

## **Report to West Northamptonshire Council**

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Northampton Local Plan Part 2 2011 – 2029 Proposed Submission – Round 2 June 2020**

The Plan was submitted for examination on 4 February 2021

The examination hearings were held between 16 and 30 November 2021

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## **Abbreviations used in this report**

AA	Appropriate Assessment
DtC	Duty to Cooperate
5YHLS	5-year housing land supply
FLL	Functionally Linked Land
HRA	Habitats Regulations Assessment
NDSS	Nationally Described Space Standards
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SANG	Sustainable Alternative Natural Green Space
SPA	Special Protection Area
SPD	Supplementary Planning Document
SUE	Sustainable Urban Extension
WNJCS	West Northamptonshire Joint Core Strategy
WNTANS	West Northamptonshire Traveller Accommodation Needs Assessment

## Non-Technical Summary

This report concludes that the Northampton Local Plan Part 2 2011 – 2029 Proposed Submission – Round 2 June 2020 provides an appropriate basis for the planning of the former Northampton Borough, now part of West Northamptonshire, provided that a number of main modifications [MMs] are made to it. West Northamptonshire Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases we have amended their detailed wording. A number of Further Main Modifications [FMMs] were necessary, these were subject to consultation for six weeks and to sustainability appraisal and habitats regulations assessment. We have recommended the inclusion of the modifications in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To combine the submitted Policies on Placemaking and Design to avoid repetition and to make them effective;
- To update housing supply data and to make clear that the Plan is not superseding the approach to the calculation of the five-year housing land supply as set out in the West Northamptonshire Joint Core Strategy (WNJCS);
- To make clear that Policies 12 and 19 supersede Policy N2 of the WNJCS;
- To delete Policy 16 Gypsies and Travellers as the replacement of WNJCS Policy H6 by this Policy is not justified;
- To insert new Policy 17A which makes specific employment land allocations;
- To delete Policy 20 Hot Food Takeaways as it is not justified;
- To replace Policy 29 supporting and enhancing biodiversity with separate policies on supporting and enhancing biodiversity and nature conservation;
- To delete Policy 38 development allocations as it duplicates Policy 13 residential and other residential led allocation;
- To amend Policy 41 The Green, Great Houghton (LAA1098) including to ensure that the traffic effects on Great Houghton are considered and managed effectively, to safeguard historic heritage assets and to ensure that the findings of the habitats regulations assessment are met;
- To amend Policy 43 Ransome Road to reflect the number of dwellings deliverable on this site;
- Insert site specific policies for the proposed sites at Hill Farm Rise (Policy 45) and Abington Mill Farm (Policy 46) to ensure that the Plan sets out effective development management criteria; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains our assessment of the Northampton Local Plan Part 2 (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Northampton Local Plan Part 2 2011 – 2029 Proposed Submission – Round 2 June 2020, submitted for examination in February 2021, is the basis for our examination. It is the same document as was published for ‘Regulation 19’ consultation on 13 July 2020. An earlier version of the plan was published for ‘Regulation 19’ consultation in April 2019. Insofar as they relate to matters unchanged between the two versions of the document, we have taken account of representations made in both rounds of ‘Regulation 19’ consultation.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. Following our consideration of the consultation responses we considered that a number of Further Main Modifications (**FMM**) were necessary to amend the wording of some of the MMs for soundness. The FMMs were subject to public consultation for six weeks and to sustainability appraisal and habitats regulations assessment. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made an amendment to the detailed wording of MM42 which is necessary for clarity. The amendment does not significantly alter the content of that MM as published for consultation or undermine the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. We have highlighted the amendment in the report. Where a MM has been amended by a FMM this is set out in the attached appendix to the report.

## **Policies Map**

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Northampton Borough Wide Policies Map and the Northampton Central Area Inset Policies Map as set out in the submitted documents SUB02 and SUB03.
6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs in the document titled Proposed Schedule of Changes to the Policies Map.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted policies map to include all the changes proposed in the Northampton Borough Wide Policies Map and the Northampton Central Area Inset Policies Map and the further changes published alongside the MMs.

