



Planning Policy Committee

A meeting of the Planning Policy Committee will be held at the The Guildhall, St Giles Street, Northampton, NN1 1DE on Monday 26 June 2023 at 6.00 pm

Agenda

1.	Apologies for Absence and Notification of Substitute Members
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Minutes (Pages 5 - 8)
4.	Chair's Announcements To receive communications from the Chair.
5.	Nether Heyford Parish Council Neighbourhood Plan (Pages 9 - 38)
6.	Response to Government consultation on the Infrastructure Levy (Pages 39 - 54)
7.	Government consultation on the introduction of a use class for short term lets and associated permitted development rights (Pages 55 - 76)
8.	HMO Member Working Group (Pages 77 - 88)
9.	Urgent Business The Chair to advise whether they have agreed to any items of urgent business being

admitted to the agenda.

10. Exclusion of the Press and Public

In respect of the following items the Chairman may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Committee is requested to resolve: "That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them"

Catherine Whitehead
Proper Officer
16 June 2023

Planning Policy Committee Members:

Councillor Rebecca Breese (Chair)

Councillor Matt Golby (Vice-Chair)

Councillor Adam Brown

Councillor Phil Bignell

Councillor Stephen Clarke

Councillor Jonathan Harris

Councillor Jamie Lane

Councillor Bob Purser

Councillor Cathrine Russell

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax

must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Ed Bostock, Democratic Services via the following:

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

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Planning Policy Committee

Minutes of a meeting of the Planning Policy Committee held at on Tuesday 23 May 2023 at 6.00 pm.

Present:

Councillor Rebecca Breese (Chair)

Councillor Adam Brown

Councillor Phil Bignell

Councillor Stephen Clarke

Councillor Jonathan Harris

Councillor Jamie Lane

Councillor Cathrine Russell

Councillor Bob Purser

Apologies for Absence:

Councillor Matt Golby

Officers:

Richard Wood (Interim Head of Planning Policy)

Anna Wilson (Heritage Policy Assistant)

Rhian Morgan (Heritage Policy Officer)

Theresa Boyd (Planning Solicitor)

Ed Bostock (Democratic Services Officer)

66. **Declarations of Interest**

None advised.

67. **Minutes**

The minutes of the meeting held on 25th April 2023 were agreed and signed by the Chair.

68. **Chair's Announcements**

There were no Chair's Announcements on this occasion.

69. **Holdenby Conservation Area**

The Heritage Policy Assistant presented the report which sought the Committee's agreement to consult on the draft Holdenby Conservation Area Appraisal and Management Plan (2023). The Conservation Area was first designated in 1976 and last reviewed in 1998 and as such there was no up-to-date management plan. A

presentation publicising the review and inviting initial questions from residents took place on 7th February 2023 and was attended by local residents, representatives from Holdenby Estate and the Parish Meeting. The next stage would include a formal consultation on proposed changes to the conservation area boundary and the draft conservation area appraisal management plan. The changes included a proposal to extend the area in 1 location to cover the existing park and garden. It was also proposed that buildings be added to the Council's local list of buildings and sites, and proposals for an Article 4 Direction would be consulted on at a later date.

Members discussed the report and the following points were raised:

- The public was informed by way of parish meetings, posters, local newspapers, the consultation hub and on Daventry section of the Council's website. The public meeting was held online; it used to be face to face but changed during the pandemic and the online format carried on afterwards. on

RESOLVED:

The Planning Policy Committee:

- a) Agreed that public consultation be undertaken on the draft Holdenby Conservation Area Appraisal and Management Plan SPD (appendix A of the report), which includes proposed changes to the conservation area boundary
- b) Agreed that public consultation be undertaken on proposed Article 4(1) Direction controlling development with regards to:
 - Alteration of windows
 - Alteration of doors
 - Alterations to roofing
 - Alterations to walls, gates or fences
 - Addition of roof lights or skylights
 - Alterations to chimneys

70. **Scaldwell Conservation Area**

The Heritage Policy Officer presented the report which sought the Committee's approval to consult on the draft Scaldwell Conservation Area Appraisal Management Plan (2023). The Conservation Area was first designated in 1976 and last reviewed in 1997. There were no proposals to extend or reduce boundary, however there were proposals to add buildings to the Council's local to list of buildings and sites and the appraisal and management plan contained initial proposals for an Article 4 Direction, which would be subject to a separate consultation at a later date.

Members discussed the report.

RESOLVED:

The Planning Policy Committee:

- a) Agreed that public consultation be undertaken on the draft Scaldwell Conservation Area Appraisal and Management Plan SPD (appendix A of the report), and the conservation area boundary
- b) Agreed that public consultation be undertaken on proposed Article 4(1) Direction controlling development with regards to:
 - Alteration of windows
 - Alteration of doors
 - Alterations to roofing

71. **Urgent Business**

None advised.

The meeting closed at 6.17 pm

Chair: _____

Date: _____

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WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

26 June 2023

**PORTFOLIO HOLDER FOR PLANNING, BUILT ENVIRONMENT AND RURAL
AFFAIRS: COUNCILLOR REBECCA BREESE**

Report Title	Nether Heyford Parish Council Neighbourhood Plan
Report Author	Amanda Jacobs, Principal Planning Policy Officer amanda.jacobs@westnorthants.gov.uk

Contributors / Checkers / Approvers		
S151	Martin Henry, Executive Director Finance	Approved 7 June 2023
Other Director/SME	Stuart Timmiss, Executive Director Place, Economy & Environment	Approved 10 June 2023
Assistant Director	Stephanie Gibrat, Assistant Director, Planning & Development	Approved 13 June 2023
Legal (Solicitor)	Theresa Boyd, Solicitor	Approved 12 June 2023
Communications Lead/Head of Communications	Becky Hutson	Approved 7 June 2023

List of Appendices

Appendix A – Proposed Decision Statement including Table 1, Examiner’s recommended modifications, further editorial changes to the Nether Heyford Neighbourhood Development Plan and actions to be taken.

1. Purpose of Report

- 1.1. For members to consider the recommendations of the Independent Examiner following the examination of the Nether Heyford Neighbourhood Development Plan (NHNDP) and to seek approval to put the plan to referendum.

2. Executive Summary

- 2.1 The report summarises the process which has been followed to produce the NHNDP and presents the outcomes of the independent examination, including the Examiner's recommendations.

3. Recommendations

- 3.1 It is recommended that Planning Policy Committee:
- a) Notes and welcomes the significant progress in making the NHNDP by Nether Heyford Parish Council.
 - b) Accepts the Examiner's recommended modifications in respect of the NHNDP.
 - c) Accepts the Examiner's recommendation that the NHNDP, as modified in accordance with recommendation (b) above, should proceed to a referendum of voters within Nether Heyford Parish.
 - d) Approves the proposed decision statement set out in Appendix 1, subject to recommendations (b) and (c) above and any necessary factual alterations.
 - e) Agrees that delegated authority be given to the Interim Head of Planning and Climate Change Policy to make further minor editorial changes to the NHNDP to address any factual and typographical errors and to reflect the fact that the document will be in its intended final form.
 - f) Agrees that the costs of the referendum be met from the existing budget for neighbourhood planning.

4. Reason for Recommendations

- 4.1 In order for a Neighbourhood Development Plan (NDP) to be "made" (adopted) the Neighbourhood Planning (General) Regulations 2012 (SI 2012 No. 637) require the council to make a decision on the Examiner's recommendations before agreeing to send it to referendum.

5. Report Background

- 5.1 The Localism Act 2011 introduced three types of neighbourhood planning including Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.
- 5.2 Neighbourhood Development Plans ("NDPs") is a plan making power allowing local communities to shape development in their area. When "made" (or adopted), NDPs form part of the development plan alongside the Council's Part 1 and Part 2 Local Plans.

- 5.3 The Neighbourhood Planning Regulations 2012 set out the statutory process a qualifying body (QB) (a parish council, town council or forum) must follow when preparing a NDP or order, following designation of a neighbourhood area.
- 5.4 A draft NDP is drawn up and consulted on by the QB and then submitted to the local planning authority for further formal consultation. This is followed by an examination undertaken by an independent examiner, who makes recommendations. The recommendations can be that the plan should proceed to referendum unchanged, that it should not proceed to referendum or, the usual course of action, that it should proceed to referendum with certain modifications. The local planning authority (West Northamptonshire Council (WNC)) must consider whether to accept the Examiner's recommendations. In doing so, the council must decide if, with the proposed modifications, the plan would meet the basic conditions and would not contravene convention rights or European Union obligations. The Examiner will also recommend, and WNC will decide, what area should be used for the referendum if one is held; this may be larger than the neighbourhood area if the impacts are important to a wider area.
- 5.5 There would need to be a good reason not to accept the Examiner's recommendations and the greater the divergence of WNC's decision is from the recommendations the stronger the justification would need to be.
- 5.6 If a NDP proceeds to referendum, and if it is approved by most of those voting, the council has a duty to have the plan made, at which point it becomes part of the statutory development plan for the council when deciding planning applications. The council must then publish a decision statement explaining what it has done.

6. Issues and Choices

6.1 Plan preparation

- 6.2 The Nether Heyford neighbourhood area which covers the entire Nether Heyford Parish, was subject to an application to designate for the purposes of preparing a neighbourhood plan by Nether Heyford Parish Council on 9 September 2016. The area was formally designated by South Northamptonshire Full Council on 17 February 2017.
- 6.3 A draft NDP was published by Nether Heyford Parish Council for public consultation under Regulation 14 between the end of September 2021 to 12 November 2021. Following submission of the NHNDP to WNC in December 2022, the plan was published for formal Regulation 16 consultation. The consultation period ran from 13 December 2022 to 7 February 2023. With the agreement of the parish council, the independent Examiner, Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU was appointed to independently examine the plan to see whether it met the basic conditions (see below) and should proceed to referendum.
- 6.4 NDPs are not tested for their soundness, but are tested to ensure they meet the "basic conditions" set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 which are that:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- The making of the neighbourhood plan contributes to the achievement of sustainable development.
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

6.5 Examination outcomes

- 6.6 The Examiner's report on the NDP was received by WNC on 9 May 2023 and has been published on the council's website. In her report, the examiner concludes that, subject to a number of modifications, the plan has met all the legal requirements and should proceed to referendum. She noted that the NHNDP has been underpinned by community support and engagement.
- 6.7 A schedule of the examiner's recommendations is set out in Table 1 to the proposed decision statement, which is appendix A of this report. These consist of removal of three (3) policies and alterations to fifteen (15) policies which are necessary for clarity and accuracy.
- 6.8 The policies that are proposed to be deleted are Policy H2 Part A, H2 Part B and BE6. The reasons are set out below.
- 6.9 Policy H2 is in two parts: H2 Part A allocates land off Bugbrooke Road for education and community uses with some limited housing. This intends to facilitate the relocation of Bliss School. Policy H2 Part B supports the possible relocation of Bliss School, and if that was successful, the development of the existing site.
- 6.10 On consideration of consultation responses, including those by West Northamptonshire Council as owner of the land proposed for allocation, the Independent Examiner concludes that the proposals are premature and not deliverable or achievable at this time. Further work in terms of educational needs as well as on deliverability, viability and the impact of the proposals is requested by various consultees and the Independent Examiner recommends the deletion of Policy H2 Parts A and B.
- 6.11 Policy BE6 of the NHDNP requires applications for 5 or more dwellings to be presented to the Parish Council and allow villagers to comment on proposals before submission. The Independent Examiner noted that Planning Practice Guidance only requires mandatory pre-application with communities when certain wind turbine developments are proposed. As such, the Independent Examiner recommends Policy BE6 be deleted.
- 6.12 It is considered that the recommended modifications (including accuracy changes) should be

approved to ensure that the NHNDP meets the basic conditions. The revised NHNDP should then proceed to referendum in the Nether Heyford Neighbourhood Area (Nether Heyford Parish) to determine if local people support it.

6.13 Decision making process

6.14 The council is required to issue its final decision on the NHNDP within five weeks of the receipt of the Examiners report. In the case of the NHNDP, the Examiner's report was received on 9 May 2023. Agreement was sought from the QB (Nether Heyford Parish Council) to a small extension of time to allow this decision to be made at Planning Policy Committee on 26 June 2023. Nether Heyford Parish Council agrees with this.

6.15 Referendum

6.16 The referendum should be carried out for the Nether Heyford Neighbourhood Plan. This is recommended by the examiner and there are no reasons to differ from her recommendation. As set out in the proposed decision statement the date for the referendum is provisionally set for 7 September 2023. Prior to the referendum the suggested changes would be made to the NDP for it to be published as one of the specified documents in respect of the referendum.

6.17 The referendum would follow a similar format to an election. All those registered to vote within the neighbourhood area would be given the opportunity to vote. Voters would be given a ballot paper with the question (the wording of which is specified in the Regulations) "Do you want WNC to use the Neighbourhood Plan for Nether Heyford to help it decide planning applications in the neighbourhood area?". Voters would be given the opportunity to vote "yes" or "no".

6.18 Making the Plan

6.19 If more than 50 per cent of those voting in the referendum vote 'yes', then the council is required to make the plan. If the referendum is unsuccessful then the council takes no further action and Nether Heyford Parish Council would have to decide what it wished to do.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The council is required to fund the examination and referendum. It is not expected that the cost of the referendum will exceed £3,600. This will be met from existing budgets of the Planning Policy Team. The council receives some financial support from the government to support neighbourhood planning, which is paid into an earmarked reserve.

7.2 Legal

7.2.1 In accordance with the Neighbourhood Planning Regulations 2012 the Council is required to consider the report of the independent examiner. If the Council is satisfied that the plan, as modified, meets the basic requirements and all other statutory requirements, a referendum must be held.

