

Peter Brett Associates on behalf of Barwood Land

Representor ID: PS041

Response to Exam 15, 16 and 17

Introduction

This response, to the publication of Exam 15,16 and 17, is made on behalf of Barwood Land following attendance at recent hearing sessions. Barwood Land focuses upon Exam 16 and 17.

Exam 17 Daventry District Spatial Strategy

1. The proposed modification, as worded at paragraph 4.1.05, does not fully address Barwood Land's representation at the EiP. The scope of the Daventry Part II plan is clear having regard to the Oxted Homes v Tandridge BC Court of Appeal judgement and the need for a Part II plan to be consistent with a Part I plan.
2. The scope of Daventry's Part II plan and its relationship with the WNHJCS is set out at paragraphs 3.5 and 3.9 of the JCS:

...It [JCS] identifies specific location for new strategic housing and employment.... (Para 3.5 WNHJCS)

Some Local Plans will provide more detailed development management policies and will also allocate smaller, non-strategic sites for new residential development....(Para 3.9 WNHJCS)

3. The Part II plan's role is to allocate non-strategic scale residential development, taking further guidance from policies S1, S3 and S4.
4. Policy S1 explains that new development in the rural areas will have a limited focus, stating 4 broad criteria; none of which suggest that some NRDA growth should not be met in sustainable settlements outside of the NRDA.
5. Policy S3 provides a guide to housing distribution within Daventry District. Each of the three policy areas has a guide housing figure, expressed as '*about.... dwellings*'. Expressed in this way, Policy S3 does not place a blanket limit on some changes to the distribution of housing through Part II plans. This includes some growth from the NRDA outside that area where it is consistent with other Part I plan policies.

6. Policy S4 relates to the NRDA and is expressed in the same terms; it is a guide figure and is not expressed as an absolute requirement. Moreover, when describing how the housing need will be accommodated, it uses phrases like ‘...will be *primarily met*...’; this does not limit other variations of the spatial strategy to meet some of the NRDA growth elsewhere as long as it is primarily within the NRDA. Main Modification 6 proposed by the WNHJCS Inspector in 2014 adds some clarity to this. The following statement in draft WNHJCS Policy S4 was removed as unsound:

“No further development beyond the Northampton Related Development Area will be permitted in the plan period that relates to Northampton’s needs”

7. This was replaced with a more flexible approach which now forms Policy S4 and states:

“Northampton’s Need, both housing and employment, will be met primarily within”

8. At paragraph 5.39 of the WNHJCS, the supporting text to S4 further clarifies the reasoning for this policy wording; it states:

“Dispersing significant development to the rural areas would also not be appropriate as it would increase pressure on the rural environment overall and particularly as a result of the increased need to travel...”

9. Again, the supporting text does not prevent some of Northampton’s growth outside the NRDA, it makes a distinction there should not be significant growth which increases pressure on the rural settlements.

10. In circumstances where there is a significant shortfall in housing supply within the NRDA and where the minimum housing requirement of WNHJCS Policy D3 is unable to be met, it would be consistent with the Part I plan if the Part II plan sought to allocate non-strategic sites outside the NRDA that do not significantly increase pressure on the capacity of the rural area to accommodate growth and where this minimises travel. This approach is further supported by WNHJCS Policy S1.

11. This flexibility within the WNHJCS is confirmed at paragraph 5.41 which explains:

“Flexibility exists within the Plan [as a whole] and housing trajectory that allows for development to be brought forward to mitigate the impact of delays on individual sites.”

