South Northamptonshire Council

14 January 2019

Council

South Northamptonshire Local Plan (Part 2): Submission

Report of Executive Director: Operations

This report is public

Purpose of report

To agree the submission of the South Northamptonshire Countryside and Settlements Local Plan Part 2 to the Secretary of State.

1.0 Recommendations

Council is recommended to:

1.1. Endorse the South Northamptonshire Countryside and Settlements Local Plan Part 2 (Appendix 1) and the supporting documentation for submission to the Secretary of State for the Ministry of Housing, Communities and Local Government.

1.2. Agree to delegate authority to the Executive Director - Operations, in consultation with the Portfolio Holder to Planning, to:

i. Invite the Inspector to recommend modifications in respect of soundness.
ii. Suggest additional modifications to the Inspector that may be required to address matters of soundness; and
iii. To make non-material amendments and factual corrections as required.

2.0 Introduction

2.1 The purpose of this report is to seek endorsement from Council to submit the South Northamptonshire Local Plan (Part 2) Submission Draft ("P2 Plan") to the Secretary of State for the Ministry of Housing, Communities and Local Government ("MHCLG") via the Planning Inspectorate (PINS) under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations"), pursuant to the decision of Planning Policy and Regeneration Strategy Committee (PPRSC) on 19 September 2018.\(^1\)

2.2 As a local planning authority, South Northamptonshire Council has a legal

\(^1\) Paragraph 2.13
obligation to prepare a Local Plan and keep it under review. The district presently has an up-to-date Local Plan in the form of the West Northamptonshire Joint Core Strategy ("WNJCS"), a document jointly prepared with Northampton Borough Council ("NBC"), Daventry District Council ("DDC") and Northamptonshire County Council ("NCC"), and adopted in December 2014. There is a commitment to take forward a review of the WNJCS and the Local Development Scheme (LDS) was adopted on behalf of the Council through the Planning Policy and Regeneration Strategy Committee (PPRSC) on 19 September 2018.

2.3 The P2 Plan complements the strategic policies contained within the WNJCS, particularly for the Rural Areas, to provide a detailed, up-to-date framework for decision taking in South Northamptonshire. The P2 LP is comprised of:

2.3.1 Updated settlement confines for the towns and villages;
2.3.2 Updated settlement hierarchy; and,
2.3.3 a range of development management policies, which will replace those contained within the 1997 Local Plan.

2.4 In addition, the P2 LP is proposed to replace two policies of the WNJCS: H6 Gypsies, Travellers and Travelling Show People and H2: Affordable Housing. In both cases these changes reflect an updated evidence base and, in the case of H2, an updated national policy position with regard to thresholds at which affordable housing may be sought and the definitions of affordable housing.

2.5 The P2 LP has been prepared in accordance with the Regulations. This includes consultation and engagement with residents and stakeholders in accordance with the adopted Statement of Community Involvement ("SCI"), together with a range of assessments as required by the applicable regulations. This includes:

- Sustainability Appraisal (incorporating Strategic Environmental Assessment ("SEA") as required by the Environmental Assessment of Plans and Programmes Regulations 2004 - Appendix B;
- Habitats Regulations Assessment and Appropriate Assessment
- Equalities Impact Assessment/ Public Sector Equality Duty assessment.

2.6 The preparation of the plan has been informed by the decisions of PPRSC.

Plan Preparation and Legal Matters:

2.7 Preparation of the plan has been overseen by PPRSC a cross party committee. The committee has oversight of a range of planning policy matters and has received updates on the progress of the plan from the Planning Policy and Growth Manager and the Head of Strategic Planning and the Economy (now the Executive Director Operations). The PPRSC, as well as acting in an advisory capacity, has the power to take decisions relating to the Local Plan, except the adoption of the P2 Plan as a Development Plan Document ("DPD").

2.8 Plan making is governed by primary and secondary legislation, which guides
plan preparation from the earliest stages through to examination and adoption. Council is being asked to endorse the plan for Submission under Regulation 22 of the Regulations. In approving the plan for submission, Council is agreeing it does not consider further changes are required.

