM9**, which is considered above and amends Policy EMP1 to recognise the circumstances in which existing safeguarded employment sites can be expanded, provides adequate flexibility for the successful future operation of this, and other existing employment sites in the borough.

139. Overall I am content that the Plan takes full account of the considerations set out in the Framework and the JCS with regard to employment provision and sets out a comprehensive set of policies and allocations directed to support economic growth.

Town Centres

140. JCS Policy 12 identifies a need for an additional 12,500 square metres net of comparison shopping floorspace in Kettering borough which is to be provided in the Kettering TCAAP (and its intended review). I appreciate that the Plan relies upon evidence in the North Northamptonshire Retail Capacity Study Update (October 2014) which was prepared some time ago to inform the JCS and is to be updated. However, I am mindful that this is a matter for a future review of the JCS, and for consideration in the intended review of the TCAAP and is not for this Part 2 Plan to address.

141. The retail hierarchy set out in the Plan generally accords with the JCS. However, **MM13** is necessary to provide a clear explanation of the hierarchy of centres within the borough, with reference to the district centre in the Hanwood Park SUE, in order to ensure subsequent policies are effective. However, since they are yet to be delivered and are located with the strategic sites allocated in the JCS (which have been included on the policies map for information and completeness only), the centres in the SUEs are not indicated on the policies map. I have made an additional minor amendment to the MM to ensure the description of the district centre aligns with that in the glossary to the JCS and I am content that this does not alter the fundamental requirements of the Plan or cause anyone to be prejudiced by my

recommending such a change in the interests of consistency and effectiveness at this stage.

142. Policy TCE1 deals with the town centre boundaries but does not provide any indication of how a decision maker should react to a development proposal. Since the town centre boundaries for Burton Latimer, Desborough and Rothwell are referred to in the respective policies for those centres (BLA1, DES1, and ROT1) **MM14** deletes Policy TCE1 which is unnecessary and unjustified. It also provides clarification that the primary shopping areas for the market towns correspond with the town centre boundaries in the interests of clarity and effectiveness and in order to align with the provisions of the JCS and paragraph 85 of the Framework. Additionally it deals with the consequential changes to other parts of the Plan arising from the deletion of Policy TCE1.
143. Policy TCE2 supports the provision of a medium sized food store to serve the Rothwell and Desborough area in line with JCS Policy 12(e) and sets out the requirements for any such proposal including the need to undertake a sequential approach to demonstrate that priority is given to a town centre location in the first instance. Subject to **MM15**, which removes repetition of the JCS and unnecessary detail from the policy and clarifies the intention of some of the criteria in the interests of effectiveness, I am content that this policy is justified and consistent with the JCS. Whilst I have had regard to arguments that the evidence that underpins the need for the store is out of date, as set out above, that is a matter for the future review of the JCS and is beyond the scope of this Plan.
144. Markets are considered in Policy TCE3 which supports proposals for new and enhanced provision in the market towns in line with paragraph 85(c) of the Framework. This indicates that planning policies should retain and enhance existing markets, and where appropriate, re-introduce or create new ones. **MM16** is necessary to clarify where the policy applies, to remove reference to standards in another document, and to clarify that all the criteria apply in order to ensure Policy TCE3 is effective.
145. Policy TCE4 supports residential development in town centres in the market towns and sets out a number of requirements in relation to such proposals. **MM17** is required in the interests of effectiveness to remove repetition of JCS policies and avoid the duplication of requirements within the policy for accuracy.
146. The application of the sequential test for main town centre uses in line with the requirements of paragraph 86 of the Framework is considered in Policy TCE5. This requires the sequential test to be undertaken unless the proposal relates to a number of exceptions, including the creation of local centres in the SUEs. This requirement aligns with Policy 12(g) of the JCS which sets out that both the sequential and impact tests set out in the Framework should not be applied in the case of the creation of local centres to meet the day to day needs of residents in the SUEs. It therefore has a local justification and given their scale, I see no reason why the local centres would affect the vitality and viability of Kettering town centre.

