

WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

28 February 2023

Councillor Rebecca Breese

Cabinet Member for Strategic Planning, Built Environment and Rural Affairs

Report Title	Northampton Local Plan Part 2: Adoption
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List of Appendices

- Appendix A – Response to the consultation on Additional Modifications, Policies Map, Sustainability Appraisal and Habitats Regulations Assessment**
- Appendix B - Planning Inspectors Final Report and schedule of recommended main modifications**
- Appendix C – Proposed adopted Northampton Local Plan Part 2, Policies Map and Inset Map**
- Appendix D – Table of updated policy numbers**

Appendix E – Sustainability Appraisal and addendum

Appendix F – Habitats Regulations Assessment and addendum

1. Purpose of Report

- 1.1. The purpose of the report is to seek Committee’s agreement to the recommendation that Full Council should adopt the Northampton Local Plan Part 2.

2. Executive Summary

- 2.1 The Northampton Local Plan Part 2 (the plan) was submitted to the Secretary of State for independent examination in February 2021. Government-appointed Planning Inspectors conducted hearings about the Plan in November 2021. Following the hearings, proposals for the modification of the plan and the policies map were prepared to reflect the outcome of the hearing sessions and a note produced by the Inspectors following the close of the hearings.
- 2.2 The Proposed Main Modifications were necessary to make the plan sound and were released for public consultation in July 2022. Comments received were considered by the Inspectors who subsequently recommended that Further Main Modifications be released for consultation, which took place in November and December 2022. The Inspectors have considered all the responses received to the Main Modifications consultations and have issued their Final Report, which recommends that the Plan be adopted, subject to some changes being made.
- 2.3 Representations received in response to consultation on Proposed Additional Modifications and Changes to the Policies Map, which took place in July and August 2022, were also forwarded to the Inspectors and have been considered by the Council officers.
- 2.4 A final version of the Northampton Local Plan Part 2 has been produced to take on board the recommendations in the Inspectors’ Final Report and comments from the consultation on the Additional Modifications and Changes to the Policies Map.

3. Recommendations

- 3.1 It is recommended that Committee:
- a. Agrees the suggested changes in response to the consultation on the Additional Modifications, changes to the Policies Map, Sustainability Appraisal and Habitats Regulations Assessment (Appendix A)
 - b. Recommends that Full Council adopts the Northampton Local Plan Part 2 (the plan), which incorporates the changes in Appendix A, the changes recommended by the Planning Inspectors in their Final Report (Appendix B) and other editorial changes reflecting the fact that the plan will be in its final form (Appendix C).
 - c. Note the final versions of the Sustainability Appraisal (Appendix E) and the Habitats Regulations Assessment (Appendix F)
 - d. Recommends that, if Full Council adopts the Northampton Local Plan Part 2, then the Central Area Action Plan (2013) and all the remaining saved policies within the Northampton Local Plan (1997) are thereby formally revoked

- e. Delegates to the Assistant Director for Planning, in consultation with the Portfolio Holder for Planning, Built Environment and Rural Affairs, authority to make minor editorial and presentational changes to the plan.

4. Reason for Recommendations

- To accord with legislation on local plan preparation and to enable the plan to be adopted as part of the Development Plan for Northampton.

5. Report Background

INTRODUCTION

- 5.1 In January 2021, Northampton Borough Council approved the submission of the plan for independent examination by Government-appointed planning inspectors. The plan contains policies which will be used to determine planning applications. It also includes site allocations, showing where sites for housing and employment developments are considered acceptable. The plan seeks to supplement and where necessary refine and supersede the strategic policies contained in the adopted West Northamptonshire Joint Core Strategy Local Plan Part 1, which was adopted in December 2014. This includes the requirement to deliver around 18,870 dwellings and contribute towards the creation of 28,500 new jobs between 2011 to 2029.
- 5.2 The plan was submitted to the Secretary of State for independent examination in February 2021. In March, the Council was informed that two Planning Inspectors had been appointed to conduct the examination into the plan. Part of the examination process includes hearings, which were conducted in November 2021.