2.9 The submission plan is comprised of the LP P2 (Appendix 1) together with the following prescribed documents:

- The Sustainability Report (incorporating the Habitats Regulation Assessment and Appropriate Assessment)
- The adopted policies map
- The Consultation Statement (“Reg 22c Statement”);
- Copies of regulations made to the ‘Submission draft’ document;
- Supporting documents relevant to the preparation of the plan (e.g. technical papers, Duty to Cooperate Statement).

2.10 It is intended, subject to the resolution of Council, that the P2 LP will be submitted under the transitional arrangements of the National Planning Policy Framework (“NPPF”). This means it will be examined against the following ‘tests of soundness’:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2.11 If the plan is submitted after 24 January 2019, the new tests of soundness at paragraph 35(a)-(d) of the NPPF 2018 will apply. The substance of these tests is similar to those set out above, *but with important changes*. For example, test (b) requires the plan to be *an* appropriate strategy rather than *the most*. Test (c) requires that cross-boundary strategic matters have been dealt with, rather than deferred, as evidenced in the statement of common ground.

2.12 The plan before Council, if approved, will be submitted under the transitional arrangements. Once the plan is submitted, the Council is no longer in control of the timetable as this is determined by the Inspectorate. It is usual practice for examination hearings to commence within 4 months of submission.

2.13 Should the plan be found “Sound”, Council will be able to adopt the plan as a DPD. Together with the WNJCS and any ‘made’ Neighbourhood Plans, the LP
P2 will be the legal starting point for decision taking\(^4\). Once adopted the plan will continue to apply to the current administrative area of South Northamptonshire until such time as it is formally withdrawn or replaced. This will apply irrespective of the arrangements for a successor unitary authority.

**Duty to Cooperate:**

2.14 The ‘Duty to Cooperate’ (DtC) is a legal requirement\(^5\) that requires local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. Non-compliance with the DtC cannot be remedied through retrospective action. If the Inspector concludes that the DtC has not been discharged, the plan will fail.

2.15 As reported to PPRSC, the majority of cross-boundary and strategic matters were resolved through the WNJCS. This includes infrastructure requirements, spatial distribution of employment and housing, and policies to mitigate the impact of development on the Upper Nene Gravel Pits Special Protection Area (“SPA”) and Ramsar site\(^6\).

2.16 The DtC Statement details the meetings and other activities that have been undertaken during the preparation of the P2 LP. There were no significant representations received during the publicity stage that specifically raised non-compliance with the DtC.

### 3.0 Report Details

**Public consultation:**

3.1 Details of previous consultation can be found in the Reg 22(c) consultation statement that will be submitted alongside the Plan. The key stages are outlined as follows:

- **3.1.1 Issues Consultation- October 2014:** The Issues Consultation stage of the P2 Plan marked the start of the formal process when the public, parish councils and the development industry were asked for their views on the issues that should be covered in the P2 Plan.

- **3.1.2 Options Consultation- June 2016:** The Options Consultation for the P2 Plan was held between 4 April and 17 June 2016. It helped us test options and subsequently identify policies and land allocations that should be identified in the "preferred options", which is the next stage in the process.

- **3.1.3 Preferred Options Consultation - July 2017** a ‘Draft’ P2 Plan was published for comment. This Plan included a series of preferred policies and direction of travel, in addition to revised confines for villages across

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\(^4\) S38(6)


\(^6\) A Ramsar site is a wetland site designated of international importance under the Ramsar Convention (1971)
the district. A total of 400 responses were received, equating to 1,243 comments. Key matters raised were:

- Objection to the inclusion of the policy on Towcester Racecourse on various grounds including conformity with adopted policy T5 of the WNJCS;
- Support for the allocation of the Bell Plantation Site (Towcester), particularly for the identification of a permanent facility for Towcester Town Football Club;
- Detailed comments on the proposed village confines;
- Broad support for the NRDA policy and support for the omission of the two large sites listed as options;
- Detailed comments relating to the operation of the Locally Objectively Assessed Needs (“LOAN”) policy;
- A significant number of sites nominated for consideration as local green spaces.