147. **MM18** clarifies that the exception to the requirement for the sequential test does not extend to the district centre in the Hanwood Park SUE. Since that district centre is at a higher tier in the retail hierarchy beyond that of the local centres, and because district centres are not specifically mentioned in JCS Policy 12(g) and could be of such a scale to have the potential to affect the vitality and viability of other centres, I find this approach to be reasonable. The MM is therefore necessary to ensure the policy is accurate, effective and consistent with the JCS. It is also needed to define the term 'small scale', refer to the policies map, and remove references to undefined neighbourhood areas. I have also corrected a minor spelling error in the MM in the interests of accuracy.
148. Paragraph 89 of the Framework allows local authorities to determine a proportionate locally set floor space threshold for retail impact assessments. The default threshold set out in the Framework is 2,500 square metres of gross floorspace. Policy TCE6 considers lower individual thresholds for impact assessments in Kettering and the market towns, ranging from 300 square metres in Desborough to 750 square metres in Kettering, above which an impact assessment is required. This approach is based on an analysis of the existing floor space in the town centres and the scale of a proposal as a percentage of this, as set out in the Town Centres and Town Centre Uses Background Paper. The thresholds chosen are well above the average size of the existing units in these locations and I am content that this methodology and approach is reasonable and locally justified.
149. Nevertheless, **MM19** is necessary in the interests of effectiveness and consistency to clarify that the exceptions to the requirements for impact assessments are those set out in JCS Policy 12(g) only and do not extend to the Hanwood Park SUE district centre. I find this approach to be reasonable for the same reasons as given above in relation to **MM18**. **MM19** is also required for effectiveness to clarify that assessments should be proportionate to the scale of the proposal to ensure flexibility, to refer to the policies map and to describe the harm that may arise from cumulative impacts.
150. Policy TCE7 protects local centres and resists the loss of local shopping facilities there. It defines the centres and identifies them on the policies map and I am content that the aim of maintaining and retaining vibrant and attractive local centres aligns with the aspirations of national policy and the JCS. However, **MM20** is necessary in the interests of effectiveness to secure the addition of all the local centres including those at the Rothwell North and Desborough North SUEs in the list and to remove reference to emerging local centres to reflect the longevity of the plan period. Additionally, I have made a minor change to the MM to clarify that the local centres in the SUEs are not on the policies map. I am satisfied that this does not alter the fundamental requirements of the policy.
151. Policies BLA1, DES1 and ROT1 set out the town centre development principles for the respective centres in Burton Latimer, Desborough and Rothwell. **MM39**, **MM45** and **MM51** are necessary to ensure that the principles are effective and do not duplicate the JCS or include generic requirements included in other policies elsewhere, and that they are relevant and locally distinctive, consistent, logically set out with clear requirements, and reflective of the revised UCO.

152. Additionally, a number of opportunity sites and environmental improvement sites are identified in the market towns in Policies BLA2, BLA3, DES2, DES3 and ROT2. To ensure these are effective, **MM40, MM41, MM46, MM47 and MM52** are required to: provide clear guidance to decision makers, clarify what is expected of developers, avoid repetition and duplication of other policies, ensure consistency, improve readability, provide a logical layout and refer to the policies map. For the same reasons, amendments are also necessary to ensure Policy DES2 refers appropriately to heritage assets via **MM46**.
153. Bringing these matters together, I find that the town centre policies and allocations in the Plan are positively prepared, support the role that town centres play at the heart of local communities and take an appropriate and positive approach to their growth, management and adaptation as anticipated by the Framework.

Conclusion on Issue 5

154. Subject to the MMs as set out, I therefore conclude on this issue that the approach to employment and town centres in the Plan is robustly based and consistent with the JCS and national policy.

Issue 6 – whether the environmental and other spatial designations in the Plan are effective, justified and consistent with national policy and the JCS.

Policy NEH2 Green Infrastructure

155. The JCS identifies GI corridors of sub-regional and local importance and JCS Policy 19 provides a framework for managing development and investment and for protecting and enhancing GI. Policy NEH2 seeks to identify and protect a number of additional borough level corridors in line with the JCS. It also requires major developments (of 10 homes or more) to deliver a net gain of GI, and for more significant developments (of 50 homes or more) to provide a strategy to illustrate how the GI will be integrated into the development. Finally the policy sets out what will be expected of the design and delivery of GI projects. With reference to the JCS and the Framework, I find this approach to be justified.
156. Nevertheless, **MM25** requires changes to provide a coherent and logical order to the various elements of the policy in order to avoid confusion and repetition. It also clarifies the role and inter-relationships between the different corridors and recognises the policy's potential cross over with instances where open space contributions may also be required by Policy NEH4. To address concerns as to how contributions for GI will be determined and spent, the policy is amended to indicate that this matter will be considered alongside open space requirements in Policy NEH4, in a forthcoming SPD. This is needed in order to provide certainty. Finally the MM is necessary to clarify that the GI corridor boundaries are indicative, to refer to the policies map and to explain that the corridors do not preclude or restrict development to give comfort to local residents in urban areas whose properties are affected by them. All these changes are needed in the interests of effectiveness.