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation

7.4.1 The Council and Nether Heyford Parish Council have been informing and engaging residents throughout the process through informal and formal consultations.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not applicable.

7.6 Climate Impact

7.6.1 The neighbourhood plan must demonstrate that it meets the basic conditions, one of which requires the plan to contribute to the achievement of sustainable development. By meeting this condition, the plan will positively contribute to reducing the impact of climate change.

7.7 Community Impact

7.7.1 The Nether Heyford NDP has been subject to formal and informal consultation in accordance with the Neighbourhood Planning (General) Regulations 2012. A consultation statement was produced by the QB which sets out the consultation and engagement activity undertaken, what comments were received and how the plan responded to these.

8. Background Papers

8.1 [Nether Heyford Neighbourhood Development Plan - Submission Draft \(Regulation 16\)](#)

8.2 [Report of the Independent Examiner into the Nether Heyford Neighbourhood Plan, May 2023](#)

Appendix A – Proposed Decision Statement

Nether Heyford Neighbourhood Development Plan Decision Statement Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

- 1.1 Following an independent examination, West Northamptonshire Council (the “Council”) now confirms that the Nether Heyford Neighbourhood Development Plan will proceed to a Neighbourhood Plan Referendum.
- 1.2 The decision statement and copies of the Nether Heyford Neighbourhood Development Plan and its supporting documentation, including the Examiner’s report are available to view on the council’s website at: [West Northamptonshire Council - Nether Heyford Neighbourhood Plan](#)
- 1.3 Hard copies of this decision statement and the modified version of the Neighbourhood Plan are available for inspection at the following locations during normal opening hours:
 - **West Northamptonshire Council (Towcester)** – The Forum, Moat Lane, Towcester, NN12 6AD. Open Monday to Friday 9:00am to 5:00pm
 - **West Northamptonshire Council (Northampton)** – The Guildhall, St Giles’ Square, Northampton, NN1 1DE. Open Monday to Friday 9:00am to 5:00pm
 - **The Olde Sun PH (Nether Heyford)** – 10 Middle Street, Nether Heyford, NN7 3LL. Open Monday to Sunday from 11:30am
 - **Clerk for Nether Heyford Parish Council** – Mr Guy Ravine, 63 Furnace Land, Nether Heyford, NN7 3JS
 - **Heyford Meats** – 25 The Green, Nether Heyford, NN7 3LE
 - **Foresters Arms** – 22 The Green, Nether Heyford, NN7 3LE

2. Background

- 2.1 Nether Heyford Parish Council, as the qualifying body, applied for all of the Nether Heyford Parish to be designated as a neighbourhood area on 9 September 2016. The council designated this as a neighbourhood area on 27 February 2017.
- 2.2 The draft Neighbourhood Development Plan was published by Nether Heyford Parish Council for public consultation on 30 September 2021 and closed on 12 November 2021.

- 2.3 Following submission of the Nether Heyford Neighbourhood Development Plan to the council in November 2022, the plan was published for consultation by the council. The consultation period ran from 13 December 2022 to 7 February 2023.
- 2.4 Following the submission consultation, the council, with the agreement of the parish council, appointed an independent Examiner, Ann Skippers, to review whether the plan met the basic conditions required by the legislation and should proceed to referendum.
- 2.5 Following the examination, the Examiner's report was completed in May 2023 and made available on the website. The report concludes that, subject to the making of the modifications recommended in his report, the plan meets the basic conditions set out in legislation and should proceed to a referendum.

3. Decision and Reasons

- 3.1 The council has made the modifications proposed by the Examiner to ensure the plan meets the basic conditions. Table 1 below sets out these modifications and the actions to be taken in respect of each of them. Recommended changes are illustrated differently in the Decision Statement and are shown in the following way:
 - Modifications of wording by the Examiner are shown as underlined or strikethrough for deletions.
 - Where the Examiner has not recommended specific wording and the council has had to interpret the recommendation and identify specific wording, this is double underlined or double strikethrough. This includes accuracy changes.
- 3.2 The council has considered whether to extend the area in which the referendum is to take place and concluded there is no reason to extend the referendum area beyond the Nether Heyford Neighbourhood Area.
- 3.3 The Examiner has concluded that with the specified modifications the Nether Heyford Neighbourhood Development Plan meets the basic conditions and other relevant legal requirements. The council concurs with this view.
- 3.4 To meet the requirements of the Localism Act 2011, a referendum will be held which poses the questions; 'Do you want West Northamptonshire Council to use the Neighbourhood Plan for Nether Heyford to help it decide planning applications in the neighbourhood area?'
- 3.5 The referendum will take place on 7 September 2023 and will be held at Nether Heyford Baptist Church Hall, The Green, NN7 3LE.

Table 1: Examiners Recommended Modifications and further editorial changes to the Nether Heyford Neighbourhood Development Plan and actions to be taken (set out in plan order)

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
01A	Para 15 of the NP	None.	Typo – should read: The character of village properties tends to include that houses that <u>front</u> roads...	To ensure the sentence is accurate.	Make the suggested minor modification .
01B	Para 21 of the NP	None.	Typo – should read: Entirely within the remit of Nether Heyford Parish <u>Council</u> (as the 'qualifying body').	To ensure the sentence is accurate.	Make the suggested minor modification .
01C	Para 52 of the Neighbourhood Plan (NP). Para 5.8 of the Examiner's Report (ER)	The examiner notes that the plan refers to 'actions being shown in orange-coloured boxes' but not in their version of the plan.	Amend paragraph 52: These ACTIONS are shown in orange-coloured boxes. <u>ACTIONS for the Parish are contained within boxes marked 'ACTION'.</u>	To ensure it is accurate and accessible.	Make the suggested minor modification .
02	Throughout NP. Para 7.7 of ER	Rectify minor typos throughout the Plan.	Alter any typos throughout the Plan including any references of South Northamptonshire to West Northamptonshire Council where necessary.	To ensure it is accurate and factually up to date.	Make the suggested modification .

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
03	P17 pf the NP. Para 7.7 of ER.	Amend the fifth paragraph on page 17 of the Plan to read: "Anyone registered to vote in Nether Heyford Parish <u>area</u> is entitled to <u>vote</u> . A simple majority of Yes votes <u>means that West Northamptonshire</u> Council will adopt our Neighbourhood Plan as part of their development plan. <u>Policies in our Plan will then have the same status</u> as policies in the Local Plan where they apply to Nether Heyford."	Anyone registered to vote in Nether Heyford Parish <u>area</u> is entitled to <u>vote</u> , and <u>A simple majority of Yes votes means that West Northamptonshire</u> South Northants Council will adopt our Neighbourhood Plan as part of their development plan. and <u>Policies in our Plan will then have the same status as</u> can then take precedence over policies in the Local Plan where they apply to Nether Heyford.	To ensure the changes proposed clearly differentiate the additions and removals of text from the Regulation 16 Plan.	Make the suggested modification .
04	Para 25 of the NP. Para 7.9 of the ER.	Change "Figure 6" in paragraph 25 on page 18 of the Plan to "Figure 4".	None.	To ensure it is accurate and factually up to date.	Make the suggested modification .
05	Page 27, S10 of the NP. Para 7.13 of the ER.	Add the words " <u>where appropriate</u> " after "... recognised, recorded and protected..." in S10 on page 27 of the Plan.	None.	To ensure it is accurate and factually up to date.	Make the suggested modification .
06	Policy H1 of the NP. Para 7.30 of the ER.	<ul style="list-style-type: none"> Change the title of the policy to "New Residential Development" Amend the policy to read: "Proposals for new residential development <u>within the Settlement Confines</u> as defined in Map 3, or on <u>the three allocated sites</u> 	Amend Policy H1: Policy H1: New Residential Development Dwellings-Built-Up-Area-Boundary Proposals for new residential development dwellings-within the Village <u>Settlement Confines</u>	To ensure the changes proposed clearly differentiate the additions and removals of text from the Regulation 16 Plan.	Amend policy H1 in accordance with Examiner's recommendation.

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
		<p><u>shown on</u> Map 3 will be supported in principle, subject to being in accordance with other policies in the Development Plan.</p> <p>Areas that are outside the <u>Settlement Confines</u> or not designated as <u>allocated</u> sites are classed as open countryside.</p> <p>New residential development within the open countryside will be strictly controlled and limited to exceptions defined in national and local development plan policy <u>including</u> rural exception dwellings, replacement dwellings, conversions of property, dwellings for rural workers and the construction of houses with exceptional design <u>and any other identified exceptions in policy.</u>"</p>	<p>Boundary (Built-Up Area Boundary), as defined in Map 3, or on the three allocated sites shown on Potential Residential Development Sites allocated within this Neighbourhood Plan, (also defined in Map 3), will be supported in principle, subject to being in accordance with other policies in the Development Plan.</p> <p>Areas that are outside the <u>Settlement Village Confines Boundary</u> or not designated as <u>allocated Potential Residential Development sites within this plan</u> are classed as open countryside.</p> <p>New residential development dwellings within the local <u>open</u> countryside will be strictly controlled and limited to exceptions defined in national and local development plan policy <u>including concerning</u> rural exception dwellings, replacement dwellings, conversions of property, dwellings for rural workers and the construction of houses with exceptional design <u>and any other identified exceptions in policy.</u></p>		

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
07	Para 60, page 31 of NP. Para 7.30 of the ER.	<ul style="list-style-type: none"> Change references to "built up area boundary" in paragraph 60 on page 31 of the Plan to "<u>settlement confines</u>" Remove references to the "yellow site" from paragraph 60 including sub section d. 	<p>Amend para 60:</p> <p>The <u>settlement confines built-up area boundary</u> encloses potential development sites which have been identified and then assessed both indicatively (local process) and formally (independent process) by the methods shown in the supporting document <i>Site Assessments & Methodologies</i>. The local process and evaluation were shared with villagers at the 2018 village fete, and also online, with posters, maps and displays. The formal assessment confirmed findings from the local assessment and discussions with villagers, to conclude three development sites (shown in blue Map 3). and one site (yellow) which is identified as a potential site for relocation of the village school and the creation of additional community facilities. The <u>settlement confines built up area boundary</u> is shown in red.</p> <p>a. The independent assessors suggest that Site SNC542 (see Map 4) is reduced to create a narrow strip sufficient for a</p>	To ensure the changes proposed clearly differentiate the additions and removals of text from the Regulation 16 Plan.	Make the suggested modifications.



ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
			<p>small row of houses in the non-flood plain area of the plot (see Map 3).</p> <p>b. Site SNC257 (see Map 4) is visually sensitive at this entrance to the village, and it is suggested that the site is reduced to provide a continuity from housing opposite (Appendix the the eastern side of the plot, reflecting the density (see Appendix 1) of housing opposite with sensitivity to the views afforded from current homes. This is the most popular site voted for by villagers for development.</p> <p>c. Site OR317 (Map 4) A small development of new dwellings would appear part of a natural extension and continuation of the built form of Furnace Lane and would assimilate into the settlement pattern and character reasonably well. This site is currently garden land.</p> <p>d. Site SNC310 (Map 4 and in yellow on Maps 3 and 5) Part site development, which would be an <i>educationally-led</i> allocation, to include community facilities and parking. A cooperative master plan as an overarching planning document defining spatial layout, involving all agencies, would be required</p>		

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
			to structure the site use and subsequent development.		
08	Map 3 of the NP. Para 7.30 of the ER.	<ul style="list-style-type: none"> Remove the yellow site from Map 3 with consequential amendments needed to the key Consequential amendments to Map 3 to change references to "settlement" confines will be needed 	None.	To ensure it is accurate and factually up to date.	Make the suggested modification .
09	Para 61 of the NP. Para 7.30 of the ER.	<ul style="list-style-type: none"> Change paragraph 61 of the supporting text to: "The Settlement Confines is in line with the West Northamptonshire Joint Core Strategy (WNJCS) R1, and the South Northamptonshire Local Plan (Part 2) 2011-2029 (Policy SS1: The Settlement Hierarchy). The allocated sites will become part of the built-up area once this Plan is made." 	Amend para 61: Policy H1 Built-up Boundary The Settlement Confines are is in line with the former Local Plan LH1 and West Northamptonshire Joint Core Strategy (WNJCS) R1, and the South Northamptonshire Local Plan (Part 2) 2011-2029 (Policy SS1: The Settlement Hierarchy). The allocated sites will become part of the built-up area once this Plan is made.	To ensure it is accurate and factually up to date.	Make the suggested modification .
10	Map 4 of the NP. Para 7.30 of the ER.	Add a key to Map 4	None.	To ensure it is accurate and factually up to date.	Make the suggested modification .
11A	Policy H2 Part A and H2 Part B, paragraphs	Delete Policy H2 Part A and Part B and the associated supporting text (paragraphs 62 – 66) and Map 5.	None.	To allow further engagement regarding the	Delete policies H2 Part A and

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
	62 – 66, and Map 5 of the NP. Para 7.39 of the ER.			existing school site and potential site allocation.	H2 Part B in accordance with Examiner's recommendation.
11B	Policy H2 Part A and H2 Part B of the NP. Para 7.39 of the ER.	The Independent Examiner notes that these policies could be altered into a community action if desired.	<u>Liaise with West Northamptonshire Council regarding the potential to relocate Bliss School site and the allocation of mixed-use site outside of the current settlement confines of Nether Heyford.</u>	To ensure it is accurate and factually up to date.	
11C	Para 79 of the NP.	None	Paragraph 79 provides supporting information to Policies H2 Part A and H2 Part. Those policies are to be deleted as set out in the Independent Examiners recommendations. As such it is proposed to remove the following parts of paragraph 79 from the NP. To support the village, additional or enhanced community facilities will be required over the life of the plan to ensure the wellbeing of existing and future residents. The relocation of Bliss School (Policy H2A & H2B) provides an	To ensure it is accurate and factually up to date.	Delete part of paragraph 79 of the submitted NHNP.



ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
			<p>opportunity for redevelopment and the repurposing of this important building. Should the school relocate, we would expect the allocated site (SNC 310) to deliver enhanced facilities such as a sports hall, pre-school facilities, health and wellbeing resources and community shared spaces, alongside education. Should Bliss School not relocate during the time of the plan period there will still be the need for facilities such as storage and meeting place for scouts, potential healthcare and wellbeing space and additional sports facilities. These will be supported where they meet the criteria of the policy.</p>		
12	Policy H4 of the NP. Para 7.46 of the ER.	<p>Change the policy to read:</p> <p>"Market Housing Developments should provide a mix of house types and sizes which reflects the most up-to-date needs of the Parish and be informed by the <u>most recently available Housing and Economic Needs Assessment</u>, Parish level surveys or Housing Needs Surveys as well as any site-specific issues and evidence of market circumstances."</p>	<p>Amend Policy H4 to read:</p> <p>Market Housing Developments should provide a mix of house types and sizes which reflects the most up-to-date needs of the Parish and be informed by the <u>most recently available Housing and Economic Needs Assessment</u>, Strategic Housing Market Assessment, Parish level surveys or Housing Needs Surveys as well as any site-specific issues and evidence of market circumstances.</p>	To ensure it is accurate and factually up to date.	Amend policy H4 in accordance with Examiner's recommendation.

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
13	Policy H5 of the NP. Para 7.49 of the ER.	Change the words "the elderly" in the policy to " <u>older people</u> ".	Amend Policy H5: Specialist accommodation for <u>older people</u> the elderly or those with specialist accommodation needs will be supported, subject to compliance with other policies in this Plan.	To reflect NPPF terminology	Amend policy H5 in accordance with Examiner's recommendation.
14	Policy H6 of the NP. Para 7.53 of the ER	Amend the first criterion of the policy to read: " <u>Will not result in unacceptable impacts on the living conditions of the occupiers of residential properties arising from traffic movements, noise, fumes, smell, or other disturbance in line with WNC's environmental policies.</u> "	None.	To bolster the policy.	Amend policy H6 in accordance with Examiner's recommendation.
15	Policy BE1 of the NP. Paras 7.59 and 7.60 of the ER.	Delete the last sentence of the policy which begins "The expectation is..."* * The Independent Examiner noted that, if desired, this sentence could be moved to supporting text. This has been moved to under paragraph 89 of the Submission Version of the Plan.	Amend Policy BE1: This policy supports any new development to include green spaces for the benefit of all villagers' health and wellbeing. This policy does not support the addition of private land maintained at additional cost to people living in the development. The expectation is that all land (the grass verges beside roads and footways, up to the boundary wall, hedge or fence) would be reviewed by	To ensure the policy refers only to planning matters.	Amend policy BE1 in accordance with Examiner's recommendation.

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			the PC at planning stage, for their later adoption see Note 1.		
16	Note 1 on page 42 of the NP. Para 7.60 of the ER.	Change "figure 6" in Note 1 on page 42 of the Plan to "figure 7"	Amend Note 1: ...where external sub-contractors maintain a 'buffer zone' of scrub land (seen on figure 7),...	To ensure Note 1 is factually correct,	Make the suggested modification .
17	Policy BE2 of the NP. Para 7.64 of the ER.	Correct the reference to "Appendix 7" in the Policy to "Appendix 1".	... that surround or adjoin the densities shown in Appendix 1.	To ensure Policy BE2 directs the reader to the correct Appendix.	Amend policy BE2 in accordance with Examiner's recommendation.
18	Para 92 of the NP. Para 7.64 of the ER.	Correct the reference to "Appendix 7" in the supporting text on page 43 of the Plan to "Appendix 1".	Please see Appendix 1 for further details.	To ensure paragraph 92 directs the reader to the correct Appendix.	Make the suggested modification .
19	Policy BE3 of the NP. Para 7.74 of the ER.	Change the policy so that it reads: <u>"To ensure the conservation or enhancement of designated heritage assets, proposals must:</u> <u>a. Conserve or enhance the significance of the designated heritage asset and its setting;</u>	Amend Policy BE3: Proposals which cause harm to the special significance of designated or nondesignated heritage assets or their settings will not be supported.	To ensure Policy BE3 meets the basic conditions.	Amend policy BE3 in accordance with Examiner's

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
		<p><u>b. Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits, alongside an assessment of the potential impact of the development on the heritage asset and its context; and</u></p> <p><u>c. Provide clear justification, through the submission of a proportional heritage statement, for any works that could harm a heritage asset yet be of wider substantial public benefits that might outweigh any harm or loss through detailed analysis of the asset and the proposal.</u></p> <p>Proposals, including changes of use, which enable the retention of or the appropriate and sensitive restoration of listed buildings, will be supported.</p> <p>Proposals that will aid the understanding of the area's heritage, for example, the introduction of waymarking or information boards, will be supported.</p> <p><u>Proposals for any works that would cause harm to the significance or setting of non-designated heritage assets should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgment to be made having regard to the</u></p>	<p><u>To ensure the conservation or enhancement of designated heritage assets, proposals must:</u></p> <p><u>a. Conserve or enhance the significance of the designated heritage asset and its setting;</u></p> <p><u>b. Demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits, alongside an assessment of the potential impact of the development on the heritage asset and its context; and</u></p> <p><u>c. Provide clear justification, through the submission of a proportional heritage statement, for any works that could harm a heritage asset yet be of wider substantial public benefits that might outweigh any harm or loss through detailed analysis of the asset and the proposal.</u></p> <p>Proposals, including changes of use, which enable the retention of or the appropriate and sensitive restoration of listed buildings, will be supported.</p> <p><u>Development which impacts the setting of heritage assets will be expected to</u></p>		<p>recommend ation.</p>



ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
		<p><u>scale of any harm or loss and the significance of the non-designated heritage asset."</u></p>	<p>demonstrate the highest standards of design in terms of appearance. Development which fails to preserve or enhance the character or appearance of heritage assets within the parish will not be supported.</p> <p>Proposals that will aid the understanding of the area's heritage, for example the introduction of waymarking or information boards will be supported.</p> <p><u>Proposals for any works that would cause harm to the significance or setting of non-designated heritage assets should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgment to be made having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.</u></p>		
20	Map 7, page 46 of the NP. Para 7.74 of the ER.	Remove Map 7 on page 46 of the Plan from the Plan.	None.	To reflect that non-designated heritage assets are now to be dealt with through an action within the Plan.	Remove Map 7 from the Plan.

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21A	Para 95 of the NP. Para 7.74 of the ER.	Delete the reference to non-designated heritage assets from paragraph 95 of the Plan.	Amend para 95: The Parish of Nether Heyford is home to 25 Heritage Assets as listed buildings and a number of Non-Designated Heritage Assets. The listed buildings are shown on the following map (number 6).	To reflect that non-designated heritage assets are now to be dealt with through an action within the Plan.	Amend para 95 of the NP.
21B	Para 96 of the NP. Para 7.72 of the ER.	The Independent Examiner noted that the task of identifying non-designated heritage assets can be changed to a community action if desired.	Include in 'Heritage & Non-Designated Heritage Assets ACTIONS' <u>Work with West Northamptonshire Council to produce a local heritage list</u>	To reflect the intentions of the Parish Council	Amend Heritage ACTIONS.
22	Para 97 of the NP. Para 7.77 of the ER.	Amend paragraph 97 on page 47 of the Plan to read: One of the development sites identified in this plan is currently garden land. <u>See OR317 on Map 4.</u> This policy guides the future development of this site <u>and any other garden land sites.</u>	Amend para 97: One of the development sites identified in this plan is currently garden land. <u>See OR317 on Map 4.</u> This policy guides the future development of this site <u>and any other garden land sites.</u> <u>See OR317 on Map 4.</u>	To ensure Policy BE4 meets the basic conditions.	Amend para 97 in accordance with Examiner's recommendation.
23A	Policy BE6 of the NP. Para 7.83 of the ER.	Delete Policy BE6 and its supporting text and turn it into an action.	Delete Policy BE6 and paragraphs 103 and 104 of the neighbourhood plan. Create the following action at the end of the Built Environment chapter: <u>Built Environment Action</u>	To ensure conformity with Planning Practice Guidance.	Delete Policy BE6 in accordance with Examiner's recommend

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
			<p><u>Positive and proactive engagement with the local community can manage expectations and simplify the application process. This Plan supports the early engagement and involvement of the local community in any significant or sensitive developments within the Neighbourhood Area. The Parish Council will seek to proactively engage with developers in the pre-application process so that all issues can be identified and ideally addressed at an early stage.</u></p> <p><u>Applications for 5 or more dwellings are expected to:</u></p> <ul style="list-style-type: none"> <u>a. Make a presentation to Parish Council prior to submission</u> <u>b. Allow time for villagers to comment on publicity provided both online and in hard copy within the village, prior to submission</u> 		ation and include as an 'Action'
23B	Para 109	None.	Amend text in paragraph 109: The neighbourhood area -plan supports...	To ensure clarity in text.	Make minor modification .
24	Policy ECON1 of the NP. Para 7.92 of the ER.	Amend the first criterion of the policy to read: <u>"Will not result in unacceptable impacts on the living conditions of the occupiers of residential</u>	Amend Policy ECON1: <u>Will not result in unacceptable impacts on the living conditions of the occupiers of residential properties arising from</u>	To ensure conformity with existing policies.	Amend policy ECON1 in accordance with

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		<u>properties arising from</u> traffic movements, noise, fumes, smell, or other disturbance."	traffic movements, noise, fumes, smell or other disturbance to residential properties.		Examiner's recommendation.
25	Policy ECON2 of the NP. Para 7.95 of the ER.	Change the words "...high speed broadband..." to "...full fibre broadband..." in the policy Change the title of the policy to "Connectivity"	Amend Policy ECON2: Policy ECON2: <u>Connectivity Superfast Broadband</u> All new residential and commercial development within the Neighbourhood Area will be expected to include the necessary infrastructure to allow future connectivity to <u>full fibre high-speed</u> broadband / internet.	To ensure the policy meets the basic conditions.	Amend policy ECON2 in accordance with Examiner's recommendation.
26	Para 115 of the NP. Para 7.95 of the ER.	Change references in the supporting text to fast broadband in paragraph 115 to <u>full fibre</u> broadband.	Amend para 115: This will require effective <u>full fibre</u> fast broadband provision.	To align with changes to Policy ECON2.	Amend policy para 115 in accordance with Examiner's recommendation.
27	Para 116 of the NP. Para 7.95 of the ER.	Change the title of the policy in paragraph 116 to reflect the earlier modification.	Amend para 116: This Policy Econ-2 <u>ECON2 (Connectivity) Superfast Broadband</u> is defined ...	To align with changes to Policy ECON2.	Amend policy para 116 in accordance with Examiner's

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					recommendation.
28	Policy ECON3 of the NP. Para 7.98 of the ER.	Delete element b. of the policy.	Amend Policy ECON3: ... a. Encourage the provision of space to support homeworking, with flexible space adaptable to a home office, where appropriate b. Incorporate cabling or suitable ducting to support high speed broadband.	To ensure there is no duplication of Policy ECON2	Amend policy ECON3 in accordance with Examiner's recommendation.
29	Policy ECON4 of the NP. Para 7.102 of the ER	<ul style="list-style-type: none"> Change the title of the policy to "<u>Grand Union Canal, River Nene and Tributaries</u>" Change the policy so that it reads: The use of the <u>Grand Union Canal (owned by the Canal & River Trust), River Nene and tributaries</u> for business and leisure related activities will be supported if: a. Flood risk is not exacerbated b. River and Canal banks are preserved in their natural <u>or existing</u> state for the benefit of ecology, <u>recognising that exceptions, including works to support moorings or marinas, will have to be balanced against matters of navigational safety and the safety of waterway users</u> 	Amend Policy ECON4: Policy ECON4: River and Canal Activities <u>Grand Union Canal, River Nene and Tributaries</u> The use of the <u>Grand Union Canal (owned by the Canal & River Trust), River Nene and tributaries</u> the Grand Union Canal for business and leisure related activities will only be supported if: a. Flood risk is not exacerbated b. River and Canal banks are preserved in their natural <u>or existing state</u> for the benefit of	To ensure the policy meets the basic conditions.	Amend policy ECON4 in accordance with Examiner's recommendation.

