

Settlements and Countryside Local Plan (Part 2) for Daventry District - Examination Inspector's Matters, Issues and Questions

Notes

Prior to the forthcoming Hearing sessions, responses are invited from participants on the following Matters, Issues and Questions (MIQs) raised by the Inspector. The MIQs do not intend to cover every policy in the Settlements and Countryside Local Plan (Part 2) for Daventry District Submission version (the Plan). Instead they are based on the Main Issues identified by the Inspector, taking account of the views of the Council and other representations.

Further information about the Examination, Hearings and format of written statements is provided in the accompanying Guidance Note, which should be read alongside the MIQs.

The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, with an updated version published on 19 February 2019. Paragraph 214 confirms that under transitional arrangements, the 2012 Framework will apply to plans submitted on or before 24 January 2019. References in this document to the Framework, therefore, should be taken to mean the 2012 Framework.

Matter 1 - Legal Compliance and the Duty to Co-operate

Issue

Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the duty to co-operate on strategic matters been satisfied?

Questions

In responding to these questions, the Council should identify and address specific concerns raised in representations.

Consultation / Statement of Community Involvement (SCI)

1. Has the Plan been prepared in accordance with the statutory procedures of the 2004 Act (as amended) and the associated regulations, including in respect of the publication and availability of documents, advertisements and notifications? Has the production of the Plan followed the SCI?
2. Were adequate opportunities made available for participants to access and make comments on the Plan and other relevant documents?
3. Were representations adequately taken into account?

Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)

4. What was the methodology used for the SA and was the approach appropriate? How and when was the process undertaken?
5. To what extent has the SA informed the content of the Plan? Have the likely economic, social and environmental effects of the plan been adequately and accurately assessed in the SA?
6. Does the SA test the Plan against all reasonable alternatives?
7. Has adequate consideration been given to the HRA? Will the Plan, alone or in combination, adversely effect any Natura 2000 sites?
8. Has the Council taken account of the judgement in *People over Wind, Peter Sweetman v Coillte Teoranta*?
9. Is Natural England satisfied with the content of the Plan?

Local Development Scheme (LDS)

10. To what extent has the production of the Plan followed the LDS?

Duty to Co-operate (DTC)

11. Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the plan's preparation, as required by the DTC?
12. What strategic, cross-border matters have arisen through the preparation of the Plan and what cooperation took place to resolve them?
13. Are there any outstanding concerns from adjoining authorities or other DTC bodies regarding the DTC?
14. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan?

N.B. The Council should liaise with DTC bodies to produce a statement of common ground in advance of the hearing sessions, if they have not done so already.

Matter 2: Spatial Strategy

Issue 1

Whether the Plan is consistent with the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (JCS) and whether it has been positively prepared, is justified, effective and consistent with national policy in relation to the scale and distribution of development proposed.

Questions

In responding to these questions, the Council should identify and address specific concerns raised in representations.

1. What is the context provided by the JCS in terms of the overall scale of development required? What are the specific requirements for housing, employment, town centres, etc? Is the scale of development proposed in the Plan consistent with this?
2. What is the overall spatial strategy for Daventry District and the approach of the JCS towards the distribution of development within Daventry Town, Rural Areas and the Northampton Related Development Area (NRDA)? Is the Plan consistent with this?
3. Is the principle of focusing growth and allocations at Daventry Town and the proposed settlement hierarchy as identified in the Plan, consistent with the JCS?
4. Does the Plan include sufficient flexibility and contingencies to take account of unexpected changes in circumstances, including the review of the JCS?
5. How does the Plan intend to "assist with the delivery of plan-led development to meet Northampton's needs where it is identified that this cannot be accommodated within the NRDA" as set out in Policy SP1? What is the current position in that respect?
6. Would the approach to green wedges influence the ability to meet the JCS housing requirement, including in circumstances where that requirement may be subject to a forthcoming review outside of this Plan?
7. Is the methodology used to determine the settlement hierarchy in Policies RA1, RA2, RA3 and RA4, robust and consistent with the evidence? Are there any significant factors that indicate that any individual settlements should have been identified in a different tier of the settlement hierarchy? If so, what key factors and evidence informed the approach of the Plan to those settlements and their intended categorisation?
8. What is the approach of the Plan in terms of defining settlement boundaries or confines and development in rural areas? Do those approaches reflect the characteristics, roles and functions of individual settlements and other areas of Daventry District during the plan period?