Policy NEH3 Local Green Space

157. For the reasons that have been fully explained in my previous post hearings correspondence EXAM17 (paragraphs 9 to 28) and EXAM19 (paragraphs 28 to 37 and the table at Appendix 1 to that document) I consider that a number of the spaces proposed in the Plan for designation as Local Green Space (LGS) do not meet the requirements of the Framework and are unjustified and should be deleted. The relevant extracts from these documents are attached below in Appendices 2 and 3 and set out my detailed findings regarding soundness in relation to LGS. To avoid unnecessary repetition, the relevant sections of those letters as indicated are to be read as an integral part of this report. The necessary amendments are reflected in the schedule of proposed changes to the policies map.
158. I have had regard to the representations made to the MMs (and policies map changes) regarding the LGS sites and do not take lightly the extent of local feeling expressed. Nevertheless, I have seen nothing that alters my views on this matter. The Plan as submitted does not seek to allocate Historically and Visually Important green spaces (HVIs), it seeks to allocate LGSs. Such a designation is subject to a distinct and stringent set of requirements set out in the Framework. Whether the Council's approach to LGS is justified (and whether the proposed allocations are sound) falls to be tested as part of this examination. Whether the sites are justified as HVIs is not before me for consideration since, notwithstanding its previous iterations, that is not what is proposed in the submitted Plan.
159. I am also mindful that whilst some of the sites subject to the MM were previously designated as Environmentally Important Open Spaces under Policy 94 of the 1995 Local Plan, that policy was not saved by the Council in 2011. Since that time, those sites have not been designated in an adopted development plan under any specific open space/HVI allocation. This situation would not change as a result of the MM proposed and in this sense the 'status' of the spaces would not be altered or lost as suggested.
160. In terms of the wording of Policy NEH3, **MM27** is necessary to explain the background to, and justification for, LGSs with clear and accurate reference to paragraphs 99, 100 and 101 of the Framework and to clarify that once designated LGSs will be subject to the same planning policy safeguards as land designated as Green Belt. It is also required to reflect the Green Belt tests set out in the Framework and to include a list of the spaces which are appropriate for designation. I confirm that I consider these spaces to be justified with reference to the necessary tests set out in national policy. These changes are needed to ensure the policy's consistency with the Framework and its effectiveness.

NEH4 Open Spaces

161. Paragraph 96 of the Framework advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. The provision of new open space as part of new development as sought by Policy NEH4 is consistent with the Framework and helps to support Policy 7 of the JCS which seeks to safeguard and protect open spaces.

162. **MM28** proposes a good deal of changes to Policy NEH4 and the supporting text to reflect the up to date position with the relevant evidence base documents, ensure a logical structure to aid the interpretation of the policy, provide further detail in relation to the proposed SPD in the interests of certainty, to acknowledge the cross over with the provisions of Policy NEH3 in relation to GI, to be clear that it applies to major development, to provide clarity in relation to the design and delivery of open space, to explain where monies would be spent, and to delete the reference to green roofs and living walls which do not constitute open space. These are required to ensure Policy NEH4 is effective.
163. I have considered the proposed allocation of land at Thorpe Malsor as open space under Policy NEH4 (allotments at Short Lane Reference 478). My findings in relation to the soundness of the allocation of this site as allotments is set out in EXAM19 (paragraphs 42 to 45) and in paragraph 4 of EXAM19b. In line with the approach taken above regarding LGS, and to avoid unnecessary repetition, the relevant extracts of these letters are attached in Appendix 4 and are to be read as an integral part of this report.
164. For the reasons given, I consider that the site's designation as allotments is unjustified and should be deleted. Accordingly the open space annotation is removed from the entirety of the site shown on the policies map in the publication version of the Plan, and this is reflected in the schedule of changes to the policies map.

Conclusion on Issue 6

165. On this basis, subject to the MMs considered above, I conclude on this issue that the environmental and other spatial designations in the plan are effective, justified and consistent with national policy and the JCS.