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		<p>c. There are no adverse impacts on heritage assets or their settings</p> <p>d. There are no adverse impacts on residential amenity</p> <p>e. There is no major reshaping of the river or man-made features such as engineering works</p> <p>f. <u>Within the setting of the canal, there has been consideration of the impacts on the character, appearance, heritage and ecological character of the canal corridor and provision of any necessary mitigation. There should be no inhibitions that would affect the Canal & River Trust's statutory obligations in operating or maintaining their infrastructure."</u></p> <ul style="list-style-type: none"> • Add a new paragraph that reads: <u>"The Canal and River Trust own and manage the Grand Union canal which runs almost through the centre of the Neighbourhood Plan Area. The canal corridor is designated as part of the Grand Union canal conservation area."</u> 	<p>ecology, <u>recognising that exceptions, including works to support moorings or marinas, will have to be balanced against matters of navigational safety and the safety of waterway users.</u></p> <p>c. There are no adverse impacts on heritage assets or their settings</p> <p>d. There are no adverse impacts on residential amenity</p> <p>e. There is no major reshaping of the river or man-made features such as engineering works</p> <p>f. <u>Within the setting of the canal, there has been consideration of the impacts on the character, appearance, heritage and ecological character of the canal corridor and provision of any necessary mitigation. There should be no inhibitions that would affect the Canal & River Trust's statutory obligations in operating or maintaining their infrastructure.</u></p> <p><u>The Canal and River Trust own and manage the Grand Union canal which runs almost through the centre of the Neighbourhood Plan Area. The canal</u></p>		

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			<p><u>corridor is designated as part of the Grand Union canal conservation area.</u></p>		
30	Policy ECON5 of the NP. Para 7.106 of the ER	Add the word "or" at the end of the first criterion of the policy.	<ul style="list-style-type: none"> The applicant can demonstrate that the site/premises is no longer viable; <u>or</u> Development of the site for other appropriate uses will facilitate the relocation of an existing leisure or tourist facility to a more suitable site 	To ensure the policy can be interpreted correctly.	Amend policy ECON5 in accordance with Examiner's recommendation.
31	Policy COM1 of the NP. Para 7.111 of the ER.	Move sentence about Map 8 in the policy to the supporting text.	<p>Amend Policy COM1 All development schemes should demonstrate how they will manage surface water run-off and mitigate the risk of flooding. Please see 2018 revision of the flood map for Nether Heyford (Map 8).</p> <p>Add the following to the end of para 126: <u>Please see 2018 revision of the flood map for Nether Heyford (Map 8).</u></p>	To reflect the Examiner's recommendation.	Amend policy COM1 in accordance with Examiner's recommendation.
32	Map 8 of the N. Para 7.111 of the ER.	Add the following sentence to Map 8: <u>"This information is correct at the time of publication. The most up to date information should always be sought from the Local Planning Authority or appropriate statutory body."</u>	None.	To reflect the Examiner's recommendation.	Amend text associated with Map 8 in accordance with

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					Examiner's recommendation.
33A	Policy COM2 of the NP. Para 7.119 of the ER.	Change the second sentence of the policy to read: "Proposals which enhance and improve existing community facilities will be supported <u>subject to satisfactory impacts of the new development.</u> " [retain first sentence as is]	Amend Policy COM2: Proposals which enhance and improve existing community facilities will be supported <u>subject to satisfactory impacts of the new development.</u> provided that the impact on usage can be evidenced.	To ensure conformity with strategic policies.	Amend policy COM3 in accordance with Examiner's recommendation.
33B	Para 137 of the NP.	None.	Amend text: Policy NE1 Green Infrastructure is in line with SNLP(2) GF1 <u>GS1</u>	So the text references the correct South Northamptonshire LPP2 policy.	Make minor amendment.
34A	Policy NE3 of the NP. Para 7.139 of the ER.	Delete the reference to SSSIs from the policy.	Amend Policy NE3: Development which would adversely affect either directly or indirectly the Sites of Special Scientific Interest or the Local Nature Reserve, or any future designated wildlife reserves will not be supported.	To reflect that the SSSI lays outside of the plan area.	Amend policy NE3 in accordance with Examiner's recommendation.
34B	Policy RT1 of the NP.	None.	Addition of text to Policy RT1 suggested by Nether Heyford Parish Council.	Suggested addition from the Parish and	Amend Policy RT1

ID No	Page / Para / Policy reference in Submission Version of NDP	Examiner's Recommendation	Details of further editorial changes	Reason	Action to be taken
	Para 7.146 of the ER.		<p><u>The towpath is an important traffic free route for walking and cycling for both leisure and utility walkers and represents a multifunctional asset, providing a recreational opportunity, and a safe, convenient, and attractive walking and cycling network to promote health and well-being.</u></p>	welcomed by the Examiner.	in accordance with Parish and Examiner.
35	Policy RT2 of the NP. Para 7.151 of the ER.	<p>Amend the second paragraph of the policy to read:</p> <p>"All new development should demonstrate that there is adequate provision for off-road parking <u>to meet</u> the recommendations in SNC's Design Guide. <u>All developments should also provide a minimum of two car parking spaces per 1 – 3 bedroomed properties and a minimum of three spaces for homes with 4 or more bedrooms and take account of the South Northamptonshire Parking Standards and Design Supplementary Planning Document 2018 or any successor document.</u> Dwellings should provide secure storage space for cycles."</p>	<p>Amend Policy RT2:</p> <p>All new development should demonstrate that there is adequate provision for off-road parking <u>to meet meeting</u> the recommendations in SNC's Design Guide.</p> <p>Additionally, our local requirement for parking is a minimum of two spaces per property.</p> <p><u>All developments should also provide a minimum of two car parking spaces per 1 – 3 bedroomed properties and a minimum of three spaces for homes with 4 or more bedrooms and take account of the South Northamptonshire Parking Standards</u></p>	To ensure the changes proposed clearly differentiate the additions and removals of text from the Regulation 16 Plan.	Amend policy RT2 in accordance with Examiner's recommendation.

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			<p><u>and Design Supplementary Planning Document 2018 or any successor document.</u> Dwellings should provide secure storage space for cycles.</p>		
36	Policy RT2 of the NP.	None	<p>Both the West Northamptonshire and the Parish Council noted that the final part of policy RT2 needed a factual amendment. Amend last paragraph of Policy RT2:</p> <p>Non-residential developments must provide adequate parking in accordance with the County Council's adopted standards <u>South Northamptonshire Parking Standards and Design Supplementary Parking Standards.</u></p>	<p>The former South Northamptonshire Council did not adopt the former Northamptonshire County Council Parking Standards. Parking within the South Northamptonshire area must adhere to the South Northamptonshire Parking Standards and Design: Supplementary Planning Document.</p>	Amend policy RT2.

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WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

26 June 2023

Rebecca Breese, Strategic Planning, Built Environment & Rural Affairs

Report Title	Response to Government consultation on the Infrastructure Levy, which is a reform to the existing system of developer contributions.
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List of Appendices

1. **Appendix A** – Responses to the Infrastructure Levy technical consultation questions

1. Purpose of Report

- 1.1 For members to consider suggested responses to the current Government consultations on:
- Technical aspects of the design of the Infrastructure Levy.
 - Responses will inform the preparation and content of regulations, which will themselves be consulted on, should Parliament grant the necessary powers set out in the Levelling Up and Regeneration Bill.

2. Executive Summary

- 2.1 The report summarises the government's proposed changes to the existing developer contributions system and suggests responses from this Council.

3. Recommendations

- 3.1 It is recommended that Planning Policy Committee:
- a) Agrees the suggested response to the consultations on proposed changes to the existing developer contributions system.

4. Reason for Recommendations

- 4.1 To ensure that Government is aware of this Council's views on proposed changes to the existing developer contributions system and in some cases to seek to persuade government to revise its proposed changes.

5. Report Background

- 5.1 The Government is seeking a view on technical aspects relating to proposed changes to the developer contributions system and exploring the potential effects of the proposed Infrastructure Levy. Responses will inform the preparation and content of regulations, which will themselves be consulted on.

- 5.2 The consultation document summarises the changes as follows:

- The Levy is designed to capture more revenue using a fairer and simpler system of developer contributions.
- It seeks to replace the current system of developer contributions with a mandatory, locally determined Infrastructure Levy.
- The proposed levy will largely replace Section 106 planning obligations but they will be retained for restricted purposes.
- The Levy will be charged on the value of the property at completion per square metre and applied above a minimum threshold. Levy rates and minimum thresholds will be set and collected

This will allow developers to price the value of contributions into the value of the land and for Levy liabilities to reflect market conditions.

- Local authorities will be able to set different rates within their areas varied by type of developments (including browfield and greenfield) and zones.
- There will be a process of examination of the charges in the charging schedule, the DLUHC can intervene in the preparation of the schedules in certain situations.
- The Levy seeks securing at least as much affordable housing as developer contributions do now.
- A new 'right to require' will enable local authorities to set out what proportion of the Levy they want delivered as affordable homes and what proportion they want delivered as cash. The developer will be obliged to deliver these apportionments.
- Levy will be based on GDV at the point of site sale or completion. The consultation seeks views on where circumstances may warrant payment of the Levy at an earlier stage of development.
- Basing the Levy on GDV requires a novel proposal around Levy payments. Indicative liabilities will be calculated using Levy charging schedules. These will set out expectations of Levy liabilities that reflect assumed values of a site. A provisional payment of the Levy will be made close to scheme completion. A final adjustment payment can be used on completion incorporating final values to ensure correct liabilities are discharged.
- Borrowing against future Levy proceeds will be permitted. Cash reserves can also be built up across sites.
- Through a new Infrastructure Delivery Strategy, local authorities will be able to take a more strategic and unified approach to infrastructure planning and delivery.
- Imitating the existing Community Infrastructure Levy legislation, neighbourhood and administrative shares of the new Levy will be able to be retained to support funding of local community and Levy administration.
- The Levy will replicate some existing exemptions from CIL. With perhaps new exemptions or reduced rates, including a proposal for exemptions on qualifying small sites and publicly funded infrastructure.
- The Levy will be charged by local authorities, based on the GDV of a development upon its completion. What is meant by 'completion' in this context will be a matter for regulations.
- Once regulations are introduced, Authorities subject to a 'test and learn' will introduce charging schedules from late 2024/25 and operating the Levy from 2025/26. National rollout will occur over the course of a decade and the current system will remain in place in areas which have not adopted CIL.

6.1 The purpose of this report is to suggest responses from this Council to the Government on its proposed changes to the existing system of developer contributions. Members could decide to submit amended responses.

6.2 An alternative approach would be to not respond to the consultation.

7 Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no financial implications arising specifically from this report. Implications only arise if or when the Infrastructure Levy is required to be implemented.

7.2 Legal

7.2.1 There are no legal implications arising specifically from this report.

7.3 Risk

7.12.1 There are no risks arising from the recommendations in this report.

7.4 Consultation

7.4.1 Responding to the Government's consultation enables the Council to ensure that Government is aware of its views on proposed changes to the planning system. There are no direct implications for the Council's own local consultation activities arising from this report.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not applicable

7.6 Climate Impact

7.6.1 There are no climate change impacts arising specifically from this report.

7.7 Community Impact

7.7.1 There are no community impacts arising specifically from this report.

7.8 Communications

7.8.1 None directly arising from this report.

8 Background Papers

<https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy/technical-consultation-on-the-infrastructure-levy>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144482/Exploring the potential effects of the proposed Infrastructure Levy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144482/Exploring_the_potential_effects_of_the_proposed_Infrastructure_Levy.pdf)

Appendix A

Chapter 1 – Fundamental design choices

Question 1: Do you agree that the existing CIL definition of ‘development’ should be maintained under the Infrastructure Levy, with the following excluded from the definition:

- **developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria):** Yes
- **Buildings which people do not normally go into:** Yes
- **Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery:** Yes
- **Structures which are not buildings, such as pylons and wind turbines:** Yes.

The Council has no objection to the existing CIL definition of ‘development’ being maintained under the Infrastructure Levy.

Question 2: Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Yes, the Council suggest that developers may wish to retain the option to provide infrastructure outside of IL as it could be key in some aspects such as Affordable Housing Provision. The current Section 106 rules enable infrastructure to be provided as a non-financial contribution and, in principle, there is no reason to disallow this in the IL system. Further information will, therefore, be needed as to what types of infrastructure would be covered by this category. Developers will need to know what they can deliver as part of their build costs, and for local authorities to be able to account for such costs at the point of setting IL charging rates.

Question 3: What should be the approach for setting the distinction between integral and Levy-funded infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.

There should be scope for a mix of national and locally defined ‘integral infrastructure’; what works on one site may not be applicable to another and the Council could be challenged by a developer where it asks them to provide something which it believes to be integral to the functioning of a specific site where it is not on the nationally defined list.

Question 4: Do you agree that local authorities should have the flexibility to use some of their levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Unsure. CIL and S106 have never enabled this, as any unspent funds must be returned to developers by the expiry of a spend deadline NB this sentence does not currently apply to CIL there is no clawback facility of CIL to developers. The Council would consider this must remain a mandatory part of IL. The main purpose is in the name ‘Infrastructure Levy’. It is not clear why this was proposed in the 2020 White Paper and why this has been carried through into the IL consultation. Neither explain the Government’s rationale behind this proposal.

Given that IL should fund affordable housing and other infrastructure, the question is raised as to whether there will be the scope of funding to address other matters identified by the Council. Also, some developers could look to explore legal action to prevent any payment over and above the levels of providing the necessary infrastructure, unless regulations or future legislation shuts down the ability to do as the consultation makes clear, any excess amount beyond the cost of infrastructure would not be refunded as present, but under IL it could be retained by the LA to help reduce Council Tax bills, leisure centre entry fees, etc. Developers may wish to ask questions as to why that is the case.

Enabling councils to use Levy receipts to fund non-infrastructure items sets a very dangerous precedent and it could potentially be seen as a funding stream for other non-infrastructure areas at every opportunity where there are no effective controls in place (particularly when other sources of funding are diminishing...) For example, given in the consultation of social care and free childcare places are not an appropriate use of infrastructure funding and could leave councils vulnerable. Any non-infrastructure funding should be limited and linked directly to development as under the current system. This is not a 'get out' for the Government to use to avoid funding social care properly. I would resist this proposal wherever possible, however if it continues to be pursued by govt then it should only be in exceptional circumstances and where doing so would not jeopardise delivery of AH / other infrastructure identified in the IDS (and perhaps a limit set?).