3.1.4 Local Green Spaces (“LGS”) - June 2018: Following the close of consultation on the Preferred Options, a short consultation was undertaken on the sites proposed to be allocated as Local Green Spaces. A total of 277 responses were received to the consultation. Of particular interest was the proposal to designate the Jubilee Field at Upper Boddington. The recommendations remain unaltered.

3.2 A number of changes to the ‘preferred options’ plan were presented and agreed by PPRSC on the 25 July 2018 and 19 September 2018. This includes:

3.2.1 The addition of five (5) new policies relating to:
- EMP5: Whittlebury Park Hotel, Spa, Golf & Country Club;
- GS1: Reference to the Brackley Sports Hub;
- CON1: Towcester South- Safeguarding route for the A5 Relief Road;
- AL3: Towcester Employment Allocation- Land at Tiffield Lane, Towcester;
- NE1 Upper Nene Gravel Pits SPA.

3.2.2 The deletion of the following policies:
- Towcester Racecourse;
- Chipping Warden Relief Road
- NRDA1: The Northampton Related Development Area
- H2: Parish Level Assessed Needs for Housing (PLANH)
- CON1: HS2, Major Developments and Nationally Significant Infrastructure Projects.
- EMP6: Equine Development
- RET2: Corner shops, village shops and isolated shops
- NE3: Nene Valley Improvement Area
- SDP4: Public Realm and Advertisements
- SDP5: Shopfront Design

3.3 In addition, there have been limited revisions to settlement confines and the allocation of 33 Local Green Spaces. The relevant justification is set out within the PPRSC reports.
3.3.1 **Regulation 19 Submission Draft- 4 October- 16 November 2018:**
The plan was published under regulation 19 of the regulations and comments invited on legal compliance and soundness. A total of 216 respondents made 358 duly made representations.

The principal matters raised were the approach to the NRDA, the Settlement Hierarchy and the Housing Policies (LH1-LH9). These representations will be forwarded to the examiner for his consideration.

**Other policy:**

3.4 The revised NPPF was published on 23 July 2018. Subject to Council endorsement the P2 Plan will be submitted under the transitional arrangements set out in Annex 1: Implementation of the NPPF (2018). However, during its preparation the proposed P2 Plan has had regard to changes in national policy, where these are relevant applicable to the plan.

**Main Issues**

3.5 The following is intended as a summary of the principal issues raised during the publicity period. A summary of all representations, together with the officer response(s) is contained at appendix B of this report.

**New Housing Allocations:**

3.6 A number of respondents consider that the LP2 is “unsound” as it does not allocate sites within the rural area to meet its housing needs or the unmet needs of Northampton (dealt with as part of the NRDA, below). Some respondents have argued that allocations are required to ensure that the required levels of affordable housing are delivered, whilst others have indicated that due to a change in the way housing needs are to be calculated (through the Government Standard Methodology), there will be an additional housing requirement.

3.7 The LP2 is subservient to the WNJCS, which sets the overall spatial strategy for West Northamptonshire through policy S1. This directs development to the edge of Northampton, followed by Daventry, Brackley and Towcester and finally limited development within the rural areas. Policy S3 distributes the total requirement of some 42,620 dwellings in accordance with the hierarchy, with 2,360 homes directed to the rural area of South Northamptonshire.

3.8 The government’s standard methodology is likely to result in an increased housing requirement for South Northamptonshire. How additional growth will be distributed is a matter for the review of the WNJCS and not the P2 LP. The scope of the P2 LP is limited, with the LDS identifying the chain of conformity, and setting out the purpose of the document as:

“To establish clear policies for the management of development across South Northamptonshire (including those parts within the Northampton Related Development Area (NRDA). This will include establishing a hierarchy for settlements within the District and set revised town and village confines and identify areas of important local space within settlements to deliver the identified development needs established in the West
3.9 As set out within the 5 Year Land Supply report, SNC has met and exceeded the rural housing requirements, and is on track to meet the identified requirements for Brackley and Towcester over the plan period. Whilst the figure is not expressed as a maximum (e.g. “about”) any further development in the rural areas could start to undermine the spatial strategy of the WNJCS.