PROPOSED MAIN MODIFICATIONS CONSULTATION (JULY-AUGUST 2022)

- 5.3 Following the conclusion of the hearings, the Inspectors concluded that the plan could be found legally compliant and sound subject to consultation on Main Modifications to the plan as well as the resolution of some matters highlighted during the hearings. In their post hearings letter, they set out where modifications to the plan would be necessary to make the plan sound, which is a key requirement of the National Planning Policy Framework. These recommendations were taken on board by officers and developed into Proposed Modifications. The modifications (comprising Main Modifications, Additional Modifications and Proposed Changes to Policies Map) were subject to public consultation between 7 July and 18 August 2022. The Main Modifications included proposed changes to policies as well as new policies which were considered necessary to make the plan sound. The Additional Modifications were minor changes which related primarily to grammar and presentation. The Proposed Changes to the Policies Map are a consequence of the Main and Additional modifications, as well as corrections to identified errors. The Sustainability Appraisal and Habitats Regulations Assessment were updated to take into account the modifications proposed and these were also released for consultation.
- 5.4 Twenty-nine respondents commented on the consultation documents. All comments received on the Main Modifications were considered by the Planning Inspectors. Comments related to the proposed changes to the Policies Map were considered by Council officers. Four comments

were received on changes to the Policies Map and these are summarised in the table in Appendix A. Three comments offered support to the notations in the Policies Map, another was an objection to the reduction in the site area for a housing allocation at Quinton Road (site LAA0171). The latter was recommended as a modification following discussions with the Environment Agency and the landowner.

- 5.5 One respondent commented on the Sustainability Appraisal and raised no objections. One respondent had several comments on the Habitats Regulations Assessment. These comments, and the Council's responses, can be found in Appendix A.

FURTHER MAIN MODIFICATIONS CONSULTATION (NOVEMBER– DECEMBER 2022)

- 5.6 Following consideration of the responses to the Proposed Main Modifications consultation which took place in July and August 2022, the Planning Inspectors concluded that Further Main Modifications consultation was required. The four Further Main Modifications related to changes concerning two housing sites allocated in the Plan. The issues related to a change in the capacity of site LAA1139 (Ransome Road) and the need for greater clarity on traffic and access arrangements in Policy 41 relating to site LAA1098 (The Green, Great Houghton). On 25 October 2022, Planning Policy Committee approved the Further Main Modifications for consultation. This took place between 7 November and 19 December 2022.
- 5.7 11 respondents commented on the Further Main Modifications. All comments received were considered by the Planning Inspectors.

OVERVIEW OF THE PLANNING INSPECTORS' REPORT

- 5.8 The Planning Inspectors published their final report in February 2023 (Appendix B). The Inspectors' assessments of legal compliance and soundness are summarised below.

Assessment of Duty to Co-operate

- 5.9 The Inspectors concluded that there is evidence of close collaboration between the Council, neighbouring local authorities and other relevant bodies. Northampton Borough Council and its then neighbouring authorities in West Northamptonshire agreed housing and employment land targets to meet the objectively assessed needs of the wider market area, which are set out in the West Northamptonshire Joint Core Strategy (WNJCS). The principal strategic cross-boundary matter for the Plan relates to the potential effects of the Plan on the Upper Nene Valley Gravel Pits Special Protection Area, for which there is adequate evidence of the Council engaging constructively with Natural England and other relevant Duty to Cooperate (DtC) bodies. The Inspectors are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the DtC has therefore been met.

Assessment of other aspects of legal compliance

- 5.10 The Inspectors concluded that the Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations and is consistent with the rest of the development plan for the area for these reasons. They are satisfied that the Plan was prepared in accordance with the Local Development Scheme and that consultation on the Plan and its modifications were carried out in compliance with the Council's Statement of Community

Involvement. Consultation was also undertaken in accordance with the measures in place at the time in respect of the coronavirus (COVID19) pandemic.

- 5.11 The Inspectors note that the Council carried out a sustainability appraisal (SA) of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19 and that the appraisal was updated to assess the Main Modifications and Further Main Modifications. They find the reasonable alternatives chosen in the SA process to be realistic and that the Council has provided an adequate outline of the reasons for selecting them. They are satisfied that a suitable reference has been provided in the updated SA to explain how and where in the SA process sites were rejected as being reasonable alternatives and the reason why they were rejected.
- 5.12 The Habitats Regulations Assessment (HRA) Report June 2020 sets out that a full assessment has been undertaken and identifies that the Plan may have some negative impact on the Upper Nene Valley Gravel Pits SPA and Ramsar site which requires mitigation. Specifically, the HRA acknowledges that access by people and dogs, both on and off public rights of way, is a significant cause of disturbance in some areas of the SPA, and there is evidence that visitor pressure arises principally from people living within 3 kilometres of the surveyed access points. The HRA also identifies that some proposals of the Plan have the potential to give rise to the loss of Functionally Linked Land (FLL), land which provides habitat for qualifying species which could be functionally linked to the SPA. Policy 13 of the submitted Plan allocates land for around 2,310 new dwellings on 22 sites within 3 kilometres of the SPA. There is also the potential for in-combination effects with other development in the area. The Appropriate Assessment concludes that mitigation measures are required to address the issue of recreational disturbance. It is common ground between the Council and Natural England that a mitigation strategy is required to avoid adverse effects arising from the Plan on Unit 1 of the SPA from recreational disturbance. The mitigation strategy was adopted by the Council in March 2022, with Natural England considering it appropriate to mitigate for the additional recreational pressure arising from development proposed in the Plan. The Council is committed to update the mitigation strategy for the SPA, working with partners to provide an updated strategy for the whole of the SPA. The Inspectors are therefore satisfied that the Plan is consistent with advice in the Planning Practice Guidance (PPG), the measures used to inform the decision about the effects on the integrity arising from recreational disturbance have been sufficiently secured and are likely to work in practice. Two of the proposed sites for allocation for development were considered in the HRA as having potential to provide either optimal, or sub-optimal habitat for Golden Plover and/or Lapwing, and could therefore be functionally linked to the SPA. These are LAA0204 The Farm, Hardingstone and LAA1098 The Green, Great Houghton. Further work has been undertaken through the examination to determine whether these sites include FFL and to identify any changes necessary to the Plan to address this matter. The HRA has been amended accordingly having regard to the findings of this further work. The Inspectors are therefore satisfied that the necessary mitigation has been secured through the Plan (as modified).