## **Context of the Plan**

9. The Plan was submitted for examination by Northampton Borough Council which has since been replaced by West Northamptonshire Council. The Plan is a ‘Part Two’ or non-strategic plan which follows the adoption of the West Northamptonshire Joint Core Strategy (WNJCS) in 2014. The WNJCS sets the overall planning strategy for the three former districts concerned over the plan period to 2029. This includes the objectively assessed housing need of the former Council areas and the spatial strategy for meeting those needs. The WNJCS allocated a number of strategic development sites known as Sustainable Urban Extensions (SUEs), some of which fall within the Plan area. As required by Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Plan must be consistent with the WNJCS.

10. The plan area largely consists of the urban area of Northampton, the largest town in England, and includes several smaller settlements. The plan area includes part of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI).

## **Public Sector Equality Duty**

11. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of the Council's Equality Impact Assessment (SUB14), and several specific matters during the examination, including the provision of traveller sites to meet need, the provision of accessible and adaptable housing, and sites for burial spaces to meet needs of different religions and for people with no religion.

## **Assessment of Duty to Co-operate**

12. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. There is evidence of close collaboration between the Council, neighbouring local authorities and other relevant bodies as set out in the submitted statements of common ground and as detailed in the Council's Statement of Compliance Duty to Cooperate (SUB15). Northampton 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 WNJCS, which was prepared by a Joint Planning Unit. The principal strategic cross-boundary matter for the Plan relates to the potential effects of the Plan on the Upper Nene Valley Gravel Pits SPA, for which there is adequate evidence of the Council engaging constructively with Natural England and other relevant Duty to Cooperate (DtC) bodies.
14. Outcomes of cooperation in the preparation of the Plan include the West Northamptonshire Strategic Flood Risk Assessment Part 1, the Northamptonshire Local Flood Risk Management Strategy, West Northamptonshire Housing Market Evidence 2017, West Northamptonshire Travellers' Accommodation Needs Study, Traffic Modelling and Analysis, and the Sports Facilities Strategy for West Northamptonshire. No concerns have been raised by prescribed bodies about cross boundary issues under the duty.
15. We 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

16. The Plan has been prepared in accordance with the Council's Local Development Scheme.
17. Consultation on the Plan, the MMs and FMMs was carried out in compliance with the Council's Statement of Community Involvement (SUB09). Consultation on the Plan was undertaken in accordance with the measures in place at the time in respect of the coronavirus (COVID19) pandemic.
18. 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. The appraisal was updated to assess the MMs and FMMs.
19. We find that the reasonable alternatives chosen in the SA process are realistic and the Council has provided an adequate outline of the reasons for selecting them. However, whilst options may be rejected as the Plan moves through various stages, and they do not necessarily need to be examined at each stage, the SA should signpost clearly where the reasons for rejecting sites earlier in the plan making process are set out. We are satisfied that a suitable reference has been provided in the updated SA (05 Final Sustainability Appraisal to Main Modifications) to explain how and where in the SA process sites were rejected as being reasonable alternatives and the reasons why they were rejected.
20. The Habitats Regulations Assessment Report June 2020 (SUB08) 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 evidence before us includes that there has been a 76% decline in Golden Plover (one of the sites qualifying species) since the baseline data, an adverse trend which does not match that for the region, or Britain. 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.
21. Policy 13 of the submitted Plan allocates land for around 2,310 new dwellings on 22 sites within 3 kilometres of the SPA. In addition, there is 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.



22. 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. Whilst the mitigation strategy was in preparation at the time the Plan was submitted for examination, it was not then sufficiently advanced for us to conclude that the adverse effects on the SPA arising from the Plan in terms of recreational disturbance could be adequately addressed. However, 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. We are satisfied therefore that consistent with advice in the 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.
23. 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 MMs necessary to address this matter are set out in Issue 3. Consequently, we are satisfied that the necessary mitigation has been secured through the Plan (as modified).
24. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
25. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Specifically, the Plan includes policies relating to carbon reduction, community energy networks, sustainable design and construction and water use (Policy 5), flood risk and water management (Policy 7), and designing sustainable transport and travel (Policy 32).
26. The submitted Plan in Appendix B sets out a schedule of the policies of the existing development plan which would be superseded by the Plan. The submitted schedule included in error a number of Policies of the Northampton Local Plan 1997 which had previously been replaced by the Central Area Action Plan, along with some typographical errors. Updates to Appendix B are also necessary as a consequence of the recommended MMs to this Plan. These changes are set out in **MM45**.

27. 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.