3.10 Careful consideration has been given to the necessity to allocate sites to deliver affordable housing, particularly given that the proposed submission document did not take forward the Locally Objectively Assessed Needs (LOAN) policy which would enable development (market and affordable) to come forward in, and adjacent to villages where there was an identified local need. However, it does not logically follow that allocations for housing will deliver the required levels of affordable housing. The LP2 provides an appropriate policy context for a variety of affordable housing products and tenures to be brought forward within, and adjacent to settlement confines. In accordance with NPPF Para 77 there such sites may also include an element of market housing as necessary.

3.11 The allocation of sites within the rural area, over and above the planned requirement, may also undermine the spatial strategy and pre-empt decisions that are to be properly made through the review of the WNJCS. As such, officers do not propose to allocate sites within the rural area within the plan and do not consider changes to the P2 LP are required in this regard.

Northampton Related Development Area

3.12 It is recognised that housing delivery for Northampton (both within the Borough’s administrative area and the SUEs allocated to meet the longer term needs) has been slower than projected, resulting in a significant shortfall against the requirements of the WNJCS. The reasons for under-delivery are complex relating to slower than projected build out, delays in the delivery of necessary infrastructure, and, for sites within the Borough, appeals on two of the allocated sites. As a result, the land supply for the NRDA is estimated to be less than 3 years.

3.13 NBC has indicated that there are enough sites within the Borough’s administrative area to meet its need of 18,870 and that these sites could be delivered prior to the end of the plan period. SNC’s officers have raised some concerns and consider that, given the scale of the shortfall, it is unlikely that these sites will deliver at a rate that will deliver the housing requirements of Northampton Borough.

3.14 To assist in addressing the shortfall, the LP2 had included a criteria-based policy could help to boost the short-term supply of sites and provide additional diversity to the market. The policy, in the view of SNC, “appropriately guided development to the most optimal locations which would be considered acceptable”. The policy ruled out development to the west of the M1 and areas in Harpole and Kislingbury Parish (where there is a made Neighborhood Plan).

\[\text{NPPF (2018)}\]
3.15 Whilst the approach was generally supported by the development industry, there were a number of substantial objections (including under the DtC) from the partner authorities in addition to Natural England, who considered that resulting development could have unintended consequences on the integrity of the Upper Nene Gravel Pits SPA from disturbance arising through recreational pressures, as well as the loss of optimal habitat for protected bird species. The introduction of additional criteria would effectively render the policy unworkable, and the number of homes that could be delivered as a result of the policy would not make a significant contribution to addressing the shortfall, particularly in the short timeframe that the policy would operate.

3.16 In addition, and as set out within the NRDA Technical Paper, the DtC concerns raised by the partner authorities and the delivery of infrastructure to support additional development in the short term also weighed against the NRDA policy.

3.17 As a result, the policy was deleted from the plan and a commitment that developments that can demonstrate compliance with WNJCS Policy S4 and conformity with the development plan as a whole would be supported based on their individual merits.

3.18 Some representors suggest, in the absence of criteria based policy, allocations should be made. The allocation of specific sites to meet the needs of Northampton (NRDA) either adjacent to the NRDA boundary or the rural areas is considered contrary to the spatial strategy of the WNJCS. The allocation of a site on the edge of Northampton to meet the needs of the NRDA would amount to a re-drawing of the NRDA policy line. Policy S4, states “The Northampton Related Development Area boundary will be reviewed as part of any review of the housing requirement for West Northamptonshire or any of its constituent administrative areas”, i.e. the re-drawing of the NRDA policy line would be beyond the scope of the LP2.

3.19 The NRDA is a clearly defined policy area intended to meet the needs of Northampton. The alternative, the allocation of sites within the rural areas in the villages in close proximity to Northampton, would run contrary to the WNJCS approach to focusing development within, and on the edge of Northampton to avoid speculative development in the rural areas.

