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| Item No: 10 |
| Date: 16 December 2008 |

**WEST NORTHAMPTONSHIRE
JOINT STRATEGIC PLANNING COMMITTEE**

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| Public Local Inquiry into three Urban Extensions at Daventry |
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REPORT OF THE INTERIM HEAD OF THE JOINT PLANNING UNIT

Recommendation

1. That the Committee approve the attached paper and its submission to the Planning Inspectorate as a statement of the position of the Committee to assist the Public Local Inquiry.
2. That the Committee agrees that Officers of the Joint Planning Unit discuss the possibility of the Secretary of State making a Direction under Article 10(3) of the Planning and Compulsory Purchase Act 2004 directing that the Constituent Local Authorities and the West Northants Development Corporation consult the Committee on strategic applications. Officers are to report back to the next meeting.

Background

- 1.1 The purpose of this report is to respond to a formal request from Daventry District Council that this Committee makes a statement on its position in respect of the five conjoined Planning Appeals, which are to be the subject of a Public Local Inquiry scheduled to commence on 20th January 2009.
- 1.2 In 2007, WNDC and Daventry District Council received five planning applications for three mixed use urban extensions, known as Danetree, Church Fields and Monksmoor.

The Monksmoor application falls wholly within the WNDC area and is for some 1,000 dwellings and 3,000sq m commercial and employment uses.

The Danetree and Church Fields applications are cross-boundary and are significantly larger than the Monksmoor application. The Appeals are against the failure of WNDC and Daventry District Council to determine the applications.

- 1.3 The Planning Appeals are for up to 10,150 dwellings and a significant amount of commercial and employment uses together with supporting social and community infrastructure and retail. The Secretary of State is the determining authority for all the Appeals.

The Role of the West Northamptonshire Joint Strategic Planning Committee

- 2.1 The WNJSPC came into existence by virtue of the West Northamptonshire Joint Committee Order 2008. Article 3 of the Order states that the WNJSPC is constituted as the local planning authority for the area for the purposes of Part 2 (Local Development) of the Planning and Compulsory Purchase Act 2004. It is an important legal distinction that the Order established the WNJSPC as a local planning authority and not a district planning authority. There is, therefore, no statutory duty on the constituent authorities, or the WNDC to consult with the Committee before determining planning applications, which there would be if the WNJSPC was a District Planning Authority. The Committee can, however, request that the constituent authorities and the WNDC consult the Committee on an informal basis with regards to certain specified applications and may wish to consider this.
- 2.2 The Secretary of State may, pursuant to Article 10(3) of the 2004 Act, give a Direction to a local planning authority directing that authority to consult any person or body named in the direction for a specified class or classes of application. The Secretary of State has not made such a Direction, but the Committee could request that she makes such a Direction.
- 2.3 Daventry District Council was the plan making body responsible for producing a Core Strategy, when the planning applications were made. The decision was taken that these large applications would largely pre-determine decisions about the location of new growth in Daventry in advance of the Core Strategy. The Council took the view that the applications were premature, although considered that in view of its modest size, the application at Monksmoor would not materially prejudice the preparation of the Joint Core Strategy.
- 2.4 The Joint Planning Committee is now the plan-making authority and has been asked by Daventry to give a view to assist the Secretary of State in her decision and to assist the Public Local Inquiry.
- 2.5 It would be inappropriate for the Committee to make detailed comments on the application and, in the absence of a Core Strategy or an emerging policy basis for a Core Strategy, cannot give a view based on policy. However, the Committee can consider the implications of the Appeals on the plan-making process. Appendix 1 seeks to do this

and sets out those issues, which would be appropriate, for the Secretary of State to take into account in determining the Appeals. Essentially, this hinges on whether or not she is of the opinion that a favourable determination would be in accordance with PPS3 and that the development would not prejudice the plan making process and the creation of a spatial vision for the area.

- 2.6 This report, together with the attachment, should be sent to the Planning Inspectorate to assist the Inspector during the course of the Inquiry.