## **Assessment of Soundness**

### **Main Issues**

28. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 4 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

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

29. The plan before us is a Part 2 Plan to the WNJCS. 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 SUEs. The submitted Plan notes that the allocated SUEs were to provide about 37% of the new dwellings in the plan area over the plan period.
30. The submitted Plan explains that the number of homes delivered by 1 April 2019 was 2,430 fewer than that set out in the WNJCS housing trajectory for that date. This is mainly because the delivery of housing from the SUEs allocated in the WNJCS has been slower than anticipated. The shortfall against the WNJCS target has since risen to 4,279 dwellings as of April 2021. During the examination, it was confirmed that the delivery of houses at the SUEs is likely to extend beyond the plan period. In line with the Oxted Residential judgment<sup>1</sup>, we are mindful that the Plan before us is not required to rectify any shortcomings in the WNJCS’s approach to housing land supply, and the adopted SUEs are not before us in this examination. Therefore, we are not making recommendations which seek to address such matters which have been raised by some representors. For the Plan to be effective however, the housing supply information set out in it should be updated to reflect the latest available data (**MM11 and FMM1**).
31. 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

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<sup>1</sup> Oxted Residential Ltd v Tandridge DC [2016] EWCA Civ 414

housing requirement in full (EXAM 1A). 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.

32. The NPPF in paragraph 74 sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period. The Plan before us is a part 2 plan to the WNJCS and it does not contain strategic policies in respect of the supply of housing. Those are contained in the WNJCS, are already in place and are not before us in this examination. Similarly, nor is the explanatory text of the WNJCS and associated tables which relate to the calculation of the 5YHLS.
33. The WNJCS includes a housing trajectory, and its text states that the trajectory is a more appropriate measure for the 5-year land supply and delivery calculations than a flat rate annualised figure. The trajectory is included as Appendix 3 of the WNJCS. Whilst it is acknowledged that the trajectory would be reprofiled each year, the WNJCS states that delivery will always be compared to the base trajectory in its Appendix 3. WNJCS Policy S6 Monitoring and Review sets out how the WNJCS would be monitored and the measures to be taken if its Policies were found to be ineffective. These include, amongst other things, the preparation of alternative local plans. However, the Plan before us is not seeking to change strategic housing policy for the area, including the overall housing requirement, and as such is not an alternative to the WNJCS.
34. The submitted Plan includes within Table 7 Local Plan Part 2 Housing Delivery Trajectory and Graph 2 Northampton Local Plan housing delivery trajectory, figures for the annualised and total housing provision proposed to arise from the WNJCS and this Plan for the plan period. Through the explanatory text, the Plan is seeking to provide a new annualised dwelling requirement for the plan area. This is not set out in a proposed strategic policy.
35. 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 before us, 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. Additionally, the submitted Plan is not consistent with national policy as set out in paragraph 74 of the NPPF in this regard as the proposed updated trajectory would not be set out in a strategic policy.
36. Furthermore, we note that the Review of the WNJCS Policies (EXAM 38) concluded that WNJCS Policy S3 should continue to be used for the purposes of calculating the 5YHLS. WNJCS Policy S3 is not proposed to be superseded in this Plan.

37. Consequently, we find that the approach to this matter in the submitted Plan is not clear, and would not be effective or consistent with national policy as set out in the NPPF. The Plan should be amended so that it is clear that it is not changing the way the 5YHLS should be calculated. Table 7, Graph 2 and associated text should be deleted (**MM11 and FMM1**). Appendix A of the submitted Plan sets out the expected housing delivery from the sites proposed in the Plan only. This information should be updated and amended to reflect the consequences of the MMs and FMMs (**MM44**).
38. Regulation 8(4) of the 2012 Regulations requires that the policies contained in a local plan must be consistent with the adopted development plan unless they are explicitly intended to supersede policies in the adopted plan. As a consequence of the MMs and FMMs proposed to the Plan, and having regard to the updated housing land supply evidence, the Plan and the WNJCS together would provide around 19,229 dwellings in the plan period. This is in excess of the minimum housing requirement for the former Northampton Borough area set out in the WNJCS.
39. The proposed housing development would be situated in and around Northampton, which is designated as the Principal Urban Area in the WNJCS. Policy S1 of the WNJCS states that development will be concentrated primarily in and adjoining the Principle Urban Area of Northampton. We are satisfied that the housing development proposed in the Plan in terms of its quantity and location is consistent with WNJCS Policies S1 and S3. Consequently, in overall terms, the contribution of the Plan to meeting the housing development requirement is consistent with the WNJCS.