9. Is the wording of Policies RA1, RA2, RA3 and RA4 sufficiently clear for the purposes of decision-making? Is the wording consistent with other related policies of the Plan (i.e. Policies ENV7, ENV10, EC4, CW3)? Is the restriction that development outside of defined confines will only be acceptable in "exceptional circumstances" as set out in Policies RA1 and RA2, justified and consistent with national policy?
10. Is the approach of Policy RA6 relating to the open countryside, justified and consistent with national policy?
11. Are the approaches of Policies NP1, RA1, RA2 and RA3, justified and consistent with national policy, in so far as they seek that allocations in neighbourhood development plans comply with criteria set out in the relevant settlement hierarchy policy of the Plan?
12. Are Policies NP1, SP1 RA1, RA2, RA3, RA4, RA5 and RA6 otherwise positively prepared, justified, effective and consistent with national policy?

Issue 2

Whether the approach towards infrastructure is justified, effective and consistent with national policy, so as to ensure the timely delivery of the scale and distribution of development in the Plan.

Questions

1. What are the likely impacts of the proposed scale and distribution of development on infrastructure? How have these been assessed?
2. What specific improvements to infrastructure are proposed or will be required? What is the likely cost? How will they be brought forward and funded?
3. Have the A45 Braunston Road/Timken Way roundabout, A45 Stefen Way/A425 roundabout and Eastern Way/Northern Way roundabout been subject to individual junction traffic modelling as part of the Plan to identify the scale of improvements required in accordance with the recommendations of the Transport Modelling evidence (TR1 and TR2)? How are any improvements intended to be delivered by the Plan?
4. Is the approach in the Plan justified with respect to the Northampton Northern Orbital Route and Northampton North West Relief Road? Are there any updates in terms of the current status of those projects, routes, timescales and sources of funding? Have the potential implications of the delivery of those projects been accounted for as part of the identification of allocations in the Plan?
5. Is there a need to include any additional specific infrastructure projects in the Plan? Does the Infrastructure Delivery Schedule (Appendix H) take sufficient account of the need to assist delivery of the allocations and any cross-boundary implications of infrastructure requirements?

Matter 3: Delivering the housing requirement over the plan period

Issue 1:

Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy, so as to ensure the timely delivery of the JCS housing requirement for Daventry District.

The JCS plan period is from 2011 to 2029 and sets the housing requirement for Daventry District. Revising the housing requirement is not within the scope of this Plan. Discussion at this hearing session will, therefore, focus on ensuring the Settlements and Countryside Local Plan (Part 2) for Daventry District allocates sufficient housing land to deliver the housing requirement as set out in the adopted JCS. In responding to the following questions, the Council should seek to identify and address specific concerns raised in representations.

Questions

1. Is there a specific reason or justification why the housing trajectory in the Plan and the Housing Land Availability Report 2018 (HOU7) when setting out the completions and housing land supply position as at 1 April 2018, exclude the NRDA component listed in the JCS? Does the Plan intend to support the delivery of the housing requirement in the NRDA in Daventry as set out in the JCS?
2. Is the housing trajectory in the Plan realistic? Does it demonstrate a supply of deliverable sites and developable sites that would meet the JCS housing requirement for Daventry District?
3. Is more recent monitoring information now available and does this alter the actual or forecast completion rate of dwellings against the expectations of the JCS?
4. Is there a sufficient range and choice of sites allocated in the Plan in terms of location, type and size, to provide adequate flexibility to meet the JCS housing requirement for Daventry District? Would the housing allocations ensure that the Plan would be consistent with the Framework, in so far as it seeks to boost significantly the supply of housing?
5. Are the sites that are relied upon for the supply of housing in rural areas - deliverable and/or developable? What evidence is there to support this?
6. Is the expected contribution from windfalls, as included in the housing trajectory for both Daventry Town and rural areas, realistic and justified by evidence?
7. Is it appropriate to apply a lapse rate of 20 dwellings per annum from 2018/19 onwards as set out in the housing trajectory for planning permissions or neighbourhood plan allocations in rural areas? Is such an approach justified by evidence?
8. Are the neighbourhood plan allocations that are identified in the housing trajectory consistent with those within made neighbourhood plans? If not,