Issue 7 – whether the other individual policies in the Plan are clear, effective, justified and consistent with the JCS and national policy, and whether there are any omissions.

Policy HOU1 Windfall and Infill principles of delivery

166. **MM5** is necessary to clarify that Policy HOU1 is in two distinct parts. The first part explains when windfall development is generally acceptable and the second part identifies certain areas in Kettering that are recognised for their distinctive residential character where windfall development is more strictly controlled. Additionally, general requirements which duplicate those in the JCS are deleted, a consistent approach to the term 'infill' provided (and included in the Glossary via **MM94**) and further explanation as to the local justification for the policy provided in the supporting text. These changes ensure that the policy is focussed and effective.

Policy HWC1 Health and Well-Being

167. **MM21** makes a number of changes to Policy HWC1 and is necessary for effectiveness to clarify what the policy seeks to achieve, how it will be used in decision making, to what development proposals it applies and to logically set out the Council's requirements without duplication of the JCS.

Policy HWC2 Protection of community facilities and proposals for new facilities

168. **MM22** is necessary to clarify that the policy has two purposes and to explain what the policy is seeking to achieve in terms of the protection of existing facilities and what will be expected of new/enhanced facilities. These and other revisions to avoid repetition and duplication and retain a focussed approach are required to ensure Policy HWC2 is effective.

Policy HWC3 Sport, Recreation and Physical Activity

169. The provision of new sports and recreation facilities is consistent with paragraph 96 of the Framework and JCS Policy 7 which seeks to support and enhance community services and facilities. **MM23** makes considerable alterations to ensure Policy HWC3 is effective and clearly expressed. These include its logical re-ordering so that it is evident that the first part of the policy applies to all major development proposals, and to set out what will be expected in terms of the provision of new or enhanced facilities. I have amended the wording of the first line of the policy in the MM to be clear that the facilities referred to are those relating to sport and recreation to ensure the Policy is clear and effective. I am content that this does not alter the fundamental requirements of the policy.
170. The MM is also needed to clarify that the second part of the policy applies to proposals for sport and recreation facilities. Additionally, the supporting text has been expanded to explain what the forthcoming SPD will do and give some initial detail as to how contributions will be calculated and spent. The status of the relevant evidence base documents have also been updated in the supporting text and duplication of other policies and guidelines, as well as repetition between the criteria, has been removed throughout. These changes are needed in the interests of effectiveness.
171. Some concerns are raised as to the late availability of the Playing Pitch and Sports Facilities Audit and Needs Assessment and the Playing Pitch Strategy and the Sports Facility Strategy which I have considered in the Legal Compliance section of the report below. Points are also raised as to their methodologies and findings in relation to the facilities to be provided at Hanwood Park SUE and the approach to swimming pool provision. Taken together the studies are intended to identify deficiencies in sports facilities and provide action plans to determine what provision is needed and where. Rather than being requirements, these recommendations are then considered as part of the decision making process in the context of the need arising from new development.
172. Whilst Policy HWC3 requires development to meet the community needs for sport and recreation facilities arising from major development, the process for determining what will be required in terms of new provision or contributions (and how any contributions will be spent) will be set out in the forthcoming SPD. I am broadly content that the studies provide sufficient evidence to support that overall general policy approach which is consistent with the aims of the JCS and Framework. Any detailed issues relating to the methodology/findings of the relevant studies, which may have an impact on how contributions are calculated or spent, can be addressed by the Council through the forthcoming SPD process, or in the case of the Hanwood Park

SUE, through the ongoing development management discussions. Overall, I am therefore content that subject to **MM23**, the approach is justified and effective. Following the MM consultation, I have also made an additional minor change to the MM to reflect comments from Sport England in relation to how monies will be spent which does not alter the fundamental requirements of the policy and would not cause anyone to be prejudiced.

Policy NEH1 Flood Risk Management

173. **MM24** is required in the interests of effectiveness to clarify the circumstances in which site specific flood risk assessments are required and to include them in the policy. Changes are also necessary to reflect comments from Anglian Water in relation to surface water drainage, to explain Critical Drainage Catchments, and to clarify the approach to encouraging the retro-fitting of Sustainable Urban Drainage Systems (SuDS).