3.20 Furthermore, in both cases, sites would need to be subject to SA/SEA to ensure all reasonable alternatives have been considered (including those within the administrative areas of Daventry and the Borough Council of Wellingborough). By its cross boundary nature, this makes the allocation of sites to meet Northampton’s needs a strategic matter and one that should be properly addressed through the review of the WNJCS. However, joint work to address the speed of delivery and ensure that Northampton’s housing needs can be met will continue to be a priority of all the partners.

3.21 Further details and background around the NRDA policy approach will be set out in an NRDA technical paper and the DtC statement.

Settlement Hierarchy:
3.22 The settlement hierarchy (Policy SS1) is key to the effective operation of the plan and the development of the revised confines for settlements. A substantial number of comments have been received on policy SS1. These relate to the following principal issues:

- Specific requests to alter confines, either to include or exclude land;
- Objections to the position of settlements within the hierarchy; and
- Objections to the division of the Secondary Service Villages into category A and B.

3.23 Alterations to settlement confines are to be considered on a case-by-case basis. It is considered that minor changes are made at Sulgrave, Hackleton, Courteenhall and Blakesley\(^8\). These changes are considered to be corrections of small errors, or the alteration of alignment that only affects very modest areas of land (and do not remove or include any land to which the change might be particularly material, e.g. a field parcel which might have development potential if it was in the confines). They are therefore considered to be justifiable as minor modifications.

3.24 Representations sought changes to the position of settlements within the hierarchy. The methodology provided clear parameters for the points attributed to services. As a result of feedback at the preferred options stage, proximity to a larger centre was factored in to the revised hierarchy. Whilst these representations have highlighted changes to services in some settlements, the scoring did not result in any settlements moving category.

3.25 Due to the character of South Northamptonshire, the majority of the villages are categorised as ‘Secondary Service’ villages. To ensure that development was directed sustainably across the district, these villages were divided into Secondary A and B. This ensures the effective operation of different policies, reflecting settlement needs, including, for example, a differentiation between housing and employment.

3.26 Some representations have argued that an approach, which divides the secondary services villages, is not consistent with WNJCS Policy R1. The LP2 gives reasons for this split as it better reflects the variation in levels of services. The Secondary Service category still exists, albeit in a more refined way to enable effective application of other policies, particularly those for housing.

Optional Technical Standards

3.27 Policy LH10 requires all sites should contribute towards meeting the needs for wheelchair accessible dwellings. A number of representors have stated that this this requirement is contrary to paragraph 56-009 of the Government’s Planning Practice Guidance which states,”Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling”.

3.28 Officers have considered the potential conflict with guidance and note that, as a matter of law it is possible to depart from policy and guidance. There is a risk to

\(^8\) Note: The confines and proposals maps in Appendix 1 of this Report are those published before modifications were proposed. The revised plans for Blakesley, Courteenhall, Hackleton and Sulgrave and the Green Infrastructure Plan are included in the Schedule of Proposed Modifications in Appendix C
this in that an Inspector may be reluctant to depart given the specific nature of the restriction. However, officers consider that there is evidence that such standards are required to meet the needs of the population of South Northamptonshire, as evidenced by the Strategic Housing Market Update. This approach is also being pursued by DDC on the same grounds. Despite the representations, no change is proposed to the plan.

Towcester Employment Allocations

3.29 The LP22 contains three employment allocations at Towcester. Within two of these policies financial contributions have been included to support the football club. The agent of site AL2 (Woolgrowers Field) has submitted an objection to the financial contributions being sought towards the football club. The Policy states:

*a financial contribution towards the implementation of the Towcester Town Football Club based on the land value for employment use of 17% of the total undeveloped allocated site (index linked from the date of date of the first planning permission on the site). 40% of the contribution would be payable on the completion of 20% of the net site area and the remaining 60% on the completion of 80% of the of the net site area;*

3.30 The reason for including this in the Plan is to assist in the delivery of new football facilities on the Bell Plantation site. It is considered equitable and reasonable that the neighbouring employment allocations in the Towcester area contribute towards the establishment of this important recreational and community facility. The objection considers that there is no reason why developing the site for the proposed employment use means that it should contribute towards sports pitch provision in Towcester as the site is accessed and can be developed independently of the Bell Plantation. The objection does not dispute the need for Towcester Town FC to find a base and enhanced facilities but suggests that it would be more relevant for the Local Authority to look to the major residential development proposals locally to fund facilities which they will undoubtedly increase the need for. The objection does not consider it to be appropriate to impose this on the employment allocations as currently proposed.

