

Gladman Hearing Statement
Settlements and Countryside Local Plan (Part 2) for Daventry
District - Examination

Matter 1: Legal Compliance and Duty to Co-operate



May 2019

MATTER 1: LEGAL COMPLIANCE AND 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?

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

Q4. What was the methodology used for the SA and was the approach appropriate? How and when was the process undertaken?

- 1.1.1 The submission version of the Part 2 Plan states at Paragraph 1.4.04 that it has not considered that a policy response has been required around issues relating to delivery of SUEs in the NRDA. Therefore, the remit of the SA has been very narrow with little consideration of issues around the NRDA limiting this to a discussion around the cumulative effects. This is reflected through the lack of consideration around alternatives to the issues identified around the delivery of the requirement in the NRDA discussed in detail in Matters 2 and 3 statements.
- 1.1.2 This approach to considering the NRDA issues is not appropriate because it is a requirement of the Core Strategy to address the housing needs of the NRDA within Daventry District and positive action is required through the Part 2 Plan to tackle any shortfall in delivery against this requirement. This will be discussed further in response to the questions below.

Q5. Does the SA test the Plan against all reasonable alternatives?

- 1.1.3 No, the SA fails to test alternatives that seek to ensure the delivery of the requirement in the NRDA such as the application of a criterion-based approach or the allocation of further sites to seek to make up the identified shortfall. This is further discussed in our Matter 2 Hearing Statement (at paragraph 1.2.6), which provides an overview of the key policies of the JCS which provide the basis for the consideration of alternative approaches to delivering the needs of the NRDA through the Part 2 Plan.
- 1.1.4 It has been known during the preparation of the Part 2 Plan that the Council's monitoring is indicating that the requirement of the NRDA will not be met during the plan period, yet the SA has not tested any alternative policy mechanisms that need to be implemented in line with the JCS to boost the delivery of housing in the NRDA in the short term, whilst also ensuring that the housing requirement is met in full within the remainder of the plan period.
- 1.1.5 This is a significant shortcoming of the SA and therefore raises questions regarding the legal framework in which the plan has been prepared. The NRDA requirement of 5,750 makes up 45% of the Daventry District requirement. This is a significant level of housing that is required through the

adopted Core Strategy and which the Council's evidence¹ makes clear will not be met through the current allocations. The SA has failed to test the impacts of delivering the NRDA requirement through alternative sources of supply or policy mechanisms within the Part 2 Plan. Indeed, the only consideration that Gladman have been able to find regarding this issue has been through the NRDA Background Paper (GEN03), at Appendix A (Pages 18 and 19). The 'Background Paper' is not however an appropriate mechanism for testing the potential impacts of the possible policy alternatives to the delivery of homes that are needed now to meet the needs of the NRDA.

- 1.1.6 At the very least, as the Council has made clear through the Statement of Compliance with the Duty to Cooperate (PSD10) at Paragraph 3.5 and throughout the NRDA Background Paper (GEN03) that its preferred approach is to accommodate the NRDA needs through a review of the JCS, the impacts of this approach should have been tested through the SA of the Part 2 Plan. This is effectively a 'do-nothing' scenario regarding the NRDA area which is likely to see negative impacts on the social and economic strands of sustainable development in the short term.

Duty to Co-operate (DTC)

Q11. 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?

- 1.1.7 Gladman is disappointed that the Statement of Common Ground referenced in Paragraph 3.6 of the Statement of Compliance with Duty to Cooperate (PSD10) is not yet available for consideration, as this is evidence that should have been made available at the Regulation 19 stage. Currently actions agreed around the NRDA through the JCS are not being implemented.
- 1.1.8 This is one of the key issues around the DTC for the Part 2 Plan. This is recognised in Paragraph 3.4 of PSD10, which refers to the Housing Implementation Strategy (HOU06) where, it is stated, the level of progress with the SUES that form the basis of the NRDA requirement in Daventry District is explained in more detail. The Housing Implementation Strategy referenced is dated December 2016 and does not set out progress on the NRDA requirement nor seek to grapple with the issues. Page 14 of the paper actually suggests that the total amount of housing to be provided is about 6,980 dwellings, failing to reference the significant figure of 5,750 dwellings required from the NRDA.
- 1.1.9 The Council's monitoring set out in Table 2 on Page 7 of GEN03 indicates that the Daventry level of housing to support the NRDA will not be met in the plan period by 1,988 dwellings, This is therefore an important issue to be discussed through the DTC and outcomes will need to be determined

¹ Settlements and Countryside Local Plan (Part 2) for Daventry District Northampton Related Development Area Background Paper Version 1 (GEN03) July 2018

between the joint authorities. Positive action will need to be taken to address this issue through the Part 2 Plan.