what certainty is there that any further allocations will be part of a made neighbourhood plan?

9. What contingencies are in place should housing delivery fall below expectations within the housing site allocations in Daventry Town, the rural areas and/or in the NRDA in Daventry District? Would it be necessary to consider other areas for development?
10. Are the approaches to self-build and custom housebuilding in Policy HO5, rural workers dwellings in Policy HO6 and rural exception site selection in Policy HO7, justified, effective and consistent with national policy?
11. Is Policy HO8 justified and consistent with national policy, with respect to the specific requirements relating to market housing, affordable housing, housing standards and specialist accommodation?
12. Is there any evidence that any of the policy requirements in Policy HO8 would affect the viability or deliverability of housing sites? Is the policy sufficiently flexible? Would it allow for specific circumstances, including viability, to be taken into account?
13. Are the recommendations of the viability assessment (GEN01) reflected in the Plan?
14. In overall terms, would the Plan realistically deliver the dwellings required over the plan period by the JCS?

Issue 2:

Whether the proposed allocation of sites and site selection accords with the JCS and is consistent with national policy.

Questions

1. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested?
2. Are the reasons for selecting the preferred sites and rejecting alternative sites, clear and consistent? Is there a reason why sites where the SA identified significant negative effects such as Daventry South West (HO1) were selected, whereas others were not?
3. Have any potential effects of the proposed site allocations on the predicted annual delivery rate of housing at the Daventry North East Sustainable Urban Extension (JCS allocation) and/or the NRDA been adequately considered? What is the current situation with respect to those sites allocated in the JCS?

The Council is requested to address the following questions for each of the proposed allocations and related policies; HO1 - Daventry South West, HO2 - Daventry, Micklewell Park Extension, HO3 - Daventry, Micklewell Park and HO4 - Daventry, Land at Middlemore. For those sites where representations have been made the Council is requested to respond to the particular issues raised. In

doing this any updated information regarding planning permissions, sites under construction and existing uses should be included.

4. Are the proposed housing site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts? Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect viability and delivery?
5. Are the site boundaries correctly defined?
6. Are the assumptions regarding the capacity of the sites in terms of density of development and net developable areas justified and what is this based on?
7. What is the expected timescale for development in terms of lead in times and annual delivery rates, are these assumptions realistic and supported by evidence?
8. How do the proposed housing allocations help to ensure a built environment that meets the needs of all sections of the community?
9. Has the SA adequately assessed the housing allocations against relevant environmental, social and economic objectives? Can suitable mitigation measures be achieved in order to address any potential adverse effects identified? Are these assumptions realistic?
10. Are the proposed housing allocations and the associated development requirements and principles in the related policy, including any necessity for master planning, – justified, effective and consistent with national policy?

Matter 4: Employment and Economy

Issue 1:

Whether the policies seeking to support the regeneration of Daventry Town Centre and the distribution of main town centre uses are effective, justified, consistent with national policy and in general conformity with the JCS?

Questions

In responding to these questions, the Council should identify and address specific concerns raised in representations.