3.31 The objection cites national planning policy that states that where charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The objection considers that the policy as currently worded would not meet these tests.

3.32 The landowners at the Bell Plantation site are not resisting the allocation of part of the site for the Football Club proposal.

3.33 The representatives from the Tiffield Lane site do not raise in principle objections and reiterate support and commitment to supporting the delivery of the football club facility on the neighbouring employment allocation. Changes are sought to reflect any future changes in circumstances in relation to the football club facility in the future.
3.34 The Council contacted the representatives for each of the 3 employment sites on 19 July 2018 highlighting the change proposed to the Plan in respect of it seeking financial contributions towards the delivery of the Football Club and seeking any comments, but received no response.

3.35 Officers consider that the objection by the Woolgrowers agent regarding financial contributions (policy AL2) to the football club on the neighbouring Bell Plantation site is likely to be upheld by an Inspector. It is difficult to contend that the contribution would satisfy reg.122 of the CIL Regulations, in particular that it is “necessary to make the development acceptable in planning terms”. Although the relationship between the Woolgrowers and proposed football club site is close, it would appear that it is residential development, rather than employment development, which directly generates the need for the football club community facility. As such it is considered that an Inspector is unlikely to find that part of AL2 and AL3 legally compliant or sound and that changes should be made to the LP2. Such a change would not be a minor modification.

3.36 There are 2 options open to the Council to remedy this situation. Firstly the Council could seek main modifications through the examination process, via a request under s.20(7C) of the Planning and Compulsory Purchase Act 2004 that would then involve consultation and Sustainability Appraisal of those main modifications during the examination, or secondly, to include the changes in a focused changes document, that would be published for consultation and Sustainability Appraisal before submission of the LP2.

3.37 As to the choice of procedure, no.2 is the safer procedure and the one that the PINS Guidance encourages. An Inspector may agree to adopt the first procedure (the PINS Guidance does not rule it out, and s.20(7C) gives an Inspector little discretion to refuse a request to recommend necessary main modifications) although it carries greater risk. Amendments to the employment allocation policies deal with financial contributions and would require policy text and supporting text to be deleted / amended, but they would not involve deletion of allocations themselves. They are the sort of modifications that are commonly dealt with through the main modifications procedure. However, it is not impossible that an Inspector would reject the approach, in which case the Council would then have to undertake the focused changes approach instead. It is difficult to predict how any particular Inspector would approach matters.

3.38 In summary, therefore, the necessary changes are not so significant or central that the Council cannot submit the plan now, as opposed to undertaking a focused changes consultation. Focused changes consultation at this stage would be the safer course (and consultation would in any event be required at some point during the examination if agreed to be the Inspector). There is risk in not undertaking a focused changes consultation but instead proposing main modifications through the examination process to deal with the necessary changes to the plan.

3.39 Submission after 24 January 2019 means that the policies in NPPF 2018 would apply. It is considered that the LP2 would then be submitted in March / April 2019.

3.40 A number of representations have been received that question the need for any further employment allocations at Towcester and suggest that the Council failed
to undertake adequate consultation on the Plan in this regard. The Consultation Statement confirms that consultation was carried out in accordance with Regulations. An Employment Topic Paper is being prepared that will consider the issue of the need for the allocations. No changes are considered necessary at this time in this respect.

**Jubilee Field- Boddington (GS2)**

3.41 A large number of representations were made regarding the proposed designation of Jubilee Field, Upper Boddington as Local Green Space, with a large majority supporting designation.