Policy RS4 Countryside

174. A number of objectors are concerned about the protection the Plan affords to Cransley and Thorpe Malsor reservoirs. Saved Policy 10 of the 1995 Local Plan recognises them as valuable countryside resources and relates to them specifically. It indicates that planning permission for development there will not normally be permitted, but that exceptions may be considered in a number of limited circumstances only where they are compatible with the peaceful rural nature of the area. Whilst Appendix 2 of the Plan indicates that policy NEH2 replaces saved Policy 10, the Council confirms that this is a drafting error and should instead refer to Policy RS4 concerning development in the open countryside (this matter is included as one of the Council's additional modifications to the Plan).

175. JCS Policy 11 is clear that development in the rural areas will be limited to that required to support a prosperous rural economy (or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement). Policy RS4 aims in the first instance to resist development in the open countryside. This is so unless the specific requirements of JCS Policies 25 (rural economic development), 26 (renewable energy), or 13 (affordable housing exception sites) and national policy are met. Paragraph 170(b) of the Framework states that planning policy and decisions should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.

176. Although I appreciate the local strength of opinion in relation to this matter, in my view Policy RS4, along with the provisions of the JCS and the Framework, provides sufficient protection to ensure that these locally valued reservoirs and their surroundings are not adversely affected by development that would be harmful. As such, no changes are required to the Plan in the interests of soundness in this regard.

177. Policy RS4 seeks to reflect the relevant policies in the JCS relating to development in the countryside and to provide additional local guidance in relation to replacement dwellings and the re-use of redundant or disused buildings. **MM58** includes a number of changes to remove repetition, clarify that criterion (c) applies to residential development, improve presentation and to refer to the policies map. Additionally, specific reference to small scale

private equestrian facilities has been deleted as such development could be managed adequately with reference to other existing countryside policies. These amendments are needed to ensure that the policy is effective. I am content that whilst the policy does not deal with previously developed land in the countryside explicitly, development affecting such land would be adequately controlled through the development management process via policies in the JCS and the Framework where necessary.

Development Principles in the Rural Area and the Villages

178. Policy RS5 sets out a number of development principles in the rural area and is based on the findings of the Rural Masterplanning Report which provides a detailed analysis of the villages in the borough. It sits alongside a number of other policies which provide guidance for development. Policies RS1 and RS2 considered under Issue 1 (as amended by MMs) include the requirement for development in Category A and B Villages to show consideration of and be sympathetic to the existing size, form, character and setting of the village. Additionally development principles for the particular individual villages are set out in Policies ASH1, BRA1, CRA1, GED1, GRA1, GRC1, HAR1, LOA1, LOD1, MAW1, NEW1, PYT1, RUS1, STA1, SUT1, THM1, WAR1, WEK1, WES1, and WIL1. Furthermore, as set out above, the housing allocations in the rural area have their own site policies which include development principles and expectations. I am also mindful that the JCS sets out a number of place shaping principles in Policy 8.
179. In order to provide each layer of policy guidance with a clear purpose and rationale, and to avoid unnecessary overlap between them and duplication of the JCS, Policy RS5 and all the policies for the villages have been revisited and comprehensively amended accordingly. These changes are necessary to ensure that the Plan is justified and effective.
180. **MM59** amends the supporting text to Policy RS5 to explain the role of the Rural Masterplanning Report and to clarify the tiers of policy and their purpose. It also includes changes to the policy to refer appropriately to the tests for heritage assets, which I have amended very slightly myself to ensure criterion (a) is completely accurate and consistent with the relevant legislation. Additionally the MM removes the requirement for the redevelopment of historic farm buildings to retain an element of employment use as it has no basis in the Framework. Other changes are also made to further explain some of the requirements and to indicate that all the criteria are intended to apply. All these changes are necessary for consistency and effectiveness.
181. **MM60, MM61, MM63, MM66, MM71, MM72, MM74, MM75, MM76, MM77, MM79, MM80, MM82, MM83, MM85, MM86, MM87, MM88, MM89, and MM91** amend the respective development principles policies to ensure they are locally specific and to reflect comments from Historic England relating to materials. They also clarify references from the Rural Masterplanning Report and address matters of presentation, conciseness, readability, consistency, repetition, application, and factual corrections in order to ensure the policies are effective.