Assessment of Soundness

- 5.13 The Inspectors have broken their assessment of soundness down into a number of issues. The Inspectors have recommended that a number of changes be made to ensure that the policies will be effective, clearly written and unambiguous, and comply with national policy as set out in the National Planning Policy Framework.

Issue 1: Is the overall provision for housing development justified and consistent with the strategic policies of the WNJCS, and national policy

- 5.14 Policy S3 of the WNJCS Policy S3 sets the housing requirement for the former Northampton Borough of about 18,870 dwellings between 2011 and 2029. The WNJCS also makes provision for housing at the allocated Sustainable Urban Extensions (SUEs).
- 5.15 The Inspectors note that there is a shortfall in the housing delivery of the SUEs when considered against the target set in the WNJCS. They added that the Plan is not required to rectify any shortcomings in the WNJCS's approach to housing land supply and the adopted SUEs are not being examined. Therefore, they are not making recommendations which seek to address such matters which have been raised by some representors.
- 5.16 The Inspectors' report notes that the WNJCS clarified that the purpose of the Plan is to provide a supply of land which contributes towards the 5-year housing land supply (5YHLS) and towards meeting the housing requirement for the rest of the plan period, but not to meet the 5YHLS or the housing requirement in full. The submitted Plan seeks to specifically allocate land for 3,821 dwellings in the plan period. This is a modest proportion of the overall dwelling requirement for the plan area. Consequently, it is not reasonable to expect the Plan to provide for a 5YHLS. Given the purpose of the Plan in regard to the 5YHLS, and that WNJCS strategic policies relating to housing land supply, including the SUEs, are not being examined, the Inspectors consider that the provision of a new housing trajectory in the Plan to be used in the calculation of the 5YHLS is not justified, nor consistent with the WNJCS. The submitted Plan is also not consistent with national policy as the proposed updated trajectory would not be set out in a strategic policy. The Inspectors recommended that the Plan be amended to clarify that it is not changing the way the 5YHLS should be calculated.
- 5.17 The proposed housing development would be situated in and around Northampton, which is designated as the Principal Urban Area in the WNJCS. Since Policy S1 of the WNJCS states that development will be concentrated primarily in and adjoining the Principle Urban Area of Northampton, the Inspectors concluded that the contribution of the Plan to meeting the housing development requirement is consistent with the WNJCS.

Issue 2: Is the approach of the Plan to providing accommodation for Gypsies, Travellers and Travelling Showpeople justified and would it be effective?

- 5.18 The Inspectors concluded that the Plan as submitted is inconsistent with the Planning Policy for Traveller Sites and does not meet the needs of groups with specific housing requirements. It is also inconsistent with national policy in that it does not make sufficient provision for the housing needs of Gypsies and Travellers.
- 5.19 However, the provision for Gypsies, Travellers and Travelling Showpeople is a strategic matter, which has implications beyond the Plan area. Whilst the Plan could be amended to set out the necessary targets for Northampton, the provision of suitable sites is likely to require additional work and would take some time, significantly delaying the adoption of the Plan. The Inspectors have had regard to the updated evidence commissioned by the Council to inform the preparation of the West Northamptonshire Strategic Plan which will replace the WNJCS. Consequently, Policy 16 and supporting text are recommended for deletion, as this matter will be addressed

comprehensively through the ongoing preparation of the new local plan for West Northamptonshire. In the interim, WNJCS Policy H6 would be retained as part of the development plan for the area and would continue to aid the consideration of windfall planning applications for Gypsy, Traveller and Travelling Showpeople accommodation.