Agree we should seek to resist this – it is unlikely we would ever be in a position where all AH and infrastructure is funded by the proposed levy.

Question 5: Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.

Yes, the IL should be used to pay for infrastructure and affordable housing, i.e., 'infrastructure', and fulfil the roles of current Section 106 and CIL.

Although occasionally a developer and Council may agree there are mutual benefits if and where some service functions are funded using IL, the Council would prefer if IL funds were not used for purposes beyond infrastructure provision, as the case has not really been made for such a significant change in process. If the spending of IL could be more flexible towards service provision, after prioritising affordable housing and infrastructure. This may not only result in increasing the spending of IL. As well as, potentially improving the social, economic, cultural, and natural environments for the wider community.

Question 6: Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

The monitoring implications for IL appear to be more onerous than is the case with current CIL and S106 agreements. Regular, programmed updates will be required from the developer to the Council on key schemes, making it more resource intensive than it is currently because of the need to keep track of construction timetables, and the issues around timing and completion of valuation exercises. Therefore, there will be a need for some IL monies to be used to fund monitoring.

Question 7: Do you have a favoured approach for setting the 'infrastructure in-kind' threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above].

Please provide a free text response to explain your answer, using case study examples if possible.

The Test and Learn Pilots may, in due course be able to identify what threshold works best in practice. Currently this Council would prefer the threshold to be set at a medium or low threshold in order that a range of development sites can provide their infrastructure in kind.

Question 8: Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.

There is a comprehensive list at 1.22

Chapter 2: Levy rates and minimum thresholds

Question 9: Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? Please provide a free text response to explain your answer where necessary.

Yes, one of the main advantages of the new IL system is that residential properties delivered under permitted development will also be liable. The Government's proposal to set national minimum and maximum levy rates for permitted development neglects to recognise that viability varies across the country, and this approach might make this type of development unviable in areas with lower land values. Local authorities should therefore be allowed to set their own permitted development levy rates based on local viability.

Question 10: Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided?

Agree that consideration should be given to bringing some permitted development rights within the scope of the levy.

Question 11: Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.

Agree that it is important that the new levy does not act as impediment to brownfield development, so consideration should be given to what offsets can be used.

Question 12: The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims?

- Charging the Levy on final sale GDV of a scheme - Neutral
- The use of different Levy rates and minimum thresholds on different development uses and typologies – Agree

- Ability for local authorities to set 'stepped' Levy rates – Agree
- Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced. Agree, the offset allowances should be retained as it minimises the impact of viability on certain developments that are not increasing the GIA but are only a change of use. That said the current offset allowances can, in some cases, be complex and need to be clearly defined.

Question 13: Please provide a free text response to explain your answers where necessary.

- Charging the Levy on final sale GDV of a scheme
This has the potential to increase receipts, but there is no guarantee as the market can go down as well as up.
- The use of different Levy rates and minimum thresholds on different development uses and typologies. This has the potential to increase receipts as more development would be 'caught'.

Chapter 3 – Charging and paying the Levy

Question 14: Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Yes, The Council agrees that indicative liability should be calculated upon submission of the planning application based on IL rates in the Charging schedule, which broadly replicates the current CIL procedures.

However, the Council does not agree that payment should be made upon completion prior to first occupation, but should be made upon commencement, like the current CIL. However, this will make the administration more onerous and needs to be resourced correctly. Final adjustment payments based on the sales price will be made after the development has been sold, in which adjustments to the indicative liability payment are made to reflect the actual market value of the development.

it is highly unlikely that developers will be able to pay their interim liability in full prior to commencement / 1st occupation – we are often asked to push s106 payments back to reduce the upfront infrastructure burden on viability grounds, so this seems to be counter to that issue. They simply will not have the cashflow and lenders will not want to take the risk. Staged payments throughout delivery of a site would be a preferred approach.

Question 15: Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Yes. If the procedure for settling IL charges closely resembled the current Section 106 process, this may resolve some issues that have arisen from these proposals.

If significant interim payments are required before any property sales have occurred, this could cause financial issues for smaller developers. Flexibility should therefore be given to councils to determine when and where it will seek an IL payment up front, as infrastructure demands are inherently different in different areas.

Question 16: Do you agree with the proposed application of a land charge at commencement of development and removal of a local land charge once the provisional levy payment is made? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Yes. Although this is fundamentally a land charge question. The council recognises that having the charge upon the land until discharged is an effective tool to support enforcement action. Early removal would put the council at risk of recovery of funding.

Question 17: Will removal of the local land charge at the point the provisional Levy liability is paid prevent avoidance of Infrastructure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly agree the charge should remain on the register until it is fully discharged.

Question 18: To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? Please explain your answer.

Agree. This requirement will be needed to help facilitate the timely delivery of infrastructure. Payment should be upon commencement, similar to the current CIL, to reduce the risk of councils borrowing against future IL receipts.

Ensuring that IL is paid at various stages throughout the build process gives greater certainty of the scheme completing. This would, however, then begin to resemble the current S106 payment arrangements which could be a better model for IL.

If borrowing is necessary, the payment of some IL funds at an earlier stage of construction may provide some certainty or reassurance, helping to mitigate any concerns which Members have about a particular scheme.

Question 19: Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary.

Yes. Payment should be upon commencement, similar to the current CIL. As per Question 18, in the unlikely event of a Council voting to borrow money for infrastructure provision against future IL receipts, the Council would then be a debtor, and would need to make regular payments to its lender to service any loans - including interest.

A mechanism to secure early IL payments will be useful, particularly from larger schemes with the greatest infrastructure needs.

Question 20: Do you agree that the proposed role for valuations of GDV is proportionate and necessary in the context of creating a Levy that is responsive to market conditions [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

The Levy seems to introduce a never-ending cycle of valuations which will place a very significant resource burden (financial and capacity) on the council to deliver. Councils may become reliant on consultancy to provide valuation support, which is likely to result in conflict of interest (there are only so many specialists in a very small field!). Also, it is unlikely that a Council would want to waive its right to carry out an individual assessment of a site; these will be key tools to demonstrate that we have done due diligence and achieved maximum potential from a site. There is however often a lag in land registry information being loaded and made available which needs to be addressed so that authorities have the opportunity to review sales prices achieved.

Chapter 4 – Delivering infrastructure

Question 21: To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.

whilst borrowing might be a positive solution in principle, It, may be of limited value if Councils do not want to take the risk (and additional cost of interest). Also, it places all the burden on the council and not the developer. If pursued, it should only be done in limited and exceptional circumstances and subject to all necessary due diligence. Borrowing against 'IL proceeds' is not favourable in case the development does not commence and/or the permission falls away and no IL receipts are received.

This is similar to tax increment funding and is a high-risk approach. While it may deliver infrastructure more quickly, there are risks to local authority finances if developments stall (e.g. due to market downturns) and a balance to be struck between additional interest costs versus inflationary effects of slightly later infrastructure development. It also ties up an element of the revenue yields from council tax/business rates of those developments in interest payments on any borrowing rather than service delivery. Overall, it is questionable whether the benefits outweigh the risks.

Question 22: To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly agree with the need to go further. If some monies are received at an early point of the process or are required as a condition of granting planning permission this will alleviate some of the concerns that arise from demanding payment upon occupation.

Question 23: Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary.

No, the payment structure should resemble the current arrangements under Section 106, with the option for instalments and payments becoming due upon certain triggers being reached. This will provide councils with the necessary funding and flexibility to ensure the timely delivery of infrastructure, while at the same time acting as an incentive for developers to complete their development. Page 49

The enforcement powers currently within the CIL regulations are effective, albeit a bit of a cut and paste of planning enforcement in parts. A wide range of enforcement powers would be appropriate and welcomed.

Question 24: To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.

The production of the IDS should provide a high degree of transparency and certainty.

Question 25: In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?

This will depend on what is being proposed in the local plan. The local authority is best placed to determine this as the plan develops. Robust Infrastructure Development Plans and a Developer contribution / IL Guidance should be implemented to outline local infrastructure needs and feed into individual IL agreements; taking into account local priorities to ensure 'deliverable infrastructure' to mitigate the impact of designated development sites.

Question 26: Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

It will be helpful to have community input into the Plan, however it is important that expectations are managed, as not all desires for infrastructure will be realised. Local Town and Parish Councils, Health providers, Highways, Leisure providers etc have sound knowledge of their respective areas; as such full engagement should be considered. However, there will be opportunity for feedback during consultation stages of any DRAFT IDS.

Question 27: Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:

- Identification of general integral infrastructure requirements
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy-
- Prioritisation of infrastructure and how the Levy will be spent
- Approach to affordable housing including right to require proportion and tenure mix
- Approach to any discretionary elements for the neighbourhood share
- Proportion for administration
- The anticipated borrowing that will be required to deliver infrastructure
- Other – please explain your answer
- All of the above

In principle this list appears acceptable. If any element of the levy is to be used for non-infrastructure/revenue costs this should be included in the Delivery Strategy.

Question 28: How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities?

- **Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when**
- **Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy**
- **Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies**
- **Guidance to local authorities on prioritisation of funding**
- **Implementation of statutory timescales for infrastructure providers to respond to local authority requests**
- **Other – please explain your answer**

There would need to be guidance and support on who needs to be engaged with, however this would vary between authorities based on infrastructure needs.

Question 29: To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

It should be possible to identify the vast majority of infrastructure requirements during plan preparation. However, it is often the case that there is not full information available when a plan is prepared and some additional/different items may be identified when subsequent planning applications are submitted. One benefit of the current system is that the IDP is as living document and can therefore adapt to changing circumstances -that doesn't seem possible under the proposed system.

Chapter 5 – Delivering affordable housing

Question 30: To what extent do you agree that the 'right to require' will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

The right to require should have the effect of reducing the risk of negotiating down, however the unintended consequence of this is that the starting point for the 'right to require' is likely to be lower than it otherwise would be.

Question 31: To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Unsure, it is not possible to say if a zero-rated, or highly discounted rate should be set for 100% affordable housing schemes. Currently the CIL regulations allow for full relief on affordable housing, regardless of the rates in the area, that meets the criteria, and do not require a viability assessment. This works well as it keeps the majority of the burden on developers. Full viability evidence for each of the three areas(Daventry area, Northampton and South Area) within West Northamptonshire Council would be required before being able to provide an answer in the manner sought by the question. All residential development creates infrastructure needs.

Question 32: How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.

Registered Provider-led schemes should be treated like any other proposal.

Question 33: As per paragraph 5.13, do you think that an upper limit of where the 'right to require' could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the 'right to require' is set should be left to the discretion of the local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.

No, the upper limit should not be introduced by the government.

Yes, the right to require should be left to the discretion of local authorities to set.

Chapter 6 – Other areas

Question 34: Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]

Yes. There is no reason why this should change from current CIL process.

Question 35: In calculating the value of the Neighbourhood Share, do you think this should:

A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues),

B) be higher than this equivalent amount

C) be lower than this equivalent amount

D) Other (please specify) or

E) unsure.

Please provide a free text response to explain your answer where necessary.

Approach (A) should be retained as the current portion percentages are acceptable. Also, the uplift will mean they will receive more than they currently do and sometimes parishes struggle with knowing how to use the portions they currently receive.

Question 36: The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share such areas?

All West Northamptonshire has either a parish council or a parish meeting. However, a process whereby the funds are held in an earmarked reserve and spent in the area local to the development in consultation with parish meetings could be viable.

Question 37: Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount, D) Other, (please specify), or E) unsure. Please provide a free text response to explain your answer where necessary.

The current CIL regulations cap the administrative costs at 5%. There must always be provision to recoup administrative costs from processing and securing developer contributions. So either (B) or perhaps (D) if councils incur significant administrative costs implementing a mandatory new levy.

Question 38: Applicants can apply for mandatory or discretionary relief for social housing under CIL.

Question 31 seeks views on exempting affordable housing from the Levy. This question seeks views

on retaining other countrywide exemptions. How strongly do you agree the following should be retained:

- residential annexes and extensions; [Strongly Agree/Agree/Disagree/Strongly Disagree]
- self-build housing; [Strongly Agree/Agree/Disagree/Strongly Disagree]

If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development?

Strongly agree to residential annexes exemptions being retained due to claw back periods and disqualifying events. However, residential exemptions regardless of size, due to changes in CIL legislation, having no clawback periods, disqualifying events apart from not being claimed before commencement nor subject to surcharges if a commencement notice is not submitted. This exemption appears to be an unnecessary form filling process.

Also, where a smaller house is extended to become a larger unit, there may not be a net increase in dwellings, but there may still be implications on infrastructure.

Strongly agree that self-build housing exemptions should be retained. It ensures they are actual self-build projects and prevents loopholes for developers who have no real intention to build for themselves. There are several obligations upon developers that ensure self-build house are such and these obligations should remain with the developers and be retained in the legislation.

Question 39: Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

If it could be demonstrated that the sustainable technology being used reduced the requirement for infrastructure, then it would be sensible to introduce an offset.

Question 40: To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly disagree. Where a scheme meets this threshold (i.e. fewer than ten units) a reduced Levy rate would be set, and local authorities will not be able to require that a proportion of receipts are paid in the value of affordable homes.

There is a risk that developers would therefore submit multiple applications on the same site to be under the threshold and to therefore pay lower IL charges while avoiding the need for an affordable housing contribution altogether.

Question 41: What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.

The smaller the scheme, the more difficult it is to deliver a development that is viable. Daventry in particular deliver a lot of exception sites, and these are very difficult to stack up financially with the

majority of the units being affordable. If there was some flexibility to reduce the IF levy where there are viability issues, rather than the affordable, that would be very welcome.

