

# WEST NORTHAMPTONSHIRE JOINT STRATEGIC PLANNING COMMITTEE

Wednesday, 5 February 2014 at Daventry

**PRESENT:** Councillor Chris Over (Chair); Councillor Rebecca Breese (Deputy Chair); Councillors Alan Chantler, Michael Clarke, Stephen Clarke, Robin Digby, Penny Flavell, Andre Gonzalez de Savage, Tim Hadland, Phil Larratt, Chris Millar and Jonathan Nunn..

## 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Irving-Swift (substituted by Councillor Millar) and Councillor Capstick (observer).

## 2. INTRODUCTIONS

The Chair asked Officers to introduce themselves and explained that the purpose of the meeting was to ratify the decision of the Committee from its meeting on 16 December 2013 following the discovery of a procedural flaw after the meeting, on the advice of Queen's Counsel. The Chair indicated that five members of the public had been registered to speak at the meeting and the addresses should be confined to whether the Committee should ratify its decision made at its meeting on 16 December 2013.

It was proposed by Councillor Larratt, seconded by Councillor de Savage "That under Supplementary Procedure Rule 3.1.13 Supplementary Procedure Rule 2.7 be suspended to allow all members of the public present to address the meeting."

The voting on the proposal was tied (6 voting in favour and 6 voting against) and was lost on the Chair's casting vote.

Councillor de Savage stated that a large number of people had been prevented from speaking at the meeting and excluded from the meeting by virtue of the size of the meeting venue.

## 3. MINUTES

The minutes of the meeting held on 16 December 2013 were agreed and signed by the Chair.

## 4. DECLARATIONS OF INTEREST

Councillor Hadland declared a personal, non-pecuniary interest in item 6 (minute 7) – Proposed Main Modifications to the West Northamptonshire Joint Core Strategy as Submitted – Ratification of Decision of 16 December 2013 - as he had advised a former client regarding a site in Brackley. Councillor Hadland stated that he would leave the room if there was any discussion on that site.

## 5. MATTERS OF URGENCY

There were none.

## 6. PUBLIC PARTICIPATION (IF ANY)

The following speakers addressed the Committee on item 6 – Proposed Main Modifications to the West Northamptonshire Joint Core Strategy as Submitted – Ratification of Decision of 16 December 2013.

Mr Patrick Cross on behalf of Whitehills and Spring Park Residents Association (WASPRA) referred to paragraph 6.1 of the report and stated that two aspects were critical - the plan and its positive management. The plan had risks, which must be assessed by identifying the factors that jeopardise its success, relating to healthcare (particularly in relation to an aging and growing population and in terms of hospital and health provision, with risks to health and life); flooding (concreting over acres of land would fill flood plains faster, the loss of two lives in flooding in Northampton in 1998, the current flooding in Somerset which Mr Cross stated could also have occurred locally and global climate change; he stated that the fact the Environment Agency had found no major issues with the plan did not reduce the high risk of flooding); traffic (overdependence on traffic predictions by developers and local authorities, assumptions of high module shift and flexible working hours, and a high toxic risk of very serious traffic congestion in Northampton). Mr Cross stated that the plan did not include sound methods of positively managing these issues. He stated that the County was nearly flooded and that infrastructure, including roads, hospitals and schools, was overloaded and Northampton would meltdown without sound solutions to mitigate the problems. He stated that the Main Modifications seemed to provide little fundamental change and that the plan was still unsound and unmanageable. WASPRA would be submitting representations during the consultation period ending on 25 February 2014. He stated that the plan ran the risk of being a case study of town planning failure.