## **Conclusion**

40. Subject to the above-mentioned modifications, in overall terms, the provision for housing development in the Plan is justified, and consistent with the strategic policies of the WNJCS and national policy.

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

41. The submitted Plan includes Policy 16, Gypsies, Travellers and Travelling Showpeople which is proposed as a strategic policy to supersede WNJCS Policy H6 Gypsies, Travellers and Travelling Showpeople for the plan area. WNJCS Policy H6 sets out the level of provision of accommodation for Gypsies, Travellers and Travelling Showpeople to be made in the period to 2029, and development management criteria. WNJCS Policy H6 has been reviewed by the Council and was found to be out of date given the national Planning Policy for Traveller Sites (PPTS) and findings of the assessment of need undertaken in

the West Northamptonshire Travellers’ Accommodation Needs Study January 2017 (WNTANS).

42. The WNTANS is the latest assessment of need for the former Northampton Borough area. This identifies that there is no need for accommodation for Gypsies and Travellers who meet the definition as set out in the PPTS, a need for up to 3 additional pitches for Gypsy and Traveller households that may meet the PPTS definition, and a need for 17 additional pitches for Gypsy and Traveller households who do not meet the PPTS definition. No additional need for accommodation for Travelling Showpeople was identified in WNTANS.
43. The WNTANS dates from 2017 with a baseline of May 2016 and the updated evidence provided through the examination indicates that it is at an increasing risk of being overtaken by events. It was confirmed during the examination that there are now two Gypsy/Traveller households residing on unauthorised sites in the plan area, and that it is now calculated that a minimum of one new household which meets the PPTS definition may arise in the plan period from those households for which the status is classified as ‘unknown’ in the WNTANS.
44. There is one Gypsy and Traveller site in the Plan area at Ecton Lane which has a waiting list of 9 households. This is numerically unchanged from what was found in the WNTANS. We heard that a significant proportion of the accommodation needs arising in the plan period is from the Ecton Lane site. It was also confirmed that a new needs study has been commissioned for West Northamptonshire to inform the review of the WNTANS.
45. There is clearly a need for accommodation for Gypsies and Travellers in the plan period, both meeting and not meeting the PPTS definition. This is reinforced by the waiting list at Ecton Lane and the presence of unauthorised sites. The Council has explored the possibility of reconfiguring the Ecton Lane site to meet some or all of the need arising there. However, this is not feasible due to site constraints.
46. The Plan as submitted does not quantify the needs for pitches for Gypsies and Travellers, either meeting or not meeting the PPTS definition, nor does it seek to address them. Consequently, it is inconsistent with the PPTS, and with paragraph 60 of the NPPF in that it does not meet the needs of groups with specific housing requirements. Furthermore, the Plan is inconsistent with national policy in that it does not make sufficient provision for the housing needs of Gypsies and Travellers (NPPF paragraph 20), and would not look ahead a minimum 15 year period from adoption as per NPPF paragraph 22.
47. The provision for Gypsies, Travellers and Travelling Showpeople is a strategic matter, which has implications beyond the Plan area, such as for the rest of

West Northamptonshire and neighbouring local authority areas. 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 Plan as amended would only address needs to 2029, which is inconsistent with the NPPF. We have also 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 should be deleted from the Plan, with this matter being addressed comprehensively through the ongoing preparation of the new Strategic Plan (**MM13**). In the interim, WNJCS Policy H6 would be retained as part of the development plan for the area. This would continue to aid with the consideration of windfall planning applications for Gypsy, Traveller and Travelling Showpeople accommodation.

## **Conclusion**

48. The approach of the Plan to providing accommodation for Gypsies, Travellers and Travelling Showpeople is not justified and would not be effective. Policy 16 Gypsies, Travellers and Travelling Showpeople of the submitted Plan is not sound and should be deleted.

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

### **Policy 13 residential and other residential led allocations**

49. Policy 13 of the submitted Plan 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, instead they rely on the development management policies of the Plan and WNJCS.
50. To be consistent with NPPF paragraph 16 and to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, Policy 13 should be amended to identify the relevant development management policies for proposed allocations where the evidence base identifies specific issues, such as flood risk. 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 (**MM11 and FMM4**).
51. In particular, the following proposed allocations should be deleted from Policy 13. Site 0205 Parklands Middle School, Devon Way should be removed from



the schedule 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 should be removed as they have been built out.