Question 42: Are there any other forms of infrastructure that should be exempted from the Levy through regulations?

None have been identified by this council.

Question 43: Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Neutral on the enforcement mechanisms associated with securing Levy payment. However, the Council should have flexibility in enforcing liable applications/developments on a case by case (fact and degree) basis and as they see fit.

Chapter 7 – Introducing the Levy

Question 44: Do you agree that the proposed ‘test and learn’ approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

It is sensible to adopt a ‘Test and Learn’ approach with a range of Local Authorities before this is rolled out nationwide. This will enable any teething issues or unexpected consequences to be addressed before all local authorities across the country have to expend resources on this new approach.

Question 45: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

It appears likely that IL would have potential negative effects on members of protected characteristic groups who cannot afford market housing and would require an affordable home. It is uncertain if the proposed IL will deliver more affordable housing than the current S106 system. This may need further scrutiny.



WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

26 June 2023

Cllr Rebecca Breese, Cabinet Member for Strategic Planning, Built Environment and Rural Affairs

Report Title	Government consultation on the introduction of a use class for short term lets and associated permitted development rights
Report Author	Paul Everard, Planning Policy & Heritage Manager paul.everard@westnorthants.gov.uk

List of Approvers

Deputy Monitoring Officer	Sarah Hall	Approval email received 1 st June 2023
Legal	Theresa Boyd	Approval email received 5 th June 2023
Chief Finance Officer (S.151)	Martin Henry	Approval email received 5 th June 2023
Other Director	Stuart Timmiss	Approval email received 7 th June 2023
Communications Lead/Head of Communications	Becky Hutson	Approval email received 5 th June 2023

List of Appendices

Appendix A – West Northamptonshire Council’s provisional response to DLUHC’s consultation on the introduction of a use class for short term lets and associated permitted development right.

Appendix B – West Northamptonshire Council’s response to DCMS’s consultation on a registration scheme for short term lets in England.

1. Purpose of Report

- 1.1. The purpose of this report is to seek the Committee's endorsement of the provisional response sent to the Government's consultation on the introduction of a use class for short term lets and associated permitted development rights.

2. Executive Summary

- 1.2. This report sets out the Council's provisional responses to government consultation on the introduction of a use class for short term lets and associated permitted development rights. The provisional response includes comments about the potential use of Article 4 Directions, should the council need to control the proliferation of short term lets, the number of nights per year that homeowners could let out their own homes as short term lets and the planning application fee for new short term let developments.

3. Recommendations

- 3.1 It is recommended that the Committee endorses the provisional consultation responses sent by the officers to the Department for Levelling Up, Housing and Communities (DLUHC).

4. Reason for Recommendations (NOTE: this section is mandatory and must be completed)

- To confirm the Council's responses to the Government's consultation on the introduction of a use class for short term lets and associated permitted development rights scheme for short-term lets in England formally with the DLUHC and DCMS respectively.

5. Report Background

- 5.1 On 12th April, the Department for Levelling Up, Housing and Communities issued public consultation on the introduction of a new use class for short term lets and associated permitted development rights. The closing date for the consultation was 7th June 2023. To meet that deadline, a provisional response has been sent to the DLUHC by officers in consultation with the Cabinet Member for Planning, Built Environment and Rural Affairs, pending the endorsement of this Committee.
- 5.2 At present houses and flats that are used for short term lettings, such as holiday cottages, remain within Class C3 of the Town and Country Planning (Use Classes) Order 1987, as amended. To address concerns in certain parts of the country about the increase in the numbers of short term lets and the impact this can have on the sustainability of communities and the availability and affordability of homes for local people, this consultation seeks views on proposals in respect of use classes and permitted development rights for short term lets.
- 5.3 This public consultation includes a proposal to create a new Use Class C5 specifically for residential properties that are used as short term lets. The consultation also seeks views on the

introduction of new permitted development rights to provide flexibility where short term lets are not a local issue by way of permitted development rights to enable a change of use from Class C3 to Class C5 and from Class C5 back to Class C3. The consultation is also seeking views on allowing for this flexibility to be removed, where there is a local concern, by way of Article 4 Directions to remove these permitted development rights.

- 5.4 The consultation is also seeking views on how homeowners might be provided with flexibility to let out their sole or main home for a number of nights in a calendar year. Views are also being sought on the planning application fee required where permission is required for the development of a new build short term let.
- 5.5 Associated with this, and following a call for evidence last year, the Department for Culture, Media and Sport issued public consultation on a registration scheme for short-term lets in England on 12th April with a closing date of 7th June.

6. Issues and Choices

- 6.1 The issue of areas becoming dominated by short term lets is increasingly prevalent in areas of the country that are attractive to tourists such as Cornwall. There has been a significant expansion in the number and range of accommodation suppliers nationally. This change has been facilitated in part by the growth of digital platforms such as Airbnb. Locally, it has become apparent that there are increasing numbers of properties in Northampton that are being let via platforms such as Airbnb that specialise in short term lets, though the precise number of properties let in this way has not been quantified.
- 6.2 The DCMS is also carrying out consultation on introducing a system for registering short term lets, follows a commitment in the Levelling Up and Regeneration Bill to introduce a registration scheme. The Head of Private Sector Housing has submitted a response on behalf of the Council, which is attached at Appendix B to this report. If such a scheme were introduced, it would allow relevant data to be collected on the types and numbers of short term lets in each local authority area. Such information could be used alongside evidence gathered locally to make the case to the Government for the introduction of an Article 4 Direction, should this prove to be appropriate in future, to restrict changes of use from Class C3 dwellinghouses to Class C5 short term lets.
- 6.3 The consultation questions concerned with allowing flexibility for homeowners to let out their homes ask if that flexibility should be expressly provided for and, if it is, how many days per year that flexibility should be allowed for (30 days, 60 days or 90 days). The provisional response sets out that 30 days would be the most appropriate in this situation as it would allow reasonable flexibility for homeowners but minimise inconvenience to nearby residents. The provisional response states that it is preferable for this to be a permitted development right rather than an amendment to Use Class C3 as this would allow the local planning authority to introduce an Article 4 Direction if local evidence showed that this was causing adverse impacts for local communities.

6.4 Concerning planning application fees, the consultation asks if a fee equivalent to each new dwellinghouse should apply to applications for each new build short term let. This seems reasonable, so the provisional response expresses agreement with this suggestion.

6.5 The Council's provisional responses to the DLUHC are attached at Appendix A. The responses to each question have been couched in terms of the situation pertaining in West Northamptonshire.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no resource or financial implications arising directly from the Government's consultation exercise. However, if the Government chooses to implement the new use class and it transpires that the Council wishes to implement an Article 4 Direction at a later date, costs would be incurred in terms of staff time, carrying out the necessary public consultation and the making and confirmation of an Article 4 Direction which would have to be covered by base budgets.

7.2 Legal

7.2.1 There are no specific legal implications arising from the proposals in this report.

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation and Communications

7.4.1 As the proposals in this report relate to a Government consultation exercise, no consultation has been carried out by the Council.

7.5 Consideration by Overview and Scrutiny

7.5.1 The proposed response has not been considered by Overview and Scrutiny.

7.6 Climate Impact

7.6.1 No climate/environmental impacts have been identified directly as a result of the recommendations in this report.

7.7 Community Impact

7.7.1 No community impacts have been identified directly as a result of the recommendations in this report. However, should the new use class and the associated possibility of introducing Article 4

Directions come into force, the Council will have the ability to manage the impact of short term lets on the community.

8. Background Papers

- 8.1 [Introduction of a use class for short term lets and associated permitted development rights - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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West Northamptonshire Council’s provisional response to DLUHC’s consultation on the introduction of a use class for short term lets and associated permitted development rights

Q.1 Do you agree that the planning system could be used to help to manage the increase in short term lets?

Yes. Whilst, in general there is not a proliferation of short term lets in West Northants, it has been noted that an increasing number of properties are being used for short term lets in West Northants, particularly in Northampton. It is possible that this a consequence of the withdrawal across Northampton of the permitted development right to convert Class A3 dwellings into Class C4 houses in multiple occupation for 3 to 6 people and the application of a 10% density limit within 50m metre’s radius.

Q.2 Do you agree with the introduction of a new use class for short term lets?

Yes, this seems the most appropriate mechanism by which the planning system could be used to help manage the increase in short term lets.

Q.3 Do you agree with the description and definition of a short term let for the purpose of the new use class?

Yes. This covers the range of types of short term let typically experienced in West Northants.

Q.4 Do you have any comments about how the new C5 short term let use class will operate?

No, but see answers to the other questions in this consultation response.

Q.5 Do you consider there should be specific arrangements for certain accommodation as a result of the short term let use class?

No

Q. 6 Do you agree that there should be a new permitted development right for the change of use from a C3 dwellinghouse to a C5 short term let (a)

Yes, provided local planning authorities have the right to remove the right by means of an Article 4 Direction in line with national policy.

Q.7 Do you agree that there should be a new permitted development right for the change of use from a C5 short term let to a C3 dwellinghouse (b)

Yes

Q.8 Do you agree that the permitted development rights should not be subject to any limitations or conditions?

Yes

Q.9 Do you agree that the local planning authority should be notified when either of the two permitted development rights for change of use to a short term let (a) or from a short term let (b) are used?

Yes. This will assist local planning authorities in monitoring numbers of dwellings in their areas and the impacts of these changes of use, including on housing supply.

Q.10 Do you have any comments about other potential planning approaches?

No – the suggestion of a new use class seems the most appropriate approach, provided short term lets are clearly defined.

Q.11 Do you agree that we should expressly provide a flexibility for homeowners to let out their homes (C3 dwellinghouses)?

Yes, flexibility should be allowed.

Q.12 If so, should this flexibility be for:

- i. 30 nights in a calendar year; or**
- ii. 60 nights in a calendar year; or**
- iii. 90 nights in a calendar year**

Thirty nights per year would be the most appropriate period, as this would minimise inconvenience to nearby residents while still allowing flexibility to homeowners.

Q.13 Should this flexibility be provided through:

- i) A permitted development right for use of a C3 dwellinghouse as temporary sleeping accommodation for up to a defined number of nights in a calendar year**
- ii) An amendment to the C3 dwellinghouse use class to allow them to be let for up to a defined number of nights in a calendar year.**

Option (i) would be preferable as this would allow the local planning authority to remove this right by way of an Article 4 direction, should there be any unintended consequences arising from this flexibility.

Q.14 Do you agree that a planning application fee equivalent to each new dwellinghouse should apply to applications for each new build short term let?

Yes.

Q.15 Do you agree with the proposed approach to the permitted development rights for dwellinghouses (Part 1) and minor operations (Part 2)?

Yes – this is consistent with the approach to Class C4 houses in multiple occupation for three to six persons.

Q.18 Do you think that the proposed introduction of the planning changes in respect of a short term let use class and permitted development rights could impact on:

- a) businesses**
- b) local planning authorities**
- c) communities?**

Yes, these proposals have the potential to have impacts on local homeowners and landlords who let properties on a short-term basis. The proposals could also have an impact on local communities, but where there are evidenced adverse impacts, these can to some extent be controlled by the proposed possibility of the local planning authority to introduce Article 4 Directions to take away the right to convert a dwellinghouse into a short term let. If implemented, these proposals are likely to have impacts on local planning authorities in terms of dealing with prior notifications of changes of use and collecting evidence should it be necessary to apply for an Article 4 Direction.

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Head of Private Sector Housing's response to DCMS's consultation on a registration scheme for short term lets in England.

Question 1: Which high-level approach to the registration scheme do you prefer?

- An opt-in scheme for local authorities, with the framework set nationally
- An opt-in scheme for local authorities with the framework set nationally, and a review point to determine whether to expand the scheme to mandatory
- A mandatory national scheme, administered by one of: the English Tourist Board (VisitEngland), local authorities, or another competent authority

Please give the reasons for why you chose this type of registration scheme

The prevalence of short-term letting accommodation varies across the Country. Being generally dominated in areas with a significant tourism sector, or in larger cities and towns. The opt-in scheme gives local authorities the opportunity to respond to their local circumstances, in a similar way to additional and selective licensing under the Housing Act 2004. The support of the national framework will provide consistency of approach and requirements to their short-term letting companies that operate across local authority boundaries.

Please also provide any evidence relevant to the three high-level approaches set out in Question 1.

The Council have seen an increasing level of complaint from local residents which reference the use of property as a house in multiple occupation. On investigation many of these are found to be properties operating as short term letting rather than house in multiple occupation.

Question 2: Who should be responsible for administering the registration scheme?

- Local authorities
- The English Tourist Board (VisitEngland)
- Another national body (please specify - this could be an existing body or a new one)

Please give the reasons for your answer

Local authorities already have significant regulatory functions relating to ensuring the licensing, and quality of accommodation under the Housing Act 2004. This particularly includes the licensing of mandatory and additional houses in multiple

occupation, and the licensing of all private rented accommodation under a selective licensing regime. Further, local authorities have regulatory functions under the Health and Safety at Work etc. Act 1974 relating to hotels and holiday style accommodation. The licensing of short-term letting accommodation would be complimentary to the existing local authority functions.

Question 3: Should there be an analogue version of the registration scheme which would run in parallel with the digital one?

- Yes
- No

If you answered 'yes', please suggest what form this could take

The implementing a system it must be accessible to all and not reliant on a digital only approach. Whilst a digital approach should be actively encouraged for the purposes of efficiency, this must not lead to non-compliance through a lack of digital knowledge or skills. Local authorities are already well equipped to provide digital based licensing systems, with the back up functions of local authority staff to support those who are unable to engage in a digital only format.