1. Is the extent of Daventry Town Centre suitably defined in the Plan? Has the town centre boundary been extended as part of the Plan and if so, how and is such an approach justified?
2. What is the evidence in terms of the additional capacity for retail and other main town centre uses in Daventry Town Centre and to what extent could the requirements set out in the JCS be accommodated within it through the implementation of Policies EC1 and EC2?
3. What is the expected timescale for development in terms of lead in times and delivery, are these assumptions realistic and supported by evidence?
4. What is the basis for the definition of the primary shopping area and the associated criteria in Policy EC1? Would the additional requirements relating to main town centres in the primary shopping area be effective and are they justified? Is the Plan sufficiently clear in terms of what would constitute "over-dominance of non-retail use within a frontage"?
5. What is the intention of referring to primary shopping frontages and secondary frontages in the supporting text rather than Policy EC1? Is such an approach justified, effective and consistent with national policy?
6. Does the specific support for residential development within the town centre where it is above ground floor and with suitable access in Policy EC1 (C), intend that other forms of residential development will be restricted? If so, is such an approach justified and consistent with national policy?
7. Is the distribution of main town centre uses in Policy EC3 - Daventry, Land to the North and West of town centre, in an edge of centre location justified by evidence that suitable and viable town centre sites are otherwise not available? How does the allocation relate to the delivery of requirements set out in the JCS? Does the policy take appropriate account of circumstances relating to a planning permission recently granted on the Waterloo and Former Gas Works section of site allocation EC3?

Issue 2:

Whether the approach towards the supply and delivery of employment development is justified, effective and consistent with national policy and the JCS.

Questions

1. What is the basis for the approach to employment development and the strategy for economic growth set out in the Plan? Is it consistent with national policy and the JCS? Is the approach justified and effective?
2. Is the identification of Strategic Employment Areas justified and in accordance with national policy? What land supply remains available within the Strategic Employment Areas and what contribution can they make relative to identified needs? Is there any evidence of long-term vacancy of land and premises?
3. Is there a suitable range and choice of proposed employment site allocations, in terms of location, type, quality and size, to address the particular characteristics, roles and functions of areas of Daventry District, including the storage and distribution centre of national significance at DIRFT, and to meet the requirements of the JCS?
4. Is Policy EC4 otherwise positively prepared, justified, effective and consistent with national policy and would it be sufficiently flexible to allow for alternative uses where appropriate?
5. On what basis are the two sites within Policy EC8 identified and is the policy sufficiently clear and precise in terms of the identification of those areas? Would the policy provide sufficient clarity for the purpose of decision making?
6. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested?
7. Are the reasons for selecting the preferred sites and rejecting alternative sites, clear and consistent?

The Council is requested to address the following questions for each of the proposed allocations and related policies; EC5 - Daventry, Land off Newnham Drive, EC6 - Daventry, The Knoll, EC7 - Daventry, Land North West of Nasmyth Road, EC9 - Daventry South East Gateway and EC10 - Daventry International Rail Freight Terminal. For the sites where representations have been made the Council is requested to respond to the particular issues raised. In doing this any updated information regarding planning permissions, sites under construction and existing uses should be included.

8. Are the proposed employment allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts? Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect deliverability or viability?

9. Are the site boundaries correctly defined?
10. What are the assumptions regarding the capacity of the site allocations for development and what is this based on?
11. What is the expected timescale for development in terms of lead in times and delivery, are these assumptions realistic and supported by evidence?
12. Are the suitable employment uses indicated and the restriction on unit sizes, including any differentiations for existing businesses in Daventry District, justified and consistent with national policy?
13. Is the approach to include the proposed site allocations within the scope of Policy EC4 once completed, justified?
14. Has the SA adequately assessed the employment allocations against relevant environmental, social and economic objectives? Can suitable mitigation measures be achieved in order to address any potential adverse effects identified? Are these assumptions realistic?
15. Are the proposed employment allocations and the associated development requirements and principles in the related policy, including any necessity for master planning, – justified, effective and consistent with national policy?

Matter 5: Built and Natural Environment

Issue

Whether the approach to the built and natural environment is positively prepared, justified, effective and consistent with national policy.

Questions

For each policy listed below, the Council should set out the basis for the policy approach, what it seeks to achieve and whether it is justified, effective and consistent with national policy. In responding to those matters and any additional questions listed below for each, the Council should identify and address specific concerns raised in representations.