12. That flexibility is clearly written into policies S1, S3 and S4 as explained above. It would be inconsistent for the Part II plan to remove this flexibility in the wording now provided in 4.1.05 of EXAM 17. This especially so in the context of the NPPF requirements at paragraphs 49 and 50 in respect of delivering the stated market and affordable housing requirement.
13. It is noteworthy that the original text of criterion B of Policy SP1 (EXAM 17) reflected the flexibility of the WNHJCS and subsequent to the introduction of the Oxted Homes Court of Appeal judgement, this has now been eroded.
14. There is a subtle distinction between the ruling of the Oxted Homes judgment and what is being sought in this Part II plan for Daventry. The judgement explains it would be inconsistent to re-write a Part I plan's stated OAHN within a Part II plan. However, in Daventry's case the approach is seeking to ensure that the housing expectations of a Part I plan are delivered through the Part II plan in a flexible manner commensurate with the WNHJCS.
15. Barwood Land's position therefore remains, that the use of the Oxted Homes case to limit the stated flexibility with the WNHJCS, is a misuse of the judgement.
16. Barwood Land does, however, support the removal of '*limited*' from criterion 'E'. This supports appropriate scale development which protects and enhance existing services and facilities within the districts villages by addressing demonstrable local housing need.
17. As set out in Barwood Land's Matter 2 Statement and during the EiP hearing session, there are settlements where the identified housing need has not been met; one such settlement is Weedon Bec. Evidence to explain the quantum of unmet affordable and housing need has been provided in a separate technical note and is not repeated here.
18. Barwood Land supports the replacement of '*prioritising*' with '*encouraging and making an efficient use of previously developed land*'.

Exam 16: Chapter 5, Development in the Rural Areas

19. The inserted text in paragraph 5.1.05 is partially supported, but it introduces an element of inconsistency. As written, it suggests allocations could come forward through exceptions sites as well as neighbourhood plans. Exception sites tend not to be allocated but rather, become an exception to a policy (in this case, most likely RA6). Revised wording is suggested as follows:

“5.1.05 ...However, the principle of additional development would be acceptable either through the identification of development land within a neighbourhood plan or as an exception site if, in the latter case, it is supported by relevant evidence, such as, but not limited to, a Local Housing Needs Survey or housing needs assessment provide in support of a proposal”

20. Whilst paragraph 5.1.11 appears related to economic development, the word ‘proposals’ could refer to other forms of development, and it would be clearer to say:

“5.1.11...As set out in policies RA1, RA2 and RA3 economic development proposals outside...”

21. As an aside, PBA maintains its objection that the settlement hierarchy (RA1-3) demonstrates no policy hierarchy. This remains unresolved through the proposed changes. Each tier of settlement is treated almost the same. This perpetuates a circumstance where settlements like Weedon Bec do not benefit from growth commensurate with their higher level of sustainability and access to local jobs and services. This is demonstrated in Exam 14, which shows that under Policy R1, planning permissions have been granted which do not reflect the status or need at Weedon. By way of example, the following Primary Service villages have experienced the following growth so far:

| Settlement | Number of dwellings 2011-2019 | Ratio when compared to Weedon Bec |
|----------------|-------------------------------|-----------------------------------|
| Brixworth | 321 | 3.4:1 |
| Crick | 235 | 2.5:1 |
| Long Buckley | 306 | 3.2:1 |
| Molton | 751 | 8.1:1 |
| Woodford Halse | 305 | 3.2:1 |
| Weedon Bec | 93 | - |

Table 1: completions 2011-2019 (source Exam 14)

22. For Weedon Bec, this does not represent growth commensurate with a Primary Service Village with significant employment and transport accessibility.

23. Changes to paragraph 5.2.19 do not address the specific circumstances at Weedon Bec, highlighted in PBAs technical note. A more positive, plan-led, site allocation approach would soundly address known local housing need issues at Weedon Bec. The minor distinction at the end of paragraph 5.2.25 for Other Villages does not address the need to also distinguish between Primary and Secondary Service Villages (RA1 and RA2).

24. Paragraph 5.2.19 would be clearer and positively worded if written in the following manner:

“In accordance with WNJCS policy R1, exceptionally, development outside settlement boundaries would be supported if it demonstrably addresses a specific unmet local need, which may include, but is not limited to one of the following:...”

25. The principle of the changes to Policies R1-R3 (which are the same in each case), are broadly supported. Changes to Criterion D align better with the NPPF2012 and 2019. Criterion B is now positively worded but could be re-written for greater clarity as:

“Exceptionally, development proposed outside settlement boundaries will be supported where circumstances aligned with paragraph 5.2.19 are demonstrated to the Local Planning Authority”

26. The addition of criterion X in Policy RA6 is supported as a means of clarifying the relationship between RA1-3. This is an essential part of achieving consistency and effectiveness of the RA policies.