Issue 3: Are the proposed housing allocations justified, effective and consistent with national policy?

Policy 13 residential and other residential led allocations

5.20 Policy 13 sets out the proposed residential and other residential led allocations made in the Plan. Whilst a number of the proposed allocations are the subject of site-specific policy criteria setting out development management criteria, the majority are not. They rely on the development management policies of the Plan and WNJCS. To be consistent with national policy, the Inspectors recommended that Policy 13 be amended to identify the relevant development management policies for proposed allocations where the evidence base identifies specific issues, such as flood risk. They also conclude that the schedule of sites should also be amended to clarify the capacity and anticipated build rates of sites following the provision of further evidence through the course of the examination so as to be effective.

5.21 The Inspectors also recommended that the following sites be deleted:

- Site 0205 Parklands Middle School, Devon Way as it is under construction
- Sites 0336 Chronicle and Echo South (rear of Aldi), 1037 Swale Drive garage site and rear/unused land and 1051a land between Waterpump Court and Billing Brook Road as they have been built out
- Sites 0403 Allotments Studland Road, 0657 Fraser Road, 0685 Adj 12 Pennycress Place, Ecton Brook Road, 1041 Newnham Road, Kingsthorpe, 1058 Land off Oat Hill Drive, Ecton Brook, Site 1060 Hayeswood Road, Lings, 1094 Land off Holmecross Road, 1097 Gate Lodge and 1121 Upton Valley Way East – the development of these areas of open space and allotment land is not consistent with national policy nor is this justified
- Site 1099 Upton Reserve Site forms part of the Upton Flood Attenuation Area and falls entirely within flood zone 3b. The proposed allocation did not pass the exception test
- Site 1138 land south of Bedford Road failed the exception test for flooding.

5.22 The Inspectors also recommended that site 0168 Rowtree Road and site 1009 land west of Policy N5 Northampton SUE (site 1) be combined with site 1142 to form Site 1144 land to the west of Northampton South Sustainable Urban Extension.

Policy 38 Development Allocations

5.23 Policy 38 is recommended for deletion as it largely duplicates Policy 13. Employment allocations were recommended to be included into a new Employment Allocations Policy 17A.

Policy 39 Northampton Railway Station (LAA0288), railfreight and adjoining sites (LAA0333)

5.24 The Inspectors recommended that the policy be amended to clarify the numbers of new dwellings from at least 200 to about 188 dwellings in order to address the site constraints

identified. There is also a need to set out a concise identification of these constraints and other factors which might affect its implementation.

- 5.25 The Policy should reflect the possible timing of the relocation of the railfreight operation and the presence of the sewer. Clarification of the uses that would be appropriate on site LAA0288 and the need for a high quality development having regard to the need to preserve and enhance the heritage assets both on and off the site are required. The Inspectors also ask for the policy to be modified to reflect the amended Use Classes Order and to confirm the design requirements in respect of the historic environment to be effective.

Policy 41 The Green, Great Houghton (LAA1098)

- 5.26 The Inspectors recommended the following:

- that the policy be amended to ensure that surveys are undertaken to ascertain whether the site constitutes functionally linked land and to secure appropriate mitigation where necessary
- the Policy includes the provision of Sustainable Alternative Natural Green Space (SANG) to mitigate potential disturbance to birds at the SPA. Additionally, provision of the SANG could assist in ensuring that there is no coalescence between the built-up area of Northampton and the village of Great Houghton, and to safeguard the significance of historic assets in the village. The Policy should be amended to confirm the SANG requirements
- given the complexity of the site and the multiple requirements necessary to make it effective, the Policy should make clear that the development of the site should be guided by a master planning approach, informed by a landscape vision The Policy should therefore include reference to the need for a masterplan and should list the requirements that should be included within it
- the master planning approach should also consider the role of The Green in providing access to both the allocation and Great Houghton. This should include the potential for managing traffic on this route so its potential future use as a through route between the Bedford and Newport Pagnell roads is reduced. This would assist in giving the site a separate identity, helping to protect the living conditions of people in Great Houghton and assist in protecting the setting of the Great Houghton Conservation Area. At the Main Modification stage, it was proposed that the vehicular access to the site would not use The Green as a principal access. This is because the site fronts the Green and the primary access to the site would need to be via The Green from the Newport Pagnell Road. However, the need to restrict the use of The Green as a through route between this road and the Bedford Road remains. To address this issue, during the Further Main Modifications stage, it was proposed that the principal access to the site should be from The Green west of Saucebridge Farm, west of the junction of The Green with the unnamed road which leads south at this point. The development should also seek to minimise additional traffic eastwards from this point towards Great Houghton village and the Bedford Road. This would ensure that satisfactory access is provided to the site, whilst ensuring that there would not be unacceptable effects on the residents of Great Houghton due to an increase in through traffic. Whilst these changes are necessary, the detail needed in order to give effect to the proposals should be included in the required

master plan and as part of any planning application. It is at this stage that the local community will be consulted on this detail.