Question 4: Should the platforms require a valid registration number in order to list a short-term let?

- Yes
- No

Question 5: Should the registration number be displayed in any advertisement or listing of a short-term let?

- Yes
- No

Question 6: What should the 'unit' of registration be?

- Owners
- Premises/dwellings or part of a dwelling
- Individual accommodation units within a premises/dwelling
- Other - please specify

Question 7: How should the following types of accommodation be treated in respect of the registration scheme?

	Include	Exclude
Caravans on sites or any site which accepts motorhomes or	<input checked="" type="radio"/>	<input type="radio"/>

	Include	Exclude
campervans or any other vehicle providing accommodation	<input type="radio"/>	<input type="radio"/>
Treehouses	<input checked="" type="radio"/>	<input type="radio"/>
Mountain bothies	<input checked="" type="radio"/>	<input type="radio"/>
Shepherd's huts	<input checked="" type="radio"/>	<input type="radio"/>
Cars	<input checked="" type="radio"/>	<input type="radio"/>
Motorhomes	<input checked="" type="radio"/>	<input type="radio"/>
Glamping	<input checked="" type="radio"/>	<input type="radio"/>
Yurts	<input checked="" type="radio"/>	<input type="radio"/>
Boats inc. houseboats, canal boats	<input checked="" type="radio"/>	<input type="radio"/>
House swaps	<input checked="" type="radio"/>	<input type="radio"/>
Other - please specify	<input type="radio"/>	<input type="radio"/>

Please give reasons for your answers.

The scheme should be able to include all possible combinations of short term letting accommodation

Exemptions

There are circumstances where people stay for a short period outside their principal or primary residence. The following are not considered to be within scope of short-term lets for the purposes of this paper:

- a) licenced hotels and B&Bs and self-catering properties on their premises;
- b) women's refuges;
- c) homeless hostels and other temporary accommodation for homeless

- people;
- d) accommodation for asylum seekers;
 - e) child or adult care homes and other council premises;
 - f) student halls of residence (whether used by students or others);
 - g) hospitals;
 - h) prisons; and
 - i) supported housing.

Question 8: Do you agree with this list of exemptions?

- Yes
- No

Please explain your answer

This list of exemptions would mirror the exemptions for licensing under the Housing Act 2004

Question 9: Are there any other types of short-term accommodation that you think should be exempt from a requirement to register? If so, please specify

Question 10: How long should registration be valid for?

- One year
- Two years
- Three years
- Four years
- Five years
- The length of registration should depend on the length/validity of relevant documentation
- There should only be a one off registration, with providers able to remove themselves if they no longer provide the short-term let(s)

Please give reasons for your answer

The length of registration should be based within the national operating guidance and be able to reflect the nature and standard of accommodation, along with the fit and proper person status of the property manager.

Question 11: What information should be collected? Please tick all that apply.

	To be collected at registration	To be collected annually	Should not be collected
a) Address of the premises/dwelling(s)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Name of the premises/dwelling owner	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Address and contact details of the premises/dwelling owner	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Address and contact details of operator/manager, if different	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
e) Whether the premises/dwelling to be let is a dwelling or part of a dwelling, such as a room or outbuilding	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Self-certification of adherence to relevant regulations (see question 12)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Proof (e.g. a photograph or electronic upload) of adherence to regulations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) Detail about the accommodation unit(s) (e.g. number of units, number of bed spaces, accessibility)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) If relevant, confirmation that in any rental, lease or other agreement that	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

	To be collected at registration	To be collected annually	Should not be collected
the responsible person is entitled to use the premises for short-term letting purposes			
j) Number of nights per year the premises is available to let	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
k) Number of nights the premises was let out for in the last year	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
l) Whether planning permission has been granted or is not required	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
m) Other - please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The registration scheme should be in the main based on at the point of initial registration. Thereafter, either updated annually as suggested above, or updated on change of information by the holder of the registration.

Question 12: Which regulations should be satisfied in order for a property to be registered? Please tick all that apply.

- Gas safety
- Boiler safety
- Fire safety
- Electrical safety
- Furniture safety
- Planning (where relevant)
- Food safety
- Equality Act
- Other - please specify

Smoke and Carbon Monoxide Alarms status, Energy Performance Certificate rating

Please give reasons for your answers

The properties registration needs to provide assurance to the use of the accommodation of the safety of that accommodation

Question 13: In the context of compliance and enforcement, what should be the starting point of the registration scheme? Please tick all that apply.

- An entirely self-certifying process with no element of ongoing physical inspection of documentation or of the short-term let
- Light touch inspections of documentation uploaded as part of the registration process based on a % of all properties to be spot checked at random on an ongoing basis.
- Light touch physical inspections of short-term lets based on a % to be spot checked at random on an ongoing basis.
- Light touch physical inspections of short-term lets based on an intelligence or risk-based approach on an ongoing basis.

Please give reasons for your answer

The process should be intelligence led, with a local authority scheme the information held by the Council relating to compliance and complaint should be used to inform the frequency of inspections

Question 14: What issues do you think should incur a penalty? Please tick all that apply.

- Short-term let owners/providers operating without registering
- Failure to provide valid documentation or information
- Failure to renew registration if applicable
- Failure to comply with registration requirements (for example, failure to pay the relevant fee or charge within the specified period)
- Falsification of registration documentation
- Failure to grant access to the short-term let to the scheme administrator or relevant authority, if deemed appropriate
- Other - please specify

Question 15: What penalties do you think would be appropriate?

Please tick all that apply

- Fines, which could vary according to the severity and duration of a violation
- Revocation of registration, for a period of time or permanently

- Notices requiring a short-term let owner/provider to rectify a violation could be issued in some circumstances before registration is revoked. If the owner/provider fails to take the necessary action within a specified timeframe, then the registration would be revoked
- Other - please specify

Please give reasons for your answer. If relevant, please also provide views on the appropriate quantum or procedure e.g. for a fine, a timeframe for addressing a violation, or for another penalty referenced above

The scheme should ensure that comparisons exist between the licensing and regulation of short term letting accommodation, and the licensing and regulation of houses in multiple occupation. We see too many properties operating as short term letting as a way of avoiding the licensing and regulation requirements of the Housing Act 2004. The local authority must be obligated to publish an enforcement policy that outlines their approach to licensing and regulation.

Question 16: Should there be a flat fee per owner, or a sliding scale attendant with the number of units being let? Please note question 6 on the 'unit' of registration.

- Flat fee per owner
- Flat fee per property or part of a property
- Sliding scale based on number of units owned
- Sliding scale based on number of units owned (e.g. number of bedrooms)
- Other - please specify

Question 17: Should there be an annual fee to be in the registration scheme, regardless of the frequency of renewal asked in question 10?

- Yes
- No

Please give reasons for your answer

The fee for the duration of the license should be collected on the processing of the application for registration and renewal of the registration. The collection of annual fees would increase the burden of the registration process.

Question 18: Should the platforms and/or other areas of industry contribute to the set up and running costs of the scheme?

- Yes
- No

Question 19: Do you think that any of the data captured should be shared at all beyond the competent authority administering the scheme, as determined in Question 2?

- Yes
- No

Question 20: Which types of organisations should have access to the data collated by the registration scheme? Please tick all that apply.

	Should have access to aggregated/anonymised data	Should have access to detailed/individualised data
Enforcement agencies	<input type="radio"/>	<input checked="" type="radio"/>
Organisations or individuals for commercial purposes	<input checked="" type="radio"/>	<input type="radio"/>
Mortgage providers, landlords, freeholders, commonhold associations, resident management companies and neighbours	<input checked="" type="radio"/>	<input type="radio"/>
English Tourist Board	<input type="radio"/>	<input checked="" type="radio"/>
Central Government	<input type="radio"/>	<input checked="" type="radio"/>
Academics	<input checked="" type="radio"/>	<input type="radio"/>
Other - please specify	<input type="radio"/>	<input type="radio"/>

Question 21: Should there be a de minimis below which a property can be let for without the requirement to register?

- Yes (if so what should the minimum threshold be - please specify).
- No - all short-term let accommodation should be a requirement to register.
- Don't know.

What are the reasons for your answer?

The scheme needs to mirror the requirements of planning legislation in terms of main use of the accommodation unit, it does not need to place a burden of registration where the use of short term, suggested to be 28 days per 12 month rolling period, or ancillary to the main use of the property

Question 22: Are there any other issues that you think the government should be considering as part of its work to develop a short-term registration scheme?

In 2022, DCMS issued a [Call for Evidence](#) to gather information on the benefits and challenges of short-term lets in England, and the analysis of responses is published alongside this consultation. DCMS welcomed any further evidence, particularly on:

- Market size and related markets (for example, management companies)
- Impact of registration schemes on supply and demand (for example, behavioural responses of hosts and guests)
- Transition costs (for example, the rate of regulatory non-compliance, the time associated with compliance)
- Compliance costs (for example, the rate of regulatory non-compliance, the time associated with obtaining documents, costs incurred)
- Any other costs
- Benefits to businesses

Question 23: Do you have any comments about the potential positive and/or negative impacts that the options outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010?

- Yes
- No

If you answered 'Yes', please explain what you think these impacts (both positive and/or negative) would be.

Question 24: In your view, is there anything that could be done to mitigate any negative impacts?

- Yes
- No

If you answered 'Yes', please specify

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WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

26 June 2023

Report Title	HMO Member Working Group
Report Author	<p>Cllr Adam Brown, Deputy Leader of the Council, Cabinet Member for Housing, Culture and Leisure adam.brown@westnorthants.gov.uk</p> <p>Chris Stopford, Head of Private Sector Housing, chris.stopford@westnorthants.gov.uk</p>

Contributors/Checkers/Approvers

West MO	Theresa Boyd	Approval email received 14/06/2023
West S151 (for West and joint papers)	Martin Henry (verbal confirmation in dialogue with Chris Stopford)	13 th June 2023 (verbal)
Other Director/SME	<p>Communities & Opportunities</p> <ul style="list-style-type: none"> - Jane Carr - Joanne Barrett <p>Planning</p> <ul style="list-style-type: none"> - Shaun Robson 	

1. Purpose of Report

- 1.1. On 16th December 2021, West Northamptonshire Council Planning Policy Committee resolved to establish a Member Working Group to:
 - 1.1.1. Investigate the current rules concerning HMO.
 - 1.1.2. Consider good practice from other similar authority areas.
 - 1.1.3. Consider expert advice, to evaluation options for a way forward.
 - 1.1.4. Review the current rules, in light of evidence gathered, and suggest any amendments to the Planning Policy Committee for its formal consideration; and
 - 1.1.5. Endorses the relevant portfolio holder, Councillor Adam Brown, as the Chairman of the Member Working Group
- 1.2. The report provides a summary of the work of the Member Working Group to the Planning Policy Committee and makes recommendations for the implementation of an Action Plan for Officers of the Council to progress.

2. Executive Summary

- 2.1. The report provides commentary of the work of the Member Working Group against the resolved decision of the Planning Policy Committee in December 2021, reproduced at 1.1 above; and further puts forward a recommended Action Plan for Officers of the Council to implement and take forward the work of the group.

3. Recommendations

- 3.1 It is recommended that the Planning Policy Committee:
 - a) Endorse the work of the Member Working Group in progressing their recommendation of the 16th December 2021
 - b) Provide any additional comments, and recommends to Cabinet the approval of the Action Plan, for implementation by Officers of the Council as identified on the Action Plan, subject to separate business cases as identified in the Action Plan
 - c) Thanks the Members of the working group for their activities, and stands down the HMO Member working group
- 3.2 It is recommended that Cabinet:
 - a) Approves the Action Plan for implementation by Officers of the Council as identified on the Action Plan, subject to separate business cases as identified in the Action Plan.

4. Reason for Recommendations

The recommendation aligns with the 16th December 2021 recommendation of the Planning Policy Committee, in that the report provides the commentary of the working undertaken by the Member Working Group, and the Action Plan provides a structure against which the work of the Working Group can be progressed, and where possible, implemented in the policy and operational practices of the Council.

5. Report Background

- 5.1 West Northamptonshire Council recognises the importance of community cohesion, and it is the case that one of the highest profile issues, in parts of Northampton, is how HMO are managed. This is a locally sensitive issue, but in fact is not unique to Northampton. Many other similar sized local authorities have similar numbers of HMO, and accordingly have similar community tensions and pressures. There is an opportunity to investigate how those other local authorities approach these issues, and to take evidence from a wide range of people and organisations to gain a comprehensive understanding of the issue and choices available to the Council.
- 5.2 The Planning Policy Committee on 16th December 2021 resolved to carry out an investigation into the rules and best practice relating to HMOs, their impact on the community locally, and to make recommendations for the future operation of the rules concerning HMO.
- 5.3 The Member Working Group, chaired by Cllr Adam Brown, includes Members drawn from cross party membership and includes Cllrs Catherine Russell, Bob Purser, Mark Hughes, Sally Beardsworth, Kilbride, Anthony Bagot-Webb, Sam Rumens and Terry Gifford.
- 5.4 The Working Group was supported throughout by Officers from Democratic Services, Housing, and Planning and utilised the skills, knowledge and experience of these officers in gaining an understanding to the regulatory framework and gathering evidence from other external sources.
- 5.5 The Working Group heard from local residents, representing Northampton HMO Action Group; and Ward Councillors (Cllr Danielle Stone, Cllr Zoe Smith) in seeking to understand the perceived community impact of HMOs, along with representatives from the Northampton Student Landlord Network.

6. Summary of current HMO position across West Northamptonshire

- 6.1 The Member Working Group gathered evidence from Officers of the Council, local community groups, and local residents regarding the current position regarding HMOs.
- 6.2 However, for context for the Planning Policy Committee, and in support of the proposed Action Plan.