3.42 As reported to PPRSC, the designation of this space has been based on an objective assessment against the criteria set in National Policy, and having regard to independent planning appeals that were dismissed on landscape and other grounds. The financial position and desire of the landowner (the Parish Council) to develop the site are not considered to be a material factor in the planning balance.

3.43 In addition, Council is asked to note the representation made by the Wildlife Trust that indicates Jubilee Field is presently being considered for designation as a Local Wildlife Site or Pocket due to its ecological value.

### 4.0 Conclusion and Reasons for Recommendations

4.1 Following endorsement by council, the Plan, together with the prescribed documents and representations (made during the ‘regulation 19’ stage), will be submitted to the Secretary of State under the transitional arrangements.

4.2 The P2 LP provides policy detail to guide decision taking across the rural areas of South Northamptonshire. Upon adoption, and until such time as it is revoked, the plan will be the starting point for decision taking in conjunction with the WNJCS and ‘made’ Neighbourhood Plans for the current administrative area of South Northamptonshire.

4.3 The plan has been developed with reference to a proportionate evidence base, including consultation with residents and stakeholders, as detailed within the Reg 22c Statement and summarised at paragraph 3.1 of this report. Whilst changes to the plan were made between November 2017 and the submission version (October 2018), these have been developed to ensure the document meets the relevant tests of soundness and respond to changes in the evidence base and national policy context.

4.4 The appointed examiner will review the plan and supporting information before considering the matters to be considered through hearings. Under the Regulations, the Council may request that the examiner recommend modifications required to make the plan ‘sound’. It is recommended that this course of action is taken as, should the examiner identify deficiencies in the plan, without modification the plan is unlikely to be capable of adoption.

4.5 Some of the representations have raised matters that have required careful consideration. Where representations have suggested minor changes to
wording, for example to assist with clarity, these have been incorporated into a schedule of minor modifications; these changes do not, in the opinion of officers, go to the ‘heart’ of the plan. Other representations have raised perceived matters of soundness, for example, the requirement to identify sites within the rural areas for allocation. As set out within this report, and the associated technical papers, officers do not consider that plan requires modification as a result and that the plan proposed to be submitted is ‘sound’.

4.6 Further delay to the LP P2 timescale, for example as a result of not endorsing the plan for submission, carries a number of risks including:

4.6.1 an increase in speculative applications as other changes to National Policy are in force for decision taking;
4.6.2 the plan examination is delayed and is therefore not adopted prior to the implementation of governance changes across Northamptonshire.

4.7 To ensure timely progression to the next stages of plan making (including examination and adoption), Council is asked to accept the recommendation and endorse the P2 LP for submission to the SoS.

4.8 A number of prescribed documents will be submitted to the Secretary of State in accordance with Regulation 22. These include:

- The Plan and policies maps – the content of these are appended to this Report
- Sustainability Appraisal/ Habitats Regulation Assessment
- Memorandum of Understanding & Duty to Cooperate Statement
- Consultation Statement (Regulation 22c Statement)
- A statement setting out how the Council complied with Regulations 18 and 19 on participation and production of the Plan.
- A statement relating to the formal representations procedure showing the number of representations received and the summary of the main issues raised.
- A schedule of proposed minor modifications (Appended to this Report)
- Copies of the representations made on the Proposed Submission Plan.
- Supporting documents relevant to the preparation of the Plan including the evidence base.
- Additional material including a self-assessment for soundness and equalities impact assessment

4.9 The majority of the above documents are complete, and the remaining ones will be completed ready for submission. Whilst not a legal requirement, Officers have produced a table which summarises the representations received, identifies any modifications suggested by the representor and includes a suggested Council response.

5.0 Publication and Consultation

5.1 The Local Plan has been subject to ongoing and wide reaching consultation. Details of each stage will be set out in the Reg 22c Statement, that will include a summary of representations made during previous rounds of consultation.
5.2 Following approval by Council the plan and prescribed documents will be submitted to the SoS (via the Planning Inspectorate). The Plan and prescribed documents will be made available in accordance with the Regulations, namely:

5.2.1 Placed on the South Northamptonshire Council Website;
5.2.2 Made available at locations including the Council Offices at the Forum and libraries across the district

5.3 In accordance with the regulation, all those that made representations during the regulation 19 stage (October 2018 publicity) will be notified to inform them:

5.3.1 That the plan has been submitted;
5.3.2 That the documents are available and where they can be viewed.

5.4 In addition, the council will publicise the submission of the plan via:

5.4.1 the council’s social media accounts;
5.4.2 a press releases; and
5.4.3 a press notice.