Policy 43 Ransome Road (Policy 1139)

- 5.27 Policy 43 should be amended to clarify that the number of dwellings to be provided is about 230 in total, with 207 within the plan period. The Policy criteria should be amended so that the requirements in relation to the historic environment in terms of tall buildings and archaeology are clear. The legend in Figure 22 should also be amended to indicate that greenspace is to be provided.

Policy 44 Sites in Tanner Street, Green Street, St Peters Way and Freeschool Street (LAA0167/0818/0931/1010)

- 5.28 The Inspectors are satisfied that Policy is consistent with the National Planning Policy Framework in terms of the conservation and enjoyment of the historic environment. To be effective, an additional criterion should be added to Policy 44 to confirm the requirements for Sustainable Urban Drainage.

New Policy 45 Hill Farm Rise, Hunsbury Hill (LAA1100)

- 5.29 Given the constraints and complexities of the proposed allocation, the Inspectors recommended that the Plan be amended to set out a site-specific policy for the proposed site. The new Policy and text should set out that the site is allocated for about 80 dwellings, how biodiversity should be safeguarded and that development should be sensitive to the adjacent local wildlife site, including addressing visitor pressure. It should also include that 24 hour access is maintained to the operational railway tunnel and the requirement for sustainable urban drainage and a transport assessment.

New Policy 46 Abington Mill Farm (LAA1107)

- 5.30 The Inspectors recommended that a site-specific policy be formulated due to the specific constraints which need policy guidance including flooding, traffic and biodiversity. They are satisfied that a safe access and an escape route can be provided to meet the requirements of an agreed emergency plan from Rushmere Road and that the development should be safe for its lifetime.
- 5.31 The new Policy should allocate the site for about 125 dwellings, and set out development management criteria to address the proximity of the site with the A45 road, ensure that safe access is achieved, ensure enhancements to green infrastructure, and specify the requirements relating to site drainage and flood risk.

Issue 4: Are the individual policies clear, justified and consistent with national policy, and will they be effective?

- 5.32 The Inspectors recommended that the development management policies, where required, should be amended to ensure that they are consistent with national policy, are justified and are clear and effective for implementation. A summary of the Inspectors recommendations are set out below:

Policy 1 Presumption in favour of sustainable development

No change

Policy 2 Placemaking and Policy 3 Design

There were duplications between the two policies so it was recommended that they be merged into a single policy. The Inspectors state that the Plan should also be amended so that it is consistent with the design policies of the NPPF, including for example, the provision of tree lined streets and attractive, safe and inclusive spaces. Policy 3 as submitted is considered by the Inspectors to be inconsistent with the NPPF in that it requires development to achieve a Building for a Healthy Life certification, which is not a requirement of national policy and is not otherwise justified. Consequently, the Policy and text should be amended so that they are consistent with national policy.

Policy 4 Amenity and Layout

The Inspectors concluded that Policy and the text should be amended by the deletion of the requirement for development to meet the minimum internal space standards and storage areas as set out in the Nationally Described Space Standards (NDSS) as this is not justified. They considered that whilst the Council has undertaken an assessment of 101 new dwellings across the Borough in terms of their compliance with the NDSS and found that around 50% complied with it, no assessment has been made of the existing housing stock. Without an assessment of the existing housing stock, it is not clear that there is an issue with the size of dwellings within the area. Consequently, the requirements of the Policy for developments to comply with the NDSS has not been justified. The Policy should also be amended so that the requirement for high-quality public realm applies to all development.

Policy 5 Carbon reduction, community energy networks, sustainable design and construction, and water use

With regard to the higher water efficiency standards of 110lpppd the evidence submitted during the examination demonstrates that the use is justified. To be effective, the text should be amended by adding a reference to Embodied Carbon in Construction calculations and whole-life costing in design and procurement processes to illustrate a potential approach to carbon reduction.

Policy 6 Health and wellbeing

Policy 6 and the supporting text should be amended to set out clearly the requirements for health impact assessments for major development schemes and refer to the use of design tools such as Building for a Healthy Life.

Policy 7 Flood risk and water management

Policy 7 should be amended to relate to all, rather than just major development. The policy and text should also be amended to confirm the flood design standard for the Upper Nene Catchment of a 0.5% or 1 in 200 probability of an event occurring in any given year, and the text amended to clarify the statutory authorities responsible for dealing with flood risk matters, and the guidance on sustainable urban drainage.

