10 July 2019

Dear Mr Newton,

South Northamptonshire Local Plan Part 2: Post-hearings letter

1. As discussed, I am writing following the hearing sessions in June 2019. I must emphasise at this point that the examination is not yet complete, and will not be so until the consultation on Main Modifications has concluded and my Report is issued to the Council. Accordingly, the contents of this letter are without prejudice to my final conclusions on the overall legal compliance and soundness of the Local Plan. Detailed reasons for my findings below will appear in my final Report, which will also cover other matters discussed over the Examination, but which are not dealt with in this letter. I am not inviting comments from the Council or others on the contents of this letter aside from where I have indicated otherwise. It is intended that this letter will assist you in the drafting of a consolidated schedule of modifications for consultation.

2. Following on from all I have read and from the discussions at the hearing sessions, I have no specific concerns regarding the statutory requirements related to the Duty to Cooperate. However, my conclusions on this matter, as on others, will be set out fully within my final Report.

3. As in other communications in respect of this Examination, as it is being conducted under the ‘transitional arrangements’\(^1\) all references to the National Planning Policy Framework (the Framework), are to the 2012 version unless otherwise explicitly stated. Moreover, generally, unless otherwise clearly stated, any references I make to the Government’s Planning Practice Guidance (PPG) will be to the version that existed immediately prior to the publication of the 2018 version of the Framework. References to the Local Plan refer to the Regulation 19 version rather than the tracked changes version with proposed modifications, which was also included with the submission documents.

\(^1\) Set out in paragraph 214 of the National Planning Policy Framework (2019)
The National Planning Policy Framework

4. As a general point, the 2018 version of the Framework has now been revised by the version published in February 2019. All references to the 2018 Framework in the Local Plan should be amended accordingly and this should form a main modification to the Plan.

Housing Supply

5. The Local Plan under examination is subsidiary to the strategic context set out within the West Northamptonsire Joint Core Strategy (adopted December 2014) (the JCS), which, amongst other things sets out the housing requirement and distribution of development for South Northamptonshire, Daventry and Northampton. To this end, the JCS identifies a number of sustainable urban extensions within South Northamptonshire.

6. The Council’s Local Development Scheme (September 2018) (the LDS) establishes that the Local Plan’s scope is the review and re-establishment of settlement confines; the designation of green space; the establishment of a settlement hierarchy; the inclusion of employment, heritage and development management policies; and the allocation of employment land to meet local requirements. Consequently, whilst the Local Plan includes housing policies, it is clear from the LDS that the allocation of additional sites for residential development to meet JCS requirements is not part of the plan’s scope. Moreover, a review of the JCS has commenced, which will include consideration of strategic housing matters across the three local authority areas.

7. Consequently, I do not require any further evidence on housing supply matters in respect of the examination. Accordingly, neither the Council’s forthcoming 5-year supply paper nor any future correspondence with MHCLG regarding the calculation of Local Housing Need for West Northamptonshire will need to be provided.

Settlement Confines

8. Several policies require the need for development to be demonstrated in order to support proposals whether the sites concerned are inside or outside of settlement confines (e.g., Policies LH6; LH7; and as discussed at the hearing in terms of Policy LH11). Where relevant proposals subject to these policies would relate to sites within confines and would conform with all policies of the development plan, including other criteria of the relevant LH policies, the requirement for a demonstration of need is not justified. Main modifications to Policies LH6, LH7 and LH11 are therefore necessary to remove the requirement for a demonstration of need to ensure that they are soundly based.

Policy LH9: Build to Rent

9. The concept of build to rent housing was introduced in the revised version of the Framework in 2018, and carried through to the latest version published in February 2019. Policy LH9 of the Local Plan seeks to reflect this change but to be soundly based, the policy should reflect the requirements of the relevant PPG2 particularly in terms of where conditions should be used to secure “family friendly tenancies”3, and

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2 Build to rent- Guidance on build to rent- Published 13 September 2018
3 Per Paragraph: 010 Reference ID: 6001020180913  Revision Date: 13 09 2018
which measures would be secured by legal agreement. A main modification is necessary to ensure Policy LH9 is sound in these regards.

10. The PPG also refers to the management measures of affordable and market rent units which it considers should be matters covered by planning obligations\(^4\)- this should be reflected in the supporting text to Policy LH9. I will liaise with you via the Programme Officer as part of the production of the main modifications to formulate a suitable wording for these changes.