52. The following sites should be removed from the schedule of proposed allocations as the development of open space and allotment land is not consistent with national policy for the development of such land as set out in NPPF paragraph 99, nor is this justified: 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.
53. Site 0168 Rowtree Road and site 1009 land west of Policy N5 Northampton SUE (site 1) are to be combined with site 1142 Land West of Northampton South SUE (site 2) to form Site 1144 Land to the West of Northampton South Sustainable Urban Extension, and the Plan should be amended accordingly.
54. Site 1099 Upton Reserve Site forms part of the Upton Flood Attenuation Area and falls entirely within flood zone 3b. The exception test as set out in paragraph 164 of the NPPF has not been passed for this proposed allocation. Site 1138 land south of Bedford Road also failed the exception test. These sites should be deleted as they are inconsistent with the NPPF and are not justified.
55. Site 1127, 32 Connaught Street was included in error, is not justified and should be deleted. The various changes to Policy 13 are set out in **MM11**.

### **Policy 38 Development Allocations**

56. Policy 38 Development Allocations of the submitted Plan lists the proposed housing allocations, along with those sites allocated for employment development. Policy 38 largely duplicates Policy 13 in regard to the housing allocations and does not serve a clear purpose. Policy 38 is therefore inconsistent with national policy as set out in paragraph 16 of the NPPF. Policy 38 should be deleted and for effectiveness, the employment allocations included in the new employment allocations Policy 17A, and the text amended to clarify that housing and employment land allocations are made in Policies 13 and 17A respectively (**MM35**).

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

57. Policy 39 considers the regeneration and safeguarding of the Northampton Railway Station and adjoining sites. It seeks to ensure that the sites continue to contribute to modal shift, whilst supporting the provision of additional uses on the site. However, within and around the site are heritage assets and public realm which provide an introduction to the nearby Northampton Town Centre. In addition to the heritage assets, the site is close to a branch of the River Nene and is crossed by a sewer. We are satisfied that there is a reasonable prospect that the site will be available and could be viably developed within the plan period.
58. In order to be effective and to ensure that the Policy is clearly written and unambiguous it should 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 above. There is also a need to set out a concise identification of these constraints and other factors which might affect its implementation.
59. In particular, the Policy should reflect the possible timing of the relocation of the railfreight operation and the presence of the sewer. Additionally, 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 Policy should also be modified to reflect the amended Use Classes Order and to confirm the design requirements in respect of the historic environment to be effective. These changes are necessary to ensure that the Policy will be effective, clearly written and unambiguous and comply with national policy set out in the NPPF (**MM36**).

### **Policy 41 The Green, Great Houghton (LAA1098)**

60. Policy 41 is a major housing allocation. Whilst it is described as Great Houghton it extends from Great Houghton village, around the southern edge of the Brackmills Industrial Estate on the fringes of Northampton town. The Green itself has the character of a country lane which links the Bedford and Newport Pagnell Roads. Part of The Green includes the main road through Great Houghton. The site is within 3km of the Upper Nene Valley Gravel Pits SPA, and has been identified as potentially including land which is functionally linked to the SPA (FLL) as it might be used for foraging by over wintering birds. The allocation is in close proximity to Great Houghton which has a number of heritage assets including listed buildings and a conservation area. In addition, it is crossed by an existing foul sewer and has potential to have some archaeological interest.



61. The Policy should be amended to ensure that surveys are undertaken to ascertain whether the site constitutes FLL 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. Therefore, and in order to be effective, the Policy should be amended to confirm the SANG requirements (**MM37 and FMM2**).
62. 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, designed to deal with the matters set out above. The Policy should therefore include reference to the need for a masterplan and should list the requirements that should be included within it.
63. Local people have expressed concern about the potential traffic generated by the site and its impact on the village of Great Houghton along The Green. In order to clarify the role of The Green and to ensure that it is evident how decision makers should react to development proposals, 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. Overall, this would assist in making the plan effective by securing the delivery of the allocation.
64. At the MM stage, it was proposed that the vehicular access to the site would not use The Green as a principal access. This provision would not be effective and would have an adverse effect on the deliverability of the site. 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.
65. In order to address this issue **FMM2** sets out 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. Additionally, the development should 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 we consider that these MMs and FMMs are

necessary for the reasons given below, 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.

66. Therefore, **MM37** and **FMM2** are required in order to ensure that the Policy is effective in delivering the allocation over the plan period and is clearly written so that it is evident how a decision maker should react to proposals to develop the allocation.