Policy 9 Regeneration opportunities in the Central Area

Policy 9 should be amended to clarify that schemes coming forward at Four Waterside and St Peter's Way should conform to the proposed allocation set out in Policy 44.

Policy 11 Managing hotel growth

Policy 11 should be amended to clarify that the sequential test will be applied to proposals for hotels outside of the defined town centre and Enterprise Zone.

Policy 12 Development of main town centre uses

Policy 12 should be amended so that it is clear that it relates to the defined town centre. Policies 12 and 19 will together supersede Policy N2 Northampton Central Area of the West Northamptonshire Joint Core Strategy.

Policy 14 Type and mix of housing

Policy 14 requires that sites of more than 100 dwellings make provision for a proportion of serviced plots of land to contribute towards meeting the evidenced demand for self-build and custom build housing but does not state the extent to which these should be provided. Given the evidence on the level of demand for self-build housing in Northampton as expressed through the self-build and custom housebuilding statutory register, the Inspectors considered that it would be justified to seek the provision of 3% of plots on development sites of more than 100 dwellings to be provided as self-build plots. They state that the policy should also be amended to be clear that if after 12 months from the installation of roads and utilities sufficient to make them serviced plots, with the plots having been marketed, that there have been no expressions of interest for the plots for the purposes of self-build and custom build housing, the plots can be developed for other forms of housing.

The Inspectors are satisfied that the requirement for the provision of specialist and accessible housing as set out in the submitted Policy is justified. However, it should be amended so it is clear that wheelchair accessible homes (Category M4(3) (2) (b)) should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, and the exemptions to the application of the policy be expanded to include the consideration of viability.

Policy 17 Safeguarding existing employment sites

In order to facilitate the creation of jobs as set out in strategic policy, Policy 17 is concerned with safeguarding employment land from other uses. The Inspectors recommended that Policy 17 and the text should be amended so that the requirements for allowing changes of use to non-employment generating uses, and the marketing of land proposed to be put into an alternative use, are clear. The text should be updated to include the latest data on net job changes in the plan period. The Plan should be amended by the addition of a new Policy 17A Employment Allocations so that it is clear in identifying the allocated employment sites. This should include those employment sites from Policy 38 of the submitted Plan which is to be deleted. The inclusion of site LAA0615 Crow Lane as an allocated site in the Plan, which was previously omitted from Policy 38 in error, is justified. Site LAA0328 Cattle Market, whilst previously listed as an allocated site in Policy 38 is an area of safeguarded employment land and should not be included in Policy 17A.

Policy 18 Supporting new employment developments and schemes outside safeguarded sites

The Inspectors consider that Policy 18 should be amended to be clear that 'windfall' employment development proposals will be supported where suitable for employment purposes and consistent with relevant development plan policies. It should also set out matters

to be taken into account in the development management process; the potential impacts on the users and occupiers of the surrounding area from development, and environmental, natural and built heritage and traffic considerations.

Policy 19 New retail development and retail impact assessment

The Inspectors consider that Policy 19 should be amended so that the level of new retail provision proposed is clear. It should also be amended to take account of the revised Use Classes Order and to clarify that residential uses are not restricted to upper floors. The length of a marketing period for vacant premises is also expressed as a range in the submitted Plan, is not clear and should be amended accordingly.

Policy 20 Hot food takeaways

The Inspectors conclude that, whilst there is clear evidence of there being an obesity problem in Northampton, there is no robust evidence which demonstrates a causal link between the proliferation of hot food takeaways and obesity/eating habits across the plan area to justify the proposed minimum 400 metre distance from any school entrance. Whilst the Inspectors have had regard to the Public England document 'Obesity and Health and Wellbeing in Northampton A briefing and evidence paper March 2020' (10-05), they have not found the link between the location of schools, takeaways, and obesity to be proven. The Policy and text are recommended for deletion.

Policy 21 Residential development on upper floors

The Inspectors have suggested that the Policy be amended so the circumstances in which above ground floor residential accommodation would be supported are clear.

Policy 23 Sports facilities and playing pitches

The Inspectors consider that the Policy should be amended so that the terminology used is consistent with the NPPF. It should also be amended so that the requirement for contributions towards sports facilities applies to all relevant development.

Policy 24 Community facilities

Policy 24 was recommended for amendment to remove duplicated text and to complete missing texts, to make it clearer for the decision maker.

Policy 25 Childcare provision

The Policy was recommended for amendment to remove duplication of wording between the first and second bullet points.

