

Addendum to 19th January 2015 Council Report: West Northamptonshire Joint Core Strategy Adoption.

Correspondence has been received in relation to the report from a number of individuals representing organisations. The correspondence includes general comment, reference to factual errors requiring amendment, as well as suggested additional points required to be brought to Council's attention.

Factual Errors

The version of the report published on the internet contained some factual errors in relation to dwelling numbers in the Sustainable Urban Extensions policy references.

Response:

The factual errors were observed prior to the Council report being sent to print, so have been corrected in any printed reports produced by the Council. The updated report was made available on the Council's website around 9.30am on 13th January 2015.

Robert Boulter for Hunsbury and Collingtree Residents' Alliance, Collingtree Part Residents' Association and Wootton Brook Action Group. E-mail to Steve Boyes 13/01/15 and 11/01/15

Issue:

Sought clarity as to whether:

- 1) paragraphs 2.1 and 2.2 of the report would be the wording of the Council's objections to site allocation policies N5 and N6.
- 2) consideration by the planning officer and Planning Committee of the objection as a material consideration covers the whole of the policy N5 and N6 sites
- 3) Council's objection would be a material consideration for applications within the policy N5 and N6 boundaries, even if they were not necessarily called a 'Sustainable Urban Extension' or only relating to part of the sites
- 4) given report deadlines, sufficient time exists for incorporation of Council's decision as a material consideration within the 28th January 2015 Planning Committee reports related to the determination of policy N5 site applications.

In addition a further e-mail was sent advising that a petition would be submitted related to the Council agenda item – seeking additional resolutions to:

- a) state that the adoption of the Joint Core Strategy by the West Northamptonshire Joint Strategic Planning Committee (JSPC) is not

considered binding on Northampton Borough Council, or incorporated into the Council's development plans

- b) in conformity with articles in the Statutory Instrument related to the JSPC to call a meeting of the JSPC with a motion to rescind the decision to adopt the Joint Core Strategy
- c) seek legal advice with a view to challenging the adoption resolution and if such advice identifies it as possible, a challenge is made by 26th January 2015 and the opportunity of financial support from the petitioners is tested.
- d) determine if these actions are sufficient to delay or defer decision by the Planning Committee on the 28th January 2015 of the Bovis application related to the Policy N5 site, or whether there are other actions that NBC Cabinet can take to postpone the applications.

Response:

Subject to the recommendations being approved

- 1) Yes
- 2) Yes
- 3) Yes
- 4) Yes, reference will be made to the Council recommendations and if necessary either a verbal or written update provided on the Council resolution at Planning Committee.

In relation to the Petition:

- a) In practical terms such a resolution is unlikely to achieve anything greater than the resolutions currently proposed in the Council report. The fact is that on its adoption by the JSPC that the JCS became part of the Development Plan. It will remain as such, either in whole or in part until either:
 - i. a successful legal challenge is made by an aggrieved person to its adoption
 - ii. the Plan is rescinded by the Secretary of State after considering a request from the JSPC, or any of the constituent Local Planning Authorities if the JSPC Statutory Instrument is revoked or reviewed
 - iii. policies in the JCS are replaced through the adoption of a future Local Plan

In relation to:

- i. this will run its course should such an application be made to the Courts
- ii. in the short term given that the Secretary of State did not disagree with the Planning Inspector acting on his behalf in considering the Plan to be sound and has also subsequently indicated to the Council that he did not wish intervene by using his call in powers between publication of the Inspector's report and adoption by the JSPC such a request will undoubtedly fail, particularly so if all partners on the JSPC do not support such a request. Clearly as Daventry and South Northamptonshire Council members of the JSPC were unequivocal in their support of adoption of the JCS at the 15th December 2014 JSPC meeting, a full partner agreement will not be forthcoming. In any event, even if there was full partner agreement, the Secretary of State has indicated through correspondence that the best way to deal with perceived issues is through early review of an adopted JCS.
- iii. Review of strategic policies within the JCS would have to occur either through a single document approach such as a replacement JCS or individual Local Plans by the Councils delivered in a co-ordinated manner through the duty to co-operate, e.g. Joint timetabling of consultation and agreed position statements/consistent Local Plan policies.