Mr David Ballard on behalf of Harpole Parish Council stated his view that the Committee should consider the procedural flaw related to the meeting of 16 December 2013. He stated that from the comments made it was obvious that half the Committee had considered the whole plan was flawed and unsuitable for its intended purpose. He stated that the proposer of the motion had commended the plan for its existence, not its efficacy. He asked that the decision not be ratified but that efforts be made to reach a consensus plan. He stated that using South View and Sandy Lane as a corner stone of the enlarged Norwood SUE was in contravention of the NPPF's green belt policy and would effectively join Harpole to Northampton. Mr Ballard referred to a map which showed that as the area had previously been identified by South Northamptonshire Council as of significant landscape value and an important local gap and it was acknowledged that the land had potential issues of instability the suitability of the development was brought into question and he suggested that the original Norwood Farm application be reinstated. He also stated that the Strategic Employment Site at M1 junction 16 was not freely available as a substantial proportion was not willingly for sale by the landowners. He referred to a map showing that there were two high pressure gas pipelines, not shown on the proposal map, which would impose 100m wide swathes of undevelopable land across Phases 1 and 2. The modifications acknowledge that the land is of medium to high landscape value and good farm land. Mr Ballard stated that the need for the development was questionable, as it was understood that neighbouring employment areas have considerable spare capacity. He stated that no cognisance had been taken of the possible use of junction 16 as an entry to the Flore/Weedon bypass and possible new direct access for Bugbrooke Mill. He stated that the Parish Council has the status of a Neighbourhood Plan front runner and the three modifications to the original JCS were in the designated plan area but the Parish Council had not been consulted or advised when changes were to be made. In addition to the original 1,500 houses in the JCS the plan proposed a further 2,500 houses and the 4,000 houses and an industrial park would swamp the village. He considered that the whole process of modifying the JCS, including the need for this meeting, had been flawed. He asked if it was right that the community of Harpole should be "sacrificed on the altar of expedience" on a casting vote when there is available land for housing in Northampton and that the decision of 16 December 2013 should not be ratified.

Dr Geoff Pollard stated that QC viewed the Committee's decision of 16 December 2013 as ultra vires because of inadequate notice of substitution of a member of the Committee but

that a more fundamental reason was QC's finding that the substitution was unnecessary. Dr Pollard stated that QC's recommendation that the Committee ratify its decision of 16 December failed to acknowledge the tied vote at that meeting or say how the decision would be ratified, but assumed that choosing option 1 in the report would ratify the decision. He stated that it would respect both sides of the debate if the recommendation was to ratify or negate the decision. Dr Pollard stated that the decision on 16 December 2013 had been a three stage process (move, debate and vote) and he considered that ratification required all three stages to be repeated. He stated that whether the Committee wished to ratify or negate the decision the meeting should be re-run and that there should be a choice between re-running the meeting or not doing so. He stated that constituents would consider that the 16 December meeting had been flawed and should be re-run. He stated that one reason why the meeting was not being re-run now was that only the Chair had been consulted regarding the meeting, not all members, and that all members should be consulted before deciding meetings and agendas. He wanted democratically elected representatives to be able to take part in a full and open debate. He stated, though, that the meeting was in line with the Joint Committee Order establishing the Committee and with the Supplementary Procedure Rules. He considered that poor consultation was enshrined in the constitution of the Committee and that in forming the Committee members had surrendered their agency and the agency of those they represented.

Mr Robert Boulter stated that the whole process of the Joint Core Strategy had been a "shambles", ignoring meaningful and constructive consultation and localism and democracy, despite repeated consultants showing that residents had been overwhelmingly opposed to the plan from the beginning. The Committee had split along Council lines on 16 December and he stated this demonstrated the purpose of the committee to find the best compromise way forward had been a monumental failure. He stated that democracy and efficient administration had suffered at the previous meeting when the member who had spoken most forcefully for the motion should not have been able to speak or vote at the December 13 meeting and that it could be said his contribution had carried the vote. Mr Boulter stated that the intention at this meeting was to prevent the plan being debated again but to ratify what Mr Boulter called an illegal vote. Mr Boulter referred to insult and injury to democracy and transparency by not allowing a new debate. He stated that the residents of Northampton, particularly in the south east area of the town, and the NBC and NCC members considered that the plan was structurally and strategically wrong and failed to provide the infrastructure Northampton needed now, let alone for the proposed housing, and did not address the lack of land in Northampton Borough needed to meet the required housing. He stated that Northampton was developer led and that Daventry and South Northamptonshire wished to avoid the same issue in their areas by approving the plan. He stated that the plan was not sound, not positively prepared or sustainable and did not have a consensus and that democracy and localism had to be seen to be done and that the ratification of the decision should be rejected. He stated that the doctrine appeared to be that the plan may be bad but that the situation would be even worse without a plan. He stated that there was a need to put the plan in front of the Inspector and to pass control and responsibility for producing a sound and sustainable plan to the Inspector by ratifying the 16 December decision at this meeting.