Policy 26 Sites for burial space

Policy 26 was recommended for amendment to clarify that proposals for extended cemeteries should result in a net gain in biodiversity.

Policy 27 Sustaining and enhancing existing, and supporting the creation of, Northampton's green infrastructure

The Policy as submitted sought contributions to green infrastructure projects from housing developments of 15 dwellings or more. The Inspectors considered that this threshold is not justified and the Policy would not be effective in that it does not relate to non-

residential/commercial development. A threshold of 'major development' as defined in the glossary at Annex 2 to the NPPF is considered by the Inspectors to be justified and the policy should be amended accordingly. They also considered that the Policy should also be amended to include 'blue' infrastructure.

Policy 28 Providing open spaces

The text of the Policy should be clear that the provision of Suitable Alternative Natural Greenspace (SANG) can meet other open space requirements, and the text amended to explain the purpose of SANG. The table within Policy 28 should be amended so that it is clear that the distances quoted are walking distances and as to the quality of provision sought.

Policy 29 Supporting and enhancing biodiversity

The policy should be split into two, Policy 29A being concerned with supporting and enhancing biodiversity, and with how biodiversity net gain would be sought, and Policy 29B being concerned with nature conservation, setting out how proposals should protect, maintain and enhance biodiversity and geodiversity in a manner commensurate with their statutory status.

Policy 30 Upper Nene Valley Gravel Pits Special Protection Area

The plan area includes component 1 of the Upper Nene Valley Gravel Pits SPA. Access by people and dogs, both on and off public rights of way, is a significant cause of disturbance in some areas of the SPA, and there is evidence of the decline in the number of Golden Plover, one of the qualifying species. Policy 30 should be amended so as to be consistent with national policy and to be effective to set out requirements under the Habitats Regulations, mitigation including possible provision of SANG, and in respect of potential effects on FLL, and requirements for bird surveys. The Policy should also be amended so that major development demonstrates that there is sufficient capacity at water recycling centres to ensure water quality, so as to protect the SPA. Given that the Council's mitigation strategy for the SPA is now in place, Policy 30 and the text should also be amended to reflect this and the recommendations of the HRA.

Policy 31 Protection and enhancement of designated and non designated heritage assets

The Policy should be amended to make clear the status of Historic England guidance as it is not part of the development plan.

Policy 32 Designing sustainable transport and travel

The Policy should be amended to highlight that contributions to infrastructure projects sought will be undertaken consistent with the statutory tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Policy should also be amended to clarify the travel plan requirements and the provision which should be made for electric vehicle charging.

Policy 33 Highway network and safety

The Policy should be amended to refer to development only being prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 34 Transport schemes and mitigation

The Policy and text as submitted sought to safeguard the former Northampton to Market Harborough railway line for future transport use. However, there is not robust evidence to identify and protect the route. Consequently, the safeguarding provision should be removed, and the text amended to clarify the status of the route. The Policy should be amended by making clear the status of the Northampton Low Emission Strategy 2017 as it is not part of the development plan, and to clarify appropriate sustainable transport mitigation measures.

Policy 35 Parking standards

Policy 35 as submitted requires compliance with the Council's Parking Standards SPD which is not justified as it is not part of the development plan for the area. The Policy should be amended to clarify how the SPD would be used in development management.

Policy 36 Electronic communications networks

Whilst Policy 36 and the explanatory text does not duplicate the Building Regulations in respect of electronic communications networks, the text should be amended to clarify the respective roles of the Building Regulations and the Policy in the provision of electronic communications infrastructure.

Policy 37 Infrastructure delivery and contributions

The Policy should be amended to remove duplication with Policy 36 in regard to electronic communications infrastructure and the text should be amended to clarify the requirements for early years education provision as it is not clear.

Implementation and monitoring framework, superseded policies and other matters

As a consequence of the Main Modifications and Further Main Modifications recommended to the Plan, a number of alterations are necessary to the Monitoring Framework and the appendices.

- 5.33 The Inspectors have recommended main modifications to make the Plan sound and/or legally compliant and capable of adoption. They conclude that the duty to cooperate has been met and that with the recommended main modifications set out above, the Northampton Local Plan Part 2 2011 – 2029 Proposed Submission – Round 2 June 2020 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.
- 5.34 A copy of the adopted plan, incorporating the recommendations, is attached (Appendix C). It should be noted that the policy numbers have been changed in the adopted version of the plan so that they are more easily read and referenced. A table showing these changes is shown in Appendix D.

NEXT STEPS

- 5.35 If Members agree to recommend that the Council adopts the plan, a report will be considered at full Council in March to adopt the plan formally. Following adoption of the plan, the Council publishes the plan and an adoption statement and Sustainability Appraisal (SA) Report and post adoption SA/Strategic Environmental Assessment statement. Each of the consultees are formally notified and copies of the adoption statement are placed on deposit at the Council offices and local libraries and copy is sent to the Secretary of State.