### **Policy 43 Ransome Road (LAA1139)**

67. Policy 43 as submitted seeks to allocate the site at Ransome Road for at least 200 dwellings. There has been some discussion as to the site capacity and at the MM stage, it was proposed to increase that considerably. However, further evidence relating to the constraints within and surrounding the site, has arisen at the MM stage has demonstrated that the significant increase in site capacity is not justified. Consequently, 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 (**FMM3**). 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 so that they are effective. The legend in Figure 22 should be amended to indicate that greenspace is to be provided. These changes are required to ensure that the Policy is effective, and it is evident how decision makers should react to development proposals. These changes are set out in **MM38** and **FMM3**.

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

68. The proposed allocation relates to four sites within the town centre. We are satisfied that the Policy is consistent with the NPPF 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 (**MM39**).

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

69. Policies 13 and 38 of the submitted Plan include the allocation of 50% of the identified land at Hill Farm Rise on the Policies Map for residential development. The Plan as submitted is not clearly written and unambiguous, so it is evident how a decision maker should react to development proposals in that it is not apparent as to which part of the site should remain undeveloped.

70. Given the constraints and complexities of the proposed allocation, the Plan should 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. The Plan should also be amended to include a development principles diagram. The new Policy is set out in **MM40**.

### **New Policy 46 Abington Mill Farm (LAA1107)**

71. This site has been identified in Policies 13 and 38 as a development allocation and was due to be developed in accordance with the development management policies of the Local Plan. It is however subject to specific constraints which justify a new site specific Policy.
72. The site has been subject to the sequential and exceptions tests. Following the hearings, further work has been carried out to assess the flood risk associated with the access onto Rushmere Road. This has shown that even during the most extreme events access to and egress from the site would still be possible from Rushmere Road. Moreover, even in the event of a failure of flood defences this would affect only the east of the site and so access onto Rushmere Road would be unaffected. We are satisfied therefore 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.
73. At the MM stage, concerns were expressed about the effectiveness of the Policy in safeguarding biodiversity. There are two relevant Development Management policies set out in the Plan (as amended) which will address the concerns expressed in this regard. These are Policies 29A and 29B which deal with supporting and enhancing biodiversity and nature conservation respectively. Both policies expect planning applications to include an assessment of the impact of the proposal on biodiversity through an ecological assessment and take account of the impact the proposal might have indirectly on nature conservation sites through such things as recreational disturbance. Consequently, the concerns raised are adequately addressed by other policies in the plan. Therefore, there is no need for changes to the Plan in relation to this issue.
74. 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. The new Policy is set out in **MM41**.

## **Conclusion**

75. Subject to our recommended MMs, the proposed allocations are justified and consistent with national policy and would be effective in ensuring that each site is developed in an acceptable way.

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

### **Policy 1 Presumption in favour of sustainable development**

76. Policy 1 sets out a presumption in favour of sustainable development; it provides clear guidance to the decision maker and notwithstanding its duplication of national policy it is sound.

### **Policy 2 Placemaking and Policy 3 Design**

77. Policy 2 Placemaking and Policy 3 Design set out detailed development management design criteria. There is a degree of duplication between Policies 2 and 3 which means they would not be effective as submitted. To make the Plan effective in this regard, the Policies and text should be combined into a single policy and text eliminating the duplication between them. 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 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 the NPPF and therefore national policy. The amendments are set out in **MM2**.

### **Policy 4 Amenity and layout**

78. Policy 4 is concerned with achieving a high standard of amenity for occupiers of new development. The 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. 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. In order to make use of the optional technical standards which include the NDSS paragraph 130 f) and footnote 49 of the NPPF requires this to be justified. However, 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 as required by national policy.

79. The Policy should also be amended so that the requirement for high-quality public realm applies to all development and so is therefore consistent with paragraph 126 of the NPPF. The required amendments are set out in **MM3**.

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

80. Policy 5 is concerned with achieving sustainable design and construction. With regard to the higher water efficiency standards of 110l pppd 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 as required by Policy 5 (**MM4**).

### **Policy 6 Health and wellbeing**

81. Policy 6 aims to ensure that health and wellbeing matters are taken into account in the development management process. Policy 6 and the supporting text should be amended for effectiveness to set out clearly the requirements for health impact assessments for major development schemes (**MM5**). The Policy should also refer to the use of design tools such as Building for a Healthy Life as set out in paragraph 133 of the NPPF in order to be consistent with national policy.