- 6.2.1 Members heard from the Head of Private Sector Housing who advised that there are currently 1164 licensed HMOs in the Northampton locality (previously the Northampton Borough Council area), compared with 36 in the Daventry locality (previously the Daventry District Council area), and 12 in the South Northamptonshire locality (previously the South Northamptonshire

area). This does not include the c150 applications for licenses (either new or renewal applications) that are being processed by the Private Sector Housing Team.

- 6.2.2 In response to the increasing number of HMOs in the Northampton area, in 2020 the Council introduced an Additional Licensing scheme across significant areas of Northampton. This introduced a discretionary scheme where the Council could exercise additional controls over properties providing accommodation for three or four people from two or more households, sharing facilities. This discretionary power can be implemented for a maximum period of five years, and the current scheme operates until 31st January 2025.
- 6.2.3 The Members heard that the Housing Act 2004 only allows for the refusal of a licence where, in the opinion of its Officers, the property is considered to fall short of its mandatory amenities and facilities in terms of room sizes, kitchen and bathroom amenities, and general maintenance; or that the proposed licence holder or property manager is considered not 'fit and proper'.
- 6.2.4 Alongside its licensing process, Members heard that all licenced HMOs are inspected on an intelligence-led approach on a five year inspection cycle. This can be informed by a range of information held by the Council including reactive complaint data from local residents or occupiers of the properties, knowledge about the previous compliance and management history of the landlord, or area based targeted inspection activities by the Team on specific geographic areas.
- 6.2.5 In terms of the Private Sector Housing Team enforcement activities, the Members heard that during 2022/23 financial year the Team dealt with:
- 298 complaints regarding HMO property condition, and behaviours of landlords,
 - 246 complaints regarding properties considered to be operating as HMOs, resulting in 76 being confirmed as not licensable, 66 being brought into the licensing regime, and the balance being subject to continued investigations
 - issues 293 statutory enforcement notices
- 6.2.6 Members heard from the Planning Policy and Heritage Manager who advised that the Council has made a number of Article 4 Directions under the Town and Country Planning Act. In combination, these Directions remove permitted development rights to convert properties from use as a dwelling houses to use as a small house in multiple occupation (between 3 and 6 unrelated occupiers). All such conversions across the Northampton area are required to apply for planning consent.
- 6.2.7 When drafting the Local Plan Part 2 in 2019, the former Northampton Borough Council had regard to research including work undertaken by Loughborough University. This was used to create the specific policy regarding HMOs, which is contained within the Northampton Houses In Multiple Occupation Supplementary Planning Document (SPD) 2019 which sets a policy position of no more than 10% of the total dwellings in an area of 50 metre radius being HMOs. Members were advised regarding grandfather rights that existed for HMOs operating prior to this policy.
- 6.2.8 Members heard from local residents and community groups regarding their consideration of the impact of HMOs on their communities and the issues can be considered to fall within:
- The increasing prevalence of unlicensed HMOs in their communities

- HMO licensing issues, including the general management of the properties, litter and waste generated by licensed HMOs, and a perception of a low level of enforcement activity by the Council
- Planning issues, including an increasing prevalence of properties without the necessary planning consent, and a perception of a low level of enforcement activity by the Council
- A concern that when applying the 10% in 50 metre radius SPD that not all HMOs were being identified, and particularly that suspected HMOs should be included within the assessment
- General issues regarding parking in those streets that have high densities of HMOs given the number of vehicles associated with the properties
- General issues of crime and anti-social behaviour associated with HMO style properties
- A loss of family homes due to the increasing number of properties being bought and then converted to HMO style properties

7. Issues and Choices

- 7.1 West Northamptonshire Council, and indeed the Working Group, recognise the importance of community cohesion, and the impact that HMOs can have on our communities. It also recognises the role that HMOs have as part of the overall housing supply across West Northamptonshire, particularly for people on low incomes, key workers and students. That said, it supports the work done by its Officers in ensuring that HMOs are operated within the appropriate legal frameworks, and that those seeking to exploit their position and operate unregulated properties become the focus of attention of the Council's regulatory and enforcement services.
- 7.2 It remains that some issues are either misunderstood, or are incorrectly conflated in the debate about HMOs, and particularly the unregulated and poorly managed HMOs. The objective review of the Working Group, and its recommendations set out in the Action Plan will seek to provide assurances regarding the current regime, further review regarding additional controls which can be added to the regime, and to ensure that information is available via the Council's website providing details about the enforcement regime, the locations of HMOs, and further options that may be available to local communities.
- 7.3 It is however clear to the Working Group that the effective management of the community impact of HMOs, their regulation, and maintaining their compliance with the regime rests across a number of legislative regimes and requires a multi-agency response spanning across the Council's services and partners. Whilst the lead is being proposed as being within the Council's Planning and Private Sector Housing services, it is clear they will need the support of the Council, its partners, the regulated landlords, and our communities in general to influence significant change.
- 7.4 The recommendation regarding the implementation of an Action Plan as outlined below remains the preferred option, however, other options remain, for example the Council could accept the current position and the constraints of the regulatory regimes. This is not recommended, as it is clear that further investigation and review should be commissioned.

ACTION PLAN

Ref	Issue and Action	Lead Officer / Service	Timescale
1	<u>Litter and Rubbish generated from HMOs</u>		
1a	To ensure the accuracy of the information provided to residents, landlords, and our community generally via the website regarding the appropriate disposal of litter and rubbish	Head of Private Sector Housing	October 2023
1b	To ensure HMO licensing conditions, and the information provided with the HMO licence requires the effective control by property managers and licence holders of litter and rubbish generated from licensed HMOs	Head of Private Sector Housing	October 2023
1c	To increase the level of area-based inspections and 'spot checks' on litter and waste being generated, and not disposed of correctly, from HMO style properties	Head of Private Sector Housing / Head of Environmental Protection	Ongoing
2	<u>General maintenance of HMO properties</u>		
2a	To ensure HMO licensing conditions and guidance mirror the Council's expectations of its licensed landlords	Head of Private Sector Housing	April 2024
3	<u>Storage of waste receptacles</u>		
3a	To ensure the accuracy of the information provided to residents, landlords, and our community generally via the website regarding the appropriate storage of waste receptacles	Head of Private Sector Housing	October 2023
3b	To increase the level of area-based inspections and 'spot checks' targeted on the storage of waste receptacles from HMO style properties	Head of Private Sector Housing / Head of Environmental Protection	Ongoing

4	<u>HMO Room sizes and amenity requirements (licensed HMOs)</u>		
4a	To undertake a review of the existing HMO amenity standards that are published and accompany the HMO licence requirements. To make recommendations for the implementation of any amendments to the amenity standards, having regard to the legal requirements, best practice, and Council aspirations.	Head of Private Sector Housing	April 2024
5	<u>Access to the Register of Licensed HMOs</u>		
5a	To ensure that the access for the general public to the register of licensed HMOs is maintained, to implement any improvements that can be made to improve accessibility. Including consideration of the ability to sort the register by street or postcode.	Head of Private Sector Housing	September 2023
6	<u>Enforcement against unlicensed HMOs</u>		
6a	To continue the Council's intelligence led approach to the identification, regulation and enforcement against unlicensed HMOs seeking to ensure that those who seek to gain advantage by operation of HMOs outside of the regulatory regime face the attention of the Council's enforcement services	Head of Private Sector Housing	Ongoing
6b	To ensure that the Council uses all available powers within the Housing Act 2004, and its associated legislation, to ensure effective regulation of HMOs	Head of Private Sector Housing	Ongoing
6c	To provide information via its website, press releases, and engagement activities to provide assurances that the Council continues to provide effective regulation of HMOs across West Northamptonshire	Head of Private Sector Housing	Ongoing
6d	To increase, with the support of the Member Working Group, the resources within the Private Sector Housing Team by 2 full time officers. These Officers will focus on the determination of unlicensed HMOs, the licensing of HMOs, and the regulation of HMO licence conditions	Head of Private Sector Housing	September 2023, subject to separate business case and recruitment

7	<u>Effectiveness of the Housing regulatory regime</u>		
7a	To ensure that a timely review of the Council’s Additional HMO Licensing regime is undertaken to ensure that any decisions regarding the continuation of the scheme, and geographical extension of the scheme can be made before the expiry of the current scheme in January 2025	Head of Private Sector Housing	January 2025
7b	To collate the evidence regarding the implementation of a selective licensing regime (the licensing of all private rented accommodation). Subject to the availability of supportive evidence, to make recommendations regarding the design and implementation of a selective licensing regime	Head of Private Sector Housing	January 2025
7c	To consider and make comments to the current consultation by the Department for Culture Media and Sport (DCMS) regarding ‘ <i>Consultation on a registration scheme for short-term lets in England</i> ’ https://www.gov.uk/government/consultations/consultation-on-a-registration-scheme-for-short-term-lets-in-england/consultation-on-a-registration-scheme-for-short-term-lets-in-england	Head of Private Sector Housing	June 2023
7d	To review the available evidence and best practice and implement a policy (subject to Cabinet approval) to consider the duration of a licence under the Housing Act 2004. <i>Note: Licences can be issued for a period of up to 5 years, and default to 5 years on issue of a licence. The Council can implement a policy that informs when licensed will be issued for a shorter period of time, for example, were planning consent has not been achieved</i>	Head of Private Sector Housing	December 2023

8	<u>Article 4 Directions & Planning Policy</u>		
8a	To ensure that planning applications submitted as a result of Article 4 Directions continue to be determined in accordance with planning policy.	Assistant Director Planning & Development	Ongoing
8b	To ensure, as far as practicable and within current resources, the accuracy of the information held to determine the density of HMOs. Ensure that all available and appropriate information regarding the existence of HMOs is available to planning officers in making their recommendations <i>Note: The Council to ensure that the information held to assess the 10% within 50 metre radius includes all those properties that hold a HMO licence with the Council, are known to need a licence, have relevant planning consent to operate as a small HMO (C4) or sui generis (large HMO), and that information regarding properties that are exempt from the licensing regime area also identified and included in the assessment.</i>	Assistant Director Planning & Development	October 2023
8c	To ensure that information available to residents, communities, property owners, and developers regarding the existence of the Article 4 Directions is accessible on the Council's website	Assistant Director Planning & Development	April 2024
9	<u>Planning Enforcement in respect of unauthorised HMOs</u>		
9a	To ensure that the Council has regard to its Planning Enforcement Policy	Assistant Director Planning & Development	Ongoing
9b	To provide information via its website, press releases, and engagement activities to provide assurances that the Council continues to provide effective regulation HMOs across West Northamptonshire	Assistant Director Planning & Development	Ongoing

10	<u>Effectiveness of the Planning regulatory regime</u>		
10a	To consider and make comments to the current consultation by the Department for Levelling UP, Housing and Communities (DLUHC) <i>Introduction of a use class for short terms lets and associated permitted development rights</i> https://www.gov.uk/government/consultations/introduction-of-a-use-class-for-short-term-lets-and-associated-permitted-development-rights	Assistant Director Planning & Development	June 2023
11	<u>Parking Issues</u>		
11a	To undertake a further investigation relating to the density of vehicle ownership, including the identification of domestic and commercial ('white van) vehicles, and use across licensed HMO properties and single-family dwellings of comparable size. To consider, as a multi-agency, the impact of vehicle ownership resulting in reported community impact from HMO properties. Make recommendations regarding the provision of information to local communities, or for additional regulatory controls as appropriate.	Highways Team	January 2024, subject to a separate business case
11b	To ensure that information regarding the implementation of residents' controls parking is available on the Council's website, ensuring that local communities and their advocates and Ward Members can make informed decisions regarding the consideration of, and the implementation of such controls	Highways Team	October 2023

8. Implications (including financial implications)

8.1 Resources and Financial

8.1.1 Where the action plan requires the commissioning of further evidence, additional financial resources may be required.

8.1.2 The Action plan identifies the increase in resources for Private Sector Housing by 2 full time equivalent officers. This has a revenue cost to the Council is £100k per annum. The Housing Act 2004 section 63 permits the Council to charge a fee for applications for HMO licences. The fee, mitigated by the Provision of Services Regulations 2009, must be reasonable and proportionate. The Head of Private Sector Housing will produce a separate business case that will consider where elements of this additional cost can be included within the fees and charges for HMO licensing inspections, and enforcement activities.

8.2 Legal

8.2.1 There are no legal implications arising from the proposals to endorse the recommendations of the Working Group and agree an Action Plan approach to the progression of their recommendations.

8.2.2 Legal implications will be considered alongside the implementation of any future matters arising from the Action Plan

8.3 Risk

8.3.1 There are no significant risks arising from the proposed recommendations in this report.

8.4 Consultation

8.4.1 The Working Group have drawn evidence from local communities, Ward Members, members of the Northampton Student Landlord Network, and Officers of the Council.

8.4.2 Where, in the progression of the Action Plan, further consultation is required this consultation will be undertaken

8.5 Consideration by Overview and Scrutiny

8.5.1 Not applicable

8.6 Climate Impact

8.6.1 Not applicable

8.7 **Community Impact**

- 8.7.1 The proposed Action Plan will relate universally across the whole of West Northamptonshire.
- 8.7.2 The work of the Member Working Group was in direct response to issues raised by our Community. The work of the Working Group and the implementation of the further Action Plan is considered to have positive community impact.

8.8 **Communications**

- 8.8.1 A communication plan will be developed for the Cabinet meeting outcomes on the 11th July 2023

9. **Background Papers**

- 9.1 None