- 5.36 A six week period for legal challenge commences on adoption. Under Section 113 of the Planning and Compulsory Purchase Act 2004 any person aggrieved by the Northampton Local Plan Part 2 may make an application to the High Court. Any challenge must be made on the grounds that either the document has not been prepared within the powers conferred by Part 2 of that act and/or alternatively, that a procedural requirement of the act or associated regulations has not been complied with. If the plan is adopted at full Council on 23 March 2023, then the legal challenge period would end on 5 May 2023 (which is a period of 6 weeks beginning the day after the date on which the Local Plan would have been adopted). On adoption, the plan would replace all of the saved policies of the 1997 Northampton Local Plan and the policies contained in the 2013 Central Area Action Plan.

6. Issues and Choices

6.1 Option 1: Agree the recommendations

- 6.2 The plan has been prepared to provide guidance on the implementation of strategic policies contained in the West Northamptonshire Joint Core Strategy, adopted in December 2014 and contains more detailed policies which will be used in the determination of planning applications. Part 2 plans have already been adopted for the Daventry and South Northamptonshire areas.

- 6.3 The modified version of the plan was released for public consultation at the request of the Planning Inspectors, in order for the plan to be considered sound. Comments were received and the Inspectors have issued their Final Report, recommending the plan's adoption. If Members agree to recommend that the Council adopts the plan and it is subsequently adopted by the Council, then Northampton, alongside Daventry and South Northamptonshire areas, will have Part 2 plans to deliver the West Northamptonshire Joint Core Strategy. When the plan is adopted, it will become part of the development plan for the Northampton area. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.4 Option 2: Not agree with the adoption

- 6.5 If Members choose not to recommend that the Council should adopt the plan, then Northampton will remain as the only area within West Northamptonshire without a Part 2 plan. In determining planning applications for the Northampton area, the Council would have to continue to rely on policies which are likely to become out of date or national guidance which is generic and not locally specific.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The Council's costs in respect of adopting the plan will be met from existing budgets associated with the plan preparation process.

7.2 Legal

7.2.1 The independent examination part of the local plan preparation process is set out in Section 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 plan preparation process was undertaken in compliance with the regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and consultation forms a key element of the process. There are several stages that the plan has been through, namely the Issues stage (spring 2016), the Options stage (autumn 2016) and Proposed Submission stage (summer 2019 and summer 2020). The Proposed Modifications stage was undertaken in July 2022. Consultation on the Further Main Modifications took place in November 2022. During each of these stages, local organisations and members of the public were consulted. Consultation was also undertaken with colleagues within the authority (including Development Management and Environmental Health), external stakeholders (such as the Environment Agency, Natural England, Historic England and Anglian Water), landowners (such as Network Rail) and developers. The consultation was also undertaken in conformity with the Statement of Community Involvement for Northampton.

7.5 Consideration by Overview and Scrutiny

7.5.1 The matter was considered at Overview and Scrutiny Committee on 7 February 2023.

7.6 Climate Impact

7.6.1 Policies in the plan, including those relating to flooding, sustainable construction and the provision for electric vehicle charging points, should assist in mitigating the effects of climate change.

7.7 Community Impact

7.7.1 The plan will ensure that developments are directed to the right locations and that they are constructed in a manner that meets the required standards. It will ensure that a balance is secured between the built and natural environment, therefore continuing to supply houses and employment for existing and future residents whilst enhancing the quality and quantity of open spaces and protecting the area's heritage assets. All these will have a positive impact on the community.

7.8 Communications

7.8.1 Communications played a key role throughout the local plan preparation process, particularly in publicising and encouraging participation in the consultation stages. The council continued to keep the public and all other stakeholders informed and engaged throughout the local plan

preparation process, in line with planning law, the Council's Statement of Community Involvement and the Communication and Engagement Strategy. The council used its corporate communications channels including media releases and social media.

8. Background Papers

- 8.1 [Northampton Local Plan Part 2 Submission & Examination | Northampton Local Plan Part 2 Submission & Examination | West Northamptonshire Council](#)
- 8.2 [EXAM 40 Inspectors Post Hearings Letter 24012022 | West Northamptonshire Council - Northampton Area](#)
- 8.3 [Northampton LPP2 Modifications Consultation - 7 July 2022 – 18 August 2022 | West Northamptonshire Council - Northampton Area](#)
- 8.4 [Northampton Local Plan \(Part 2\) Further Main Modifications consultation | West Northamptonshire Council - Northampton Area](#)