### **Policy 7 Flood risk and water management**

82. Policy 7 relates to flood risk and water management. To be effective and consistent with national policy as set out at paragraph 153 of the NPPF, Policy 7 should be amended to relate to all, rather than just major development. To be effective, 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. These changes are set out in **MM6**.

### **Policy 9 Regeneration opportunities in the Central Area**

83. Policy 9 is concerned with the regeneration of sites within central Northampton. To be clear and effective, the Policy 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 (**MM7**).

### **Policy 11 Managing hotel growth**

84. The Policy is concerned with the location of new hotel development. To be effective and consistent with paragraphs 87 and 88 of the NPPF, 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 (**MM8**).

### **Policy 12 Development of main town centre uses**

85. WNJCS Policy N2 defines the town centre boundary and primary shopping area and sets the scope for the preparation of the Northampton Central Area Local Plan. The Central Area Local Plan has since been prepared and adopted, and in turn is to be superseded by this Plan. To be effective and consistent with national policy as set out in paragraph 87 of the NPPF, Policy 12 should be amended so that it is clear that it relates to the defined town centre (**MM9**). Policies 12 and 19 will together supersede Policy N2 Northampton Central Area of the WNJCS. The text of the Plan and Policy 12 should be amended so that this is clear so as to be effective (**MM10** and **MM42**).

### **Policy 14 Type and mix of housing**

86. 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. The Policy would not be effective in that it is not clear as to the proportion of self-build plots that should be provided within developments, and regarding the alternative development of such plots should they prove not to be required. 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, 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. Policy 14 should 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 amendments are set out in **MM12**.
87. From the evidence before us including the Specialist Housing Supplementary Planning Document (EXAM39), and what we heard during the examination we are satisfied that the requirement for the provision of specialist and accessible housing as set out in the submitted Policy for 4% of all new market dwellings and 8% of affordable housing to be constructed to the Building Regulations



M4(3) standard is justified. However, to be justified, the Policy and text should be amended so that 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. These changes are set out in **MM12**.

### **Policy 17 Safeguarding existing employment sites**

88. 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. However, to be effective and to be consistent with paragraph 16 of the NPPF, 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 (**MM14**). To be effective, the text should be updated to include the latest data on net job changes in the plan period (**MM14**).

89. 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 amendment is needed to make the Plan effective. 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. These changes are set out in **MM15**.

### **Policy 18 Supporting new employment developments and schemes outside safeguarded sites**

90. To be effective and positively prepared, 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. To be effective, Policy 18 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 (**MM16**).

### **Policy 19 New retail development and retail impact assessment**

91. Policy 19 as submitted sets out the retail hierarchy and the amount of new retail floorspace required for the remainder of the plan period. As submitted, it is unclear as to the level of new retail provision proposed as the figures are expressed as ranges. This is inconsistent with paragraph 16 of the Framework in that the policy is not clearly written and unambiguous, so it is evident how a

decision maker should react to development proposals. Policy 19 should be amended so that the level of new retail provision proposed is clear. To be effective, the Policy 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. These changes are set out in **MM17**.

### **Policy 20 Hot food takeaways**

92. There is clear evidence of there being an obesity problem in Northampton. However, in connection with this plan, 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 we have had regard to the Public England document 'Obesity and Health and Wellbeing in Northampton A briefing and evidence paper March 2020' (10-05), we do not find the link between the location of schools, takeaways, and obesity to be proven. Consequently, the Policy and text is not justified and should be deleted (**MM18**).

### **Policy 21 Residential development on upper floors**

93. Policy 21 as submitted is somewhat vaguely worded and would not be effective. The Policy should be amended so the circumstances in which above ground floor residential accommodation would be supported are clear (**MM19**).

### **Policy 23 Sports facilities and playing pitches**

94. Policy 23 is concerned with safeguarding sports facilities and playing pitches. For clarity the Policy should be amended so that the terminology used is consistent with paragraphs 98 and 99 of the NPPF. Additionally, to be effective, the Policy should be amended so that the requirement for contributions towards sports facilities applies to all relevant development. These changes are set out in **MM20**.

### **Policy 24 Community facilities**

95. Policy 24 is concerned with the provision of new, and the safeguarding of existing community facilities. The Policy as submitted would not be effective due to missing and duplicated text and is inconsistent with paragraph 16 of the NPPF in that the policy is not clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. It should be amended so that it is clear. These changes are set out in **MM21**.