Landscape (Policies ENV1 & ENV2)

1. Is Policy ENV1 sufficiently clear for the purposes of decision-making in terms of the development proposals to which it would apply and what would be required to support an application?
2. Is the inclusion of Policy ENV1(F) necessary and justified with respect to local landscape designations being identified in Neighbourhood Plans?
3. Are the identification of Special Landscape Areas in Policy ENV2 and the associated boundary changes as proposed by the Plan, justified and in accordance with national policy?
4. How does the approach of Policy ENV1 interact with the approach to Special Landscape Areas in Policy ENV2? Which policy is intended to apply to "valued" landscapes for the purposes of national policy?

Green Wedges (Policy ENV3)

5. Is the level of protection afforded to land proposed to be designated as a Green Wedge necessary when taking account of other policies in the Plan, including those relating to Open Countryside (Policy RA6), Landscape (Policies ENV1 and ENV2) and Green Infrastructure (Policy ENV4)?
6. Was the methodology used to identify the proposed Green Wedges and their boundaries, appropriate and did it take account of the potential effect of the Northampton North West Relief Road?

Green Infrastructure and Biodiversity (Policies ENV4 and ENV5)

7. Does Policy ENV4 take sufficient account of linkages with and the infrastructure requirements of proposed allocations for development in the Plan and the JCS?
8. Is Policy ENV4 sufficiently clear for the purposes of decision making in terms of which proposals will be expected to demonstrate how they will achieve the aim to protect, enhance and restore Green Infrastructure? Is

the policy intended to apply to all developments and if so, is such an approach justified?

Daventry Country Park and Grand Union Canal Link (Policy ENV6)

9. Have any potential effects of Policy ENV6 on the viability and deliverability of the Daventry North Sustainable Urban Extension been considered?
10. Is Policy ENV6 criterion C required when taking account of the approach to the historic environment in Policy ENV7 and in the JCS?

Historic Environment (Policy ENV7) and Borough Hill and Burnt Walls Scheduled Monuments (Policy ENV8)

11. Is the approach of Policy ENV7 relating to the historic environment consistent with national policy, with particular regard to paragraphs 128 - 140 of the Framework?
12. Is Policy ENV8 necessary to provide additional guidance relating to Borough Hill and Burnt Walls Scheduled Monuments? Is the policy approach compatible with Policy EC9 - Daventry South East Gateway and is it justified, effective and consistent with national policy?

Renewable Energy and Low Carbon Development (Policy ENV9)

13. Is there adequate flexibility in Part B of Policy ENV9 to reflect the viability and feasibility of developments connecting to local energy networks and district heating systems?
14. Is Policy ENV9 and its supporting text sufficiently clear with respect to the status of energy efficiency requirements of the JCS and the implications of the Written Ministerial Statement - Planning update, published 25 March 2015?

Design (Policy ENV10)

15. Is it reasonable and justified that all types of development should be expected to meet all of the criteria in Part B of Policy ENV10?

Local Flood Risk Management (Policy ENV10)

16. Is the approach of Policy ENV10 to managing flood risk – justified, effective and consistent with national policy and the JCS, with particular regard to paragraphs 100 - 104 of the Framework?

Matter 6: Gypsies, Travellers and Travelling Showpeople

Issue

Whether the approach for gypsies, travellers and travelling showpeople is positively prepared, justified, effective and consistent with national policy.