Heritage

182. The Plan considers heritage matters at paragraphs 8.26 to 8.36 but does not include a policy. Historic England object to this omission on the basis that the Plan does not fully address the historic environment as required by the Framework. However, I am mindful that the Plan is a Part 2 Plan. Whilst it pre-dates the 2019 version of the Framework, Policy 2 of the JCS states that the historic environment will be protected, preserved and where appropriate enhanced and sets out a number of considerations where development would impact upon a heritage asset. On this basis I consider that there is adequate guidance on heritage issues in the JCS and the Framework to facilitate the development management process in the borough. No particular local level details or emphasis is necessary in the form of a policy to aid decision making.
183. Although the existing text in the Plan provides a background to heritage in Kettering, it is lengthy and repetitive of national guidance and the JCS. This unnecessary wording is deleted as a result of **MM26**. The retained text has also been significantly refined to clarify the policy basis for considering heritage assets, to focus on the local situation, and to signal the intention to provide a local list of non-designated heritage assets. The changes to this section of the Plan are necessary in the interests of effectiveness.

Conclusion on Issue 7

184. For the reasons given, and on the basis of the MMs required, I am satisfied that all the policies considered above are justified, effective and consistent with national policy and the JCS, and that they provide sufficient guidance in terms of development management.

Issue 8 – whether effective arrangements are in place for the monitoring of the Plan.

185. The provisions for monitoring and review are set out in Table 15.1 of the Plan and sit alongside the monitoring requirements of Table 9 of the JCS. Some comprehensive changes to the indicators and targets are needed to provide clarity on how performance will be realistically and usefully measured. Other amendments are required to the table to avoid the duplication of text, remove unnecessary wording, reflect changes to the UCO, update timescales, and to ensure a consistency in approach across the objectives. Consequential changes arising from other modifications are also necessary. **MM92** is therefore necessary in the interests of effectiveness.
186. Following the consultation on the MMs, I have also made additional minor amendments to **MM92** to re-introduce some of the targets in the Plan for the development principles relating to the rural area. The proposed MM to delete them is not necessary for soundness. I have also amended the target number of homes for Policy GRC2 to align with that stated in the policy, revised the indicator for Policy RS3 to reflect the changes to that policy in **MM57**, and corrected the wording of the target for CRA2 to align with the other targets. This is to ensure the indicators are accurate and can be measured in the interests of effectiveness. I am satisfied that this does not alter the fundamental requirements of the Plan and do not consider that anyone would be prejudiced by my recommending such changes at this stage.

Conclusion on Issue 8

187. Subject to **MM92**, I am content that effective arrangements are in place for the monitoring of the Plan.

Assessment of Legal Compliance

188. My examination of the legal compliance of the Plan is summarised below.

189. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS). An updated version of the LDS was prepared by the Council in September 2020 to reflect revised timescales.

190. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SCI). Representors raised concerns about the timing of the availability of a number of evidence base documents relating to sport, recreation and open space. These were published after the Regulation 19 consultation period and the submission of the Plan. Nevertheless, I am satisfied that these documents were provided on the Council's website for a number of months prior to the hearings and flagged up in the Matters Issues and Questions relating to the examination. As such, interested parties had the opportunity to consider them in advance of the hearings and I am satisfied that no prejudice has been suffered as a result.

191. A Sustainability Appraisal has been carried out and is adequate.

192. The Habitats Regulations Assessment (May 2020) meets the necessary regulatory requirements and concludes that the Plan will have no likely significant effects on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site. Based on additional information provided by the Council (letter dated 30 June 2020) Natural England are satisfied with this conclusion.

193. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.

194. The Development Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. JCS Outcome 2 concerns Adaptability to Future Climate Change and paragraph 2.16 of the Plan sets out how the Plan will contribute to this outcome. **MM2a** to paragraph 2.10 of the Plan is necessary to acknowledge that a Climate Change Emergency was declared in the borough of Kettering in 2019 in the interests of effectiveness.

195. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. It is consistent with the JCS except in one very minor instance in relation to Policy DES6 (employment allocation) which is justified for the reasons set out above.

Overall Conclusion and Recommendation

196. The Plan has a number of deficiencies in respect of soundness 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. These deficiencies have been explored in the main issues set out above.

197. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in Appendix 1, the Kettering Site Specific Part 2 Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Elaine Worthington

Inspector

This report is accompanied by:

- Appendix 1 containing a schedule of the Main Modifications
- Appendix 2 containing extracts from EXAM17
- Appendix 3 containing extracts from EXAM19
- Appendix 4 containing extracts from EXAM19 and 19b.