### **Policy 25 Childcare provision**

96. To be effective and clear, the Policy should be amended to remove duplication of wording between the first and second bullet point (**MM22**).

### **Policy 26 Sites for burial space**

97. Policy 26 makes specific provision for future burial spaces to address a forecast deficit of burial spaces by 2029, and to meet the particular cultural requirements of people of different religions, and for those with no religion. To be consistent with national policy as set out at paragraph 174 of the NPPF the Policy should be amended so that it is clear that proposals for extended cemeteries should result in a net gain in biodiversity (**MM23**).

### **Policy 27 Sustaining and enhancing existing, and supporting the creation of, Northampton’s green infrastructure**

98. The Policy as submitted sought contributions to green infrastructure projects from housing developments of 15 dwellings or more. 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 justified and the policy should be amended accordingly. The Policy should also be amended to include ‘blue’ infrastructure in order to be effective. These changes are set out in **MM24**.

### **Policy 28 Providing open spaces**

99. Policy 28 sets the requirements for open space provision from new major development. To be effective, the text of the Policy should be clear that the provision of 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. The changes to the Policy and text are set out in **MM25**.

### **Policy 29 Supporting and enhancing biodiversity**

100. To be effective and clear, 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. The text should be amended to clarify where biodiversity mapping and

data can be obtained so as to be effective. The changes to the Policy and text are set out as **MM26**.

### **Policy 30 Upper Nene Valley Gravel Pits Special Protection Area**

101. 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, consistent with national policy. 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. These changes are set out in **MM27**.

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

102. Policy 31 is concerned with the historic environment. To be effective, the Policy should be amended to make clear the status of Historic England guidance as it is not part of the development plan (**MM28**).

### **Policy 32 Designing sustainable transport and travel**

103. To be consistent with NPPF paragraph 57, 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 (**MM29**). To be effective, the Policy should also be amended to clarify the travel plan requirements and delete requirements for electric vehicle charging so as not to duplicate the Building Regulations (**MM29**).

### **Policy 33 Highway network and safety**

104. Policy 33 sets development management criteria in respect of transport assessments and achieving highway safety. The Policy should be amended so that it is consistent with paragraph 111 of the NPPF in respect of 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 (**MM30**).

### **Policy 34 Transport schemes and mitigation**

105. 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 as per NPPF paragraph 106. 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. These changes are for effectiveness and for the policy to be justified and are set out in **MM31**.

### **Policy 35 Parking standards**

106. 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 (**MM32**).

### **Policy 36 Electronic communications networks**

107. Whilst Policy 36 and the explanatory text does not duplicate the Building Regulations in respect of electronic communications networks, to be effective, the text should be amended to clarify the respective roles of the Building Regulations and the Policy in the provision of electronic communications infrastructure (**MM33**).

### **Policy 37 Infrastructure delivery and contributions**

108. Policy 37 is concerned with the delivery of infrastructure in development. 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. These changes are necessary for effectiveness and are set out in **MM34**.

### **Implementation and monitoring framework, superseded policies and other matters**

109. As a consequence of the MMs and FMMs recommended to the Plan, a number of alterations are necessary to the Monitoring Framework as set out in **MM42**. We have corrected the title to Appendix 3 in the MM schedule as it was incorrectly labelled as being MM44, rather than MM42 in the consultation version. We are satisfied that this minor change would not prejudice any interested persons as the scope of MM42 is otherwise clear. The Glossary of

the Plan should also be amended as a consequence of the MMs and FMMs (**MM43**). The figure for the NRDA Transport Infrastructure Known Costs in Appendix D: Transport and Infrastructure Schedule should be corrected to £148.22m to be justified (**MM46**). Appendix G: Primary Education should be amended to be effective as a new three form entry primary school in Collingtree and a new two form entry primary school in Duston are no longer deemed necessary (**MM47**). **MM1** is necessary for effectiveness to amend the explanatory text to clarify the status of the Plan and its relationship with the WNJCS and Neighbourhood Plans.

## Conclusion

110. Subject to the MMs described above, the development management policies and the appendices set out in the Plan are effective, justified and consistent with national policy.

## Overall Conclusion and Recommendation

111. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

112. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix, 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.

*Philip Lewis and Mark Sturgess*

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.