Questions

1. Can the Council explain its approach and justification for departing from the accommodation requirements set out in Policy H6 of the JCS and the Plan not identifying sites to meet those requirements? Is such an approach, appropriate and justified for a Part 2 Local Plan?
2. Is there a reason why Policy HO9 does not include pitch targets for gypsies and travellers and plot targets for travelling showpeople? Is the Council able to identify a supply of sites in accordance with the Planning Policy for Traveller Sites (PPTS) and if not, how could delivery otherwise be supported through the Plan?
3. Does the West Northamptonshire Travellers' Accommodation Needs Study (GTAA), published January 2017, provide a robust assessment of need? Has it taken into account need identified in previous needs assessments? Have any changes in the numbers of gypsies and travellers resident in the District since the previous assessment been justified?
4. Does the Plan take account of the need to plan for those not falling within the planning definition as required by Section 8 of the Housing Act 1985 (as amended by Section 124 of the Housing and Planning Act 2016)?
5. Is the assumption in the GTAA that 10% of unknown households would meet the definition of a gypsy or traveller in the PPTS, appropriate and justified by evidence?
6. Are the assumptions for new household formation rates justified? Is there evidence of concealed households / overcrowding on some existing sites?
7. Are there existing sites in the District which are not proposed to be allocated? If so, where will the families currently living on those sites relocate to if the pitches and plots are not safeguarded?
8. Should the Plan provide for the identified need in the GTAA for 7 additional pitches for unknown households and to account for the identification of an unauthorised pitch? What is the justification for the Council's approach?
9. What is the justification for the approach of not allocating sites to meet the identified need in the GTAA for 6 additional plots for travelling showpeople?
10. What is the justification for the approach in relation to transit sites and emergency stopping places?
11. Is Policy HO9 positively prepared and are the criteria for sites to come forward justified, effective and consistent with national policy? How would the Plan ensure that the necessary accommodation to meet identified needs in the JCS or the most recent GTAA comes forward if the Plan does not allocate sites?

Matter 7: Transport

Issue

Whether the approach of the Plan in terms of transport and infrastructure, including policies relating to sustainable transport infrastructure (Policy ST1), and lorry parks (Policy ST2), is justified, effective and consistent with national policy and in general conformity with the JCS?

Question

1. What is the basis for Policy ST1, what is it seeking to achieve and does it provide sufficient guidance for decision making so as to ensure that identified elements are delivered or retained during the plan period?
2. Is the approach in Policy ST1(E) justified, effective and consistent with national policy with regard to electric vehicle charging and associated infrastructure?
3. In overall terms is Policy ST1 justified and will it be effective?
4. What is the basis for Policy ST2 and is it justified? Is there evidence of identified needs in terms of potential locational gaps and capacity issues relating to existing provision?
5. Is Policy ST2 sufficiently clear? Will the criteria-based approach of the policy provide sufficient guidance for decision making on whether a particular site is suitable for lorry parking?

Matter 8: Community and Wellbeing

Issue

Whether the approach to community and wellbeing is positively prepared, justified, effective and consistent with national policy.

Questions

In responding to these questions, the Council should identify and address specific concerns raised in representations.

Health and Wellbeing (Policy CW1)

1. What is the basis for the approach in Policy CW1, what does it seek to achieve and is it positively prepared, justified, effective and consistent with national policy?
2. Is the requirement for a health assessment in Part A criterion (iv) of Policy CW1 justified and consistent with national policy?
3. Is Policy CW1 in seeking to protect existing public and community premises consistent with Policy CW3?

Open Space (Policy CW2)

4. Are the Open Space standards identified in Policy CW2 and the thresholds for new developments required to meet them, justified by evidence and effective? Have the implications for the viability of development been taken into account, including in the NRDA? How will the quantitative and accessibility standards be applied to particular development proposals?
5. Is the requirement in Part C of Policy CW2 consistent with national policy and does it comply with the Community Infrastructure Levy Regulations?

Protecting Local Retail Services and Public Houses (Policy CW3)

6. Is the approach of Policy CW3 justified and consistent with national policy and the JCS? Is Part B of Policy CW3 sufficiently clear in terms of the useable floorspace of its original function that is required to be retained?

Local Green Space (Policy PA1)

7. Was the methodology used to identify the proposed Local Green Space designation and their boundaries, consistent with national policy?
8. Are there any factors that indicate that any of the proposed Local Green Spaces identified should not have been designated? If so, what evidence is available to support this position?

Matter 9: Monitoring

Issue

Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals and in conformity with the JCS?

Questions

1. How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites to come forward/progress?
2. How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon, for example what would trigger a review of the Plan?

Gareth Wildgoose
INSPECTOR

5 April 2019