6.0 Alternative Options and Reasons for Rejection

Option 1- Do not endorse the plan and recommend further changes:

6.1 Council could recommend changes to the plan. Significant changes e.g. substantial changes to policy wording or the strategy would require appraisal under the relevant Environmental Regulations in addition to a further 6-week consultation. In some cases, for example should the change involve the allocation (or de-allocation) of sites, additional evidence may also need to be gathered.

6.2 It is not recommended that further material changes be made to the plan. The current document is based on the evidence commissioned including the additional evidence required to satisfy the relevant environmental legislation, together with consultation responses gathered throughout the preparation period over the past four years.

6.3 Major Modifications to the plan will further delay plan preparation. This carries a number of risks, namely:

6.3.3 The plan will not be adopted prior to the new governance arrangements for a unitary authority being put in place; and
6.3.4 The plan would not be submitted under the transitional arrangements for the NPPF.

6.4 The transitional arrangements for the NPPF should not, in isolation, be considered a reason not to consult on Modifications, if they are required to ensure the plan is ‘sound’. Officers have considered the proposals of the P2 Plan against the NPPF 2018 so there is consistency.
6.5 However, emerging changes to local governance and other policy changes, such as the way in which housing need is calculated, will mean the policy protection offered by the WNJCS as a stand-alone plan will weaken, leaving the district vulnerable to speculative developments.

**Option 2- Cease work on the P2 Plan.**

6.6 A review of the WNJCS is underway with the Local Development Scheme endorsed by PPRSC on the 18 September 2018. The revised WNJCS will replace the current spatial strategy and review housing numbers. As noted by a number of representors, the current P2 LP will be ‘time limited’.

6.7 Officers do not consider that it is appropriate to cease work on the LP2. The need for the LP2 has been carefully considered. Whilst it is subservient to the WNJCS, it will replace the ‘saved’ policies of the 1997 Local Plan that, by virtue of their age, are now only able to carry limited weight. This includes a number of village confines. The LP2 Plan will provide up-to-date policies on a range of matters including design and development.

7.0 Implications

**Financial and Resource**

7.1 The costs of preparing the plan, including the examination in public, can be met from the existing Local Plan Budget. This includes staff costs.

Comments checked by:
Kelly Watson, Assistant Director: Finance, Procurement and Property (Section 151 Officer), 0300 003 0206, kelly.watson@cherwellandsouthnorthants.gov.uk

**Legal**

7.2 Submission to the SoS is a legal stage of plan preparation and must be carried out in accordance with the Regulations. This includes the documents that are to be submitted, and the publication arrangements.

7.3 The Local Plan Part 2 must be able to demonstrate that it has met the DtC as set out in Section 33A of the PCPA 2004 on strategic matters. Whilst the majority of strategic matters have been resolved through the WNJCS, there remains a duty to consider how the housing needs of the NRDA will be met over the plan period (2011-2029).

7.4 Section 19 of the PCPA 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation. More generally, Section 39 of the PCPA requires the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”.

7.5 As a P2 plan, it must be in general conformity with the WNJCS, which was itself subject to a full assessment under the Environmental Assessment of Plans and Programmes Regulations 2004, which implements the requirements of the
European Directive 2001/42/EC. A copy of the appraisal for the regulation 19 draft was published on the Council’s website and made available for comment. There are no proposed changes to the P2 LP and, therefore the previous SA prepared for the regulation 19 draft plan will be submitted to the SoS.

Comments checked by:
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8.0 Decision Information

Wards Affected
All wards

Lead Councillor
Councillor Roger Clarke - Portfolio Holder for Planning

Document Information

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Background Papers
None

Report Author
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