11. Criterion (i) of the policy would be clearer if it were to read “the homes are to be used as built to rent properties for at least 15 years”. This change should be incorporated on the consolidated table of modifications.

Policy LH10: Housing Mix and Type

12. At the hearings we discussed criterion 1(b) related to the requirement for 5% of bungalows on all developments comprising 10 or more dwellings. I consider that this requirement should not apply to starter homes outside of settlement confines (Policy LH2), entry level exception sites (Policy LH3), and any flats that may come forward over the plan period. These exceptions need to be reflected as a main modification to Policy LH10 to ensure that the size and type of housing reflects local demand, which meets the needs of different groups within the community.

13. In terms of the accessibility standards, as the PPG makes clear, Local Plan policies requiring the M4(3) standard for wheelchair accessible dwellings can only be applied to “those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling”\(^5\). I acknowledge the evidential basis\(^6\) for the inclusion of the standards in the Local Plan- which identifies a requirement for a proportion of market housing to meet the M4(3) standard; nevertheless, the evidence I have been supplied with does not justify an approach that diverges from this national guidance. As a result, I consider that the policy requires modification to accord with the relevant aspect of the PPG to make it clear that the M4(3) standard should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

14. Furthermore, to accord with the PPG, Policy LH10 should allow site-specific factors (such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable) to be taken into account.\(^7\) These site-specific factors should be picked up in the supporting text of the policy as a main modification.

15. The Local Plan should make clear that divergence from Policy LH10’s requirements on viability grounds will need to be robustly justified, in line with Policy INF1 point 2.

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\(^4\) Per Paragraph: 006 Reference ID: 6000620180913 Revision Date: 13 09 2018
\(^6\) Produced by West Northamptonshire Joint Planning Unit (September 2017), at paragraphs 1.15- 1.19 of the Executive Summary for South Northamptonshire District
\(^7\) Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016
Again, a main modification should be drafted to pick up this point.

16. Once again, I will liaise with you via the Programme Officer to secure the appropriate wording for these modifications.

**Policy NE2: Special Landscape Areas**

17. Based on the evidence and discussion at the hearing sessions, main modifications to the Policy NE2 and its supporting text are necessary: firstly, to ensure that the protection it offers to Special Landscape Areas (SLAs), which are local designations, is “commensurate with [their] status”; and secondly, so that consideration of the policy can be appropriately balanced both in decision-taking, and in terms of the assessment of any additional site allocations pursuant to the JCS Review.

18. To my mind, point 1 of Policy NE2 as currently phrased is unduly restrictive, and consequently accords a level of protection to SLAs which is not commensurate with their status as local designations. Consequently, main modifications are necessary. Once again appropriate wording can be finalised as part of the ongoing process.

**Policy NE7 Development in the Nature Improvement Area**

19. You are due to provide me with the background to the designation of the Nature Improvement Area within the South Northamptonshire boundary. This background should be reflected in supporting text to Policy NE7 and a main modification is therefore necessary.

**Towcester Racecourse**

20. We discussed at the hearing sessions whether Policy T5 of the JCS, and other policies of the development plan taken as a whole offer sufficient guidance for development proposals related to Towcester Racecourse. The Framework sets out that “Local Plans should be aspirational but realistic” and “should set out the opportunities for development and clear policies on what will or will not be permitted and where”.

21. Due to the tourism, leisure and employment potential of the Racecourse, which the Local Plan identifies as a “major attractor”, I consider that the current position on the site, which has evolved since the adoption of the JCS, should be reflected in the Local Plan, albeit subject to the necessity to take into account the heritage implications of any future development which were the source of Historic England’s concerns. To this end, I consider that additional supporting text to Policy EMP4 relating specifically to Towcester Racecourse would act as an appropriate guide for the evolution of proposals related to the site pending more detailed work and any further guidance which may come forward pursuant to the JCS Review. A main modification will be required to pick up this point to ensure that the plan is soundly based in accordance with national policy.

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8 Per paragraph 113 of the Framework
9 At paragraph 154
Conclusion

22. Please do not hesitate to contact me via the Programme Officer if you require clarification on any of the above points at this stage. The text for main modifications can be picked up as part of the ongoing production of the consolidated table— an initial draft of which I am expecting by close of business on 12 July along with the background paper on the Nature Improvement Area. The consolidated list should be finalised by 6 September so that it can be considered at the Council’s Planning Policy and Regeneration Strategy Committee, prior to consultation on the Main Modifications.

Yours sincerely

G J Fort

INSPECTOR

10 July 2019