Richard O'Driscoll Director for and on behalf of Collingtree Park Golf Course Limited to Steve Boyes 12th January 2015

Issue:

- 1) Paragraph 1.1 - Reference should be made for the avoidance of doubt in the Council paper to policies N5 and N6 as being adopted within the JCS. In addition the purpose of the 15th December JSPC meeting was to adopt the JCS subject to the Inspector's report and its main modifications; the meeting was not to discuss allocations or strategic highways infrastructure.
- 2) The JCS Inspector's report is a key document should be identified as a background report.
- 3) There has been over 8 years to bring these matters to the JSPC and to object to something that does not exist is inappropriate, as the transportation modelling has been used extensively to determine large scale planning applications recently given consent.
- 4) The JCS is either adopted or not, these are the only legal options available and it is adopted therefore the Plan for NBC.

- 5) Paragraph 3.1.1 - reference needs to be made to Northampton Borough Council being the worst Council in England in 2003 and to the West Northamptonshire Development Corporation being set up.
- 6) Paragraph 3.1.2 – further reference needs to be made to content in the Statutory Instrument of the role of the JSPC.
- 7) Paragraph 3.1.5 – The proposed allocation for Collingtree was larger in the Emergent JCS in between the stages of the Plan adoption there has been a change in government and the NBC administration. Perhaps a timeline needs to be included within the report.
- 8) Paragraph 3.1.10 – need to provide clarity as to what the greater concerns the members had in relation to N5 and N6. One can assume that they expressed these concerns to the Inspector and he considered their points?
- 9) Paragraph 3.1.11 - Due to the period for adoption and time between stages, it is difficult to suggest that there were time constraints.
- 10) Paragraph 3.1.13 – The Council made representations to the modifications and the Inspector considered them.
- 11) Paragraph 3.1.16 – The issue that the Leader was asking the Inspector to be sympathetic to was to increase the area of land to the available allocation to the west to accommodate homes and create an access link onto the Old Towcester Road.
- 12) Paragraph 3.1.14 – The transport model used by the County Council is the same for the North Northants JCS and major recent applications within Northampton.
- 13) Paragraph 3.1.20 - Concerns of the Council's JSPC have been addressed by the Inspector and Policy N5 found sound
- 14) Paragraph 3.1.33 – In relation to the Council's JSPC concerns the site has been subject to scrutiny and consultation over eight years or more and dealt with by Inspector in his report paragraphs 129 and 131-133. The Inspector has taken into account the Council's Leader's and JSPC members concerns.
- 15) The recommendation is discriminatory in its impact as it causes disadvantages to the owner of the site who is considered to be within a recognised minority ethnic group.

Response

- 1) Policies N5 and N6 being within the adopted JCS is addressed throughout the report. It is clear within the report that the Council's JSPC members

feel that due to the formal stages of adoption process they did not feel they were allowed to sufficiently raise their concerns which were further intensified through their attendance in the Examination Hearings sessions with the Inspector.

- 2) It is considered that appropriate reference is made to the contents of the Inspector's report in having a bearing on the recommendations made. The report is clear in paragraphs 3.1.18 that the Inspector considered all duly made representations and the fact that the members objections were drawn out extensively at the Hearings.
- 3) Notwithstanding the time, the report represents the concerns of the current NBC JSPC members whom have not been on the Committee at all stages of the adoption process. The transport modelling used for wider strategic planning purposes and that related to site specific applications are different, whilst localised impacts on the network can be understood in relation to individual sites, an understanding of the completed whole 2029 completed development scenario on the whole network is not considered by the members to be sufficiently robust; the model was never designed at the outset to assess this quantum and timescale for development.
- 4) Correct, the Plan has been adopted and therefore forms part of the Development Plan for Northampton.
- 5) Not relevant to the decision being made, so doesn't warrant inclusion.
- 6) Sufficient information on the role of the Committee is provided throughout the report.
- 7) The report is clear enough about the timescale of stages in 3.1.5.
- 8) The issue is that NBC JSPC members were unable to air these greater concerns due to the timing of their appointment on the Committee which did not facilitate them making a duly made representation and the Inspector not allowing JSPC members speaking against policies supported by resolutions from the JSPC.
- 9) This does not sufficiently recognise the complexity of the issues and the associated work required by the Inspector to make the Plan sound. To be consistent with the Inspector's requirement of revisiting the whole plan and assessing options with an open mind, substantial additional evidence was required. This took a significant time and resulted in the reconvening of Examination hearings being postponed due to the work not being finished. Only at the point of all the evidence being in front of them could JSPC members debate the options. Even after postponement, time was very short and NBC JSPC members did not feel that their concerns were given sufficient time to allow agreement between partners to be established prior

to the proposed modifications coming to a formal decision meeting of JSPC.