Parish Councillor Trevor Ward on behalf of Moulton Parish Council stated that the NPPF noted a presumption in favour of sustainable development but that Overstone Leys SUE, as assessed by the local Parish Councils, was not sustainable under that definition at the original figure of 2,000 homes and less so at 3,500. He stated that the Inspector had indicated that sound evidence of housing needs and the sustainability of the development proposals was needed and Mr Ward stated that the evidence is still weak and unconvincing. Mr Ward stated that all Parish Councils on the north western edge of Northampton have agreed the harm the development would cause to existing communities and that it would

create traffic congestion unless a complete north-western bypass/relief road was constructed. He stated that Round Spinney roundabout improvements fall far short of what is needed to deal with current congestion and that 3,500 additional homes adjacent to the roundabout would be unfit for purpose and an immense burden on the infrastructure unless grade separation is introduced. The dualling proposals for the A43 would incorporate pedestrian crossings and traffic measures to serve the US and would cause congestion. He considered that the proposals were deeply flawed given existing traffic conditions. He stated that the existing traffic problems had been recognised as being above acceptable levels in Moulton and Overstone, pollution levels were high, and the secondary school and villages would be severely challenged by the traffic issues and increased numbers of vehicle movements. The SUE would exacerbate the problems and sustainable travel had not been adequately addressed. He stated that the Joint Planning Unit (JPU) had said that there were no other suitable sites for the 1,500 extra houses and had stressed the problem of coalescence as a major concern on other potential sites and said this must be avoided. The development would infill so that Overstone and Moulton would completely coalesce and he stated that the original JPU analysis had identified this as a problem if the SUE was selected. Mr Ward stated that financial support from development on this site for the A43 dualling had superseded all sensible planning considerations, with no concern for the welfare of Overstone and Moulton. He stated that the development would increase traffic and bring economic blight to the village amenities and a new school within a mile of Overstone would lead to the closure of the village school. He did not consider that Committee members from outside the local area had adequately engaged with the local communities. Mr Ward stated that it would be inappropriate for the development to go ahead, or be included in the plan, until there was a coherent development demonstrating adequate mitigation for the communities of Moulton and Overstone.

**NOTE:**

The Chair inadvertently called the first member of the public registered to address the Committee to speak before the administrative items 1-4 on the agenda had been disposed of.

**7. PROPOSED MAIN MODIFICATIONS TO THE WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY AS SUBMITTED - RATIFICATION OF DECISION OF 16 DECEMBER 2013**

Kevin Lane, as Lead Monitoring Officer for the West Northamptonshire Joint Strategic Planning Committee, stated that the purpose of the meeting was to rectify a procedural flaw which had been discovered at the previous meeting of the Committee on 16 December 2013 which made that decision susceptible to the risk of legal challenge. Ratifying the decision at this meeting would eliminate the risk of legal challenge. The procedural flaw was that the member substituted at that meeting had not provided at least 24 hours' notice in writing of the substitution to the Chair, although the Chair had been aware of the possible substitution for a number of days prior to the meeting. The lead Monitoring Officer stated that the Committee was only meeting to consider this issue and that it would be unlawful to consider the Proposed Main Modifications to the Joint Core Strategy itself at this meeting as that was not the subject of the officer report. If the decision of 16 December 2013 was not ratified the decision in fact remained valid unless a legal challenge was made and the decision was overturned. Ratification would remove the risk of such a challenge being successfully pursued. If the Committee decided not to ratify its decision the option, as set out in the report, would be to re-visit the merits of the proposed modifications at a future date.

The supplementary advice received from Queen's Counsel was that provided the Committee's decision of 16 December 2013 was ratified before the Proposed Main Modifications to the Joint Core Strategy were presented to the Inspector for further examination it was perfectly valid for the public consultation, which began on 14 January

and would conclude on 25 February 2014, to continue.

Councillor Chantler proposed, Councillor Breese seconded that "The decision made by the Committee at its meeting of 16 December 2013, as set out at paragraph 1.1 of the report, be ratified."

Councillor Chantler stated that he found Queen's Counsel's (QC) advice comforting. He stated that some people considered that any decision with which they disagreed was undemocratic.

Councillor Larratt spoke against the proposal. He stated that the meeting held on 16 December 2013 had been a "shambles" and not been open and honest, and that members of the public had not been able to speak and engage in the decision making. He stated that not all QC's advice had been published and that it stated that to ratify the Committee's decision was not risk free and that the safest option was for the Committee to re-consider its decision of 16 December 2013. He stated that the Government had established the Joint Strategic Planning Committee to seek a consensus for West Northamptonshire but it had not proved possible to reach that consensus. He did not consider that the process complied with the rules and regulations established for the process and was against the wishes of the people of Northampton. He hoped that the Inspector would not accept the plan as proposed.