- 10) As indicated in paragraph 3.1.16, the Council was unable to make duly made representations on elements of the JCS as these were not being amended.
- 11) Whilst the Leader's letter did relate to this matter it also addressed the Council's sympathies with the submissions made by the Parish Council and resident's groups in relation to the allocation, which covered wider issues than the additional land to the west and are consistent with NBC JSPC members' wider concerns.
- 12) See comment in response 3).
- 13) Whilst the Inspector considered all the representations in front of him, NBC JSPC member specific concerns have not been specifically addressed as they were not submitted as duly made representations.
- 14) See response to 13)
- 15) This is an unavoidable outcome of a recommendation made that is based around the merits of the site as an allocation for the development proposed. It is absolutely in no way motivated by or related to the ethnic characteristics of the site's owners.

John Lougher Regional Managing Director South Midlands Region for and behalf of Bovis Homes. Letter to Steve Boyes 14/01/15

Issue:

- 1) Paragraph 3.1.16 does not report that the Leader's letter/ report dated 19/02/14 did not object to the allocation in principle but rather to his support for the alternative means of access(para.3.2.63)- a point which was considered and rejected by the Inspector (IR para .130)
- 2) Paragraph 3.1.33 does not advise that N5 has subsequently achieved full technical sign-off; this cannot be other than highly relevant to Council's consideration of the recommendation.
- 3) The report fails to mention the Council's existing 5-year housing land supply deficit; again this is a highly relevant consideration to the proposed resolution.

Response:

- 1) The report identifies that the Leader of the Council wrote to the JCS Inspector requesting that he give weight to the concerns of local residents. The report also advises that, notwithstanding the concerns of residents

which NBC JSPC members echo and which were discussed at length during the examination, the Inspector concluded that the plan was sound.

- 2) The transport, impact on the setting of existing settlements, increased flooding risk and social infrastructure implications of policy N5 have been addressed in studies submitted in support of the allocation and have been addressed in the Inspector's report. Notwithstanding this, which is identified in the Council report the JSPC members still have concerns which they do not feel have been adequately addressed, hence the recommendations in the Council report. Further reports have been submitted in association with the subsequent planning application, nevertheless the fact is that the application together with the robustness of its supporting evidence has not yet been considered by the Planning Committee.
- 3) The Council has acknowledged that it cannot currently demonstrate a 5 year housing land supply in the Northampton Related Development Area 5 Year Housing Land Supply Assessment published in April 2014. Certainly whilst members of the Council are aware of the potential implications of not having a 5 year housing land supply, this might not be the case for all Council members.

On this basis, it is considered an important risk which Council needs to be aware of in its consideration of the recommendations. If confirmed the recommendations could well cause at the very least delay in the planning application determination process, or ultimately should the decision maker consider based on all the material planning considerations in front of them that the application should be refused, result in the site not coming forward in the short term for development. Government is clear that housing targets need to be met. This, because of the Council's lack of a 5 year housing supply will mean that the Council and its neighbouring areas could well be at risk of development proposals on sites not in residential use currently, and which normally might not be considered appropriate for such development, with the associated issues that this brings.

Mr Andrew Wintersgill Senior Associate for and on behalf of David Lock Associates, planning consultants for Bovis Homes. 15th January 2014

Makes reference to and appends Bovis Homes letter above.

Issues:

- 1) Concerns as to impacts on the Plan led system and also identifies the associated risks related to 5 year housing land supply and also potential need to address displacement of the dwellings on these sites in the wider Northampton Related Development Area. An example of a recent allowed

appeal on an unallocated housing site in West Haddon citing weight attached to meeting the 5 year housing supply is attached.

- 2) In relation to the 28th January 2015 Planning Committee reports related to applications on the Policy N5 site it is suggested that the weight attached to the Council's recommendations if approved should be very limited when balanced up against other relevant material planning considerations including the technical evidence to support the application and the lack of a 5 year housing land supply.

Response:

- 1) It is recognised that the recommendation in the context of the plan adoption process could ordinarily be regarded as unusual. Nevertheless, it is as a result of the specific and unique issues related to the adoption process as set out in the report. As in the response to 3) John Lougher, the risks of not being able to show a 5 year housing supply, as the appeal decision referred to by Mr Wintersgill indicates, in itself can bring risks associated ultimately with land which might otherwise not be considered suitable being granted consent for residential development. In this case it would have resulted in Daventry Council having to dedicate additional significant resource of defending an appeal against refusal.
- 2) It is for the planning committee with available advice of officers to determine the weight that it wishes to give to individual material planning considerations.