Councillor Michael Clarke stated that the plan needed a clear endorsement and that a consensus had clearly been lacking at the meeting held on 16 December 2013. He stated that the Committee should consider the view the Inspector would take of the "wafer thin" majority vote in favour of the plan being put to public consultation. He made a plea for the plan to be re-considered, allowing members of the public who had not been allowed to do so to speak, and to seek to take the plan to the Inspector with a clear democratic mandate.

Councillor Nunn stated that he could not support the ratification of the Committee's decision and had then to support the option of re-considering the plan. He considered that the plan was an over-development of the South of Northampton and would have an impact on the whole of Northampton.

Councillor Hadland stated that as there had been a procedural flaw at the meeting on 16 December 2013 he believed that no decision had actually been made at the meeting. He did not consider that an erroneous decision could be ratified and the plan should be re-considered.

Councillor Gonzalez de Savage stated that the plan needed to be strategic but was unsound. There was a red line around many parts of the plan and the impact of the plan would be on Northampton. He expressed concern that the meeting was not being held at the correct venue and that members of the public were being prevented from addressing the Committee by restricting the number of public speakers to five. The County Council had made representations against the plan for many years but these had not been taken forward. He stated that the Environment Agency had issues regarding flooding which had not been addressed and stated that the flooding issues being experienced in Somerset could occur in Northamptonshire. He stated that development should be in the right location and in the correct manner. He referred to "scaremongering" by some members of the Committee if the plan was not approved. He did not understand why the Committee was considering at its meeting something which it could not ratify.

Councillor Millar stated that the process to develop a Joint Core Strategy (JCS) had been on-going since 2006 and that the Government had merged the plans of the local authorities

in West Northamptonshire to seek growth for Northampton and had established the Joint Strategic Planning Committee. There was a risk in whatever was included in the JCS. He stated that there was a limit on what could be developed in North Northampton and that Moulton and Overstone had taken more than their share of development. If the plan was adopted there would still be development in West Northamptonshire but without a plan there would be no defence against development. He stated that the majority of homes proposed around Northampton were outside the Borough boundary and fell within Daventry and South Northamptonshire districts, where the impact of development would be experienced.

At this point, the Chair requested members of the public not to interject when members of the Committee were speaking.

Councillor Millar stated that the public had a right to feel passionately about their areas but that a plan had to be agreed which some people might not agree with or West Northamptonshire would be left in the hands of developers. He stated that it would entail a massive risk to the area if a plan could not be agreed. He fully supported the ratification of the plan and if ratified would seek an early review of the plan.

Councillor Gonzalez de Savage asked to speak again and was permitted by the Chair. Councillor Gonzalez de Savage stated that the public were not passionate but were fearful of being flooded if the plan was approved and wanted to protect their areas. They had not been given a voice to express their concerns at the meeting and should have been allowed to do so.

As proposer of the motion Councillor Chantler addressed the Committee again. He stated that advice given by the Planning Minister was if a Joint Core Strategy was not perfect it should be accepted on the grounds that an early review (within three years of the plan's adoption) should be undertaken. Often plans were not reviewed until their final year but it was being suggested that the West Northamptonshire JCS should be reviewed after three years.

It was proposed by Councillor Larratt, seconded by Councillor de Savage, "That a recorded vote be held on the proposal before the Committee."

Upon a recorded vote being taken:

the following Councillors voted in favour of the proposal:

Councillors Breese, Chantler, Stephen Clarke, Digby, Millar and Over,

the following Councillors voted against the proposal:

Councillors Michael Clarke, Flavell, Gonzalez de Savage, Hadland, Larratt and Nunn.

The vote was tied 6 for and 6 against and the proposal was carried on the Chair's casting vote.

#### **RESOLVED:**

That the decision made by the Committee at its meeting on 16 December 2013 be ratified, as set out below:

1. That the proposed Main Modifications, attached at Appendix 1 to the report, to the Pre-Submission version of the West Northamptonshire Joint Core Strategy, as

amended by the Proposed Changes, be approved for a six week consultation period to run from 14 January to 25 February 2014.

2. That the Head of the Joint Planning Unit be authorised in consultation with the Chair of the Joint Strategic Planning Committee to agree any editorial changes required to the Proposed Main Modifications.
3. That the Communication and Consultation Strategy, as attached at Appendix 2 to the report, to support the Proposed Main Modifications to the Pre-Submission version of the West Northamptonshire Joint Core Strategy, as amended by the Proposed Changes, be approved.

The meeting concluded at 6:50 pm.