

DAVENTRY DISTRICT COUNCIL

Examination of Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029

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Dear Mr Wood

POST HEARINGS NOTE RELATING TO THE SETTLEMENTS AND COUNTRYSIDE LOCAL PLAN (PART 2) FOR DAVENTRY DISTRICT 2011-2029

1. As indicated in the final hearing session on 28 June 2019, I am writing to set out my initial views on the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 document (the Plan). In summary, the Plan as submitted has deficiencies in respect of soundness. However, subject to modifications in respect of a number of matters discussed at the hearings and the further modifications which I set out later in this letter, I consider that there would be sufficient prospect of the Plan being found legally compliant and sound so as to proceed to consider the detail of those modifications.
2. In reaching the above view, I have given full consideration to all of the representations made about the Plan, including the oral contributions at the hearing sessions. My final conclusions and associated reasoning relating to soundness and legal compliance will be given in the report to be produced following consultation on the proposed main modifications. The views expressed in this letter may alter in the light of any further evidence that emerges, including as part of the consultation process and any necessary sustainability appraisal of the modifications, and are, therefore, given here without prejudice to the conclusions and reasoning that will appear in my final report. The report will also cover other main issues that have arisen during the examination, but which are not dealt with specifically in this letter.
3. The comments in this letter are provided only for the purpose of identifying the matters where consideration should be given to further modifications in order to achieve soundness. The suggested changes and further modifications I set out are in addition to those already contained in the schedule of potential main modifications (document EXAM27A) that has been provided by the Council in relation to Policies SP1, RA1, RA2, RA3, RA6, HO1, HO6, HO8, HO9, EC1, EC4, EC9, EC10, ST1, ST2, ENV1, ENV2, ENV3, ENV4, ENV5, ENV6, ENV7, ENV8, ENV9, ENV10, ENV11, CW1, CW2 and CW3, together with associated changes to supporting text and some alterations to Appendices. I will decide whether all of those potential main modifications are needed once the Council have responded to me with respect to the matters identified in this letter. I, therefore, at this stage deal with only the relevant policies and other parts of the Plan that I consider will require further modifications to those already suggested by the Council.

Policy SP1 - Daventry District Spatial Strategy

4. To ensure its effectiveness the detailed wording of Part B should be further revised to ensure that the Plan is consistent with the West Northamptonshire Joint Core Strategy Local Plan (Part 1), adopted December 2014 (WNJCS) and particularly the approach of its Policy S4 which relates specifically to the Northampton Related Development Area (NRDA). If the reference to "West Northamptonshire Joint Strategic Plan" is intended to achieve this, a definition of that term insofar as it relates to the WNJCS (and any subsequent replacement following the ongoing review) should be set out in the Glossary in Appendix B of the Plan.

Policy RA1 - Primary Service Villages

Policy RA2 - Secondary Service Villages

Policy RA3 - Other Villages

5. To ensure that the policies are justified, effective and consistent with Policies H3 and R1 of the WNJCS, the main modifications proposed by the Council should incorporate the examples where such development will be permitted (as identified in the modified paragraphs 5.2.19, 5.2.23 and 5.2.25 respectively) into Part B of Policies RA1, RA2 and RA3 as a closed list. Those changes should include an indication that in the case of local housing needs it would only apply where it is demonstrated that it could not otherwise be met within the village confines. Following those changes, the reference to "exceptionally" would be redundant, as the supporting text should otherwise be capable of explaining how the WNJCS is taken forward in terms of the "exceptional circumstances" that it refers to. Furthermore, to ensure Part C of Policies RA1, RA2 and RA3 are effective the first sentences should be reworded to clarify that it applies to all development within the village and those outside of the confines that are otherwise sought under Part B.

Policy RA6 - Open Countryside

6. The suggested main modification is necessary to ensure that the policy is justified, effective and consistent with national policy. However, further changes are required to the first sentence of the policy to ensure that it is consistent with bullet point five of paragraph 17 of the National Planning Policy Framework - March 2012 (the Framework) and the flexibility afforded by Policies RA1 - RA3 for development outside of village confines in specific circumstances. In that regard, clause x. should also be re-worded to omit the words "acceptable exceptionally under". Alternatives could be "which complies with" or "which otherwise accords with".

Policy HO1 - Daventry South West

7. To ensure that Part B of Policy HO1 is effective and provides certainty for applicants and decision makers in terms of the mix of house types required, the policy (and its supporting text) should be clear of its intentions with respect to Policy HO8. A further modification is, therefore, required to indicate that the housing mix should be in accordance with Policy HO8 unless there is clear evidence that an alternative housing mix would support the regeneration of Daventry or the viability of the development.

Policy HO6 - Rural Workers Dwellings

8. Policy HO6 as submitted provides criteria which would facilitate the provision of a rural dwelling to support rural businesses where needed, but due to the presence of clause iii. - it could only be met by well-established activities. Such an approach would not facilitate support for the development of new rural businesses or enterprises that may need a rural worker to live on-site.
9. The potential main modification suggested by the Council includes a permissive criterion for temporary accommodation at Part B. However, for the policy to be effective, the wording of Part B should be clear that a proposal for temporary accommodation should demonstrate that it is needed to support the new enterprise and enable the long term financial stability to be assessed "when well-established". It is also necessary, to provide certainty for applicants and decision-makers, to define the term "well-established" in the supporting text.

Policy HO8 - Housing Mix and Type

10. As suggested in the potential main modification the Council accepts that some flexibility is required in Policy HO8 to ensure consistency with the viability evidence. However, the wording in Part A should not imply a level of flexibility in terms of optional technical standards that would be mandatory via inclusion within the policy (i.e. the nationally described space standards and increased water efficiency). Alternatively, the flexibility for viability should be incorporated into the relevant parts of the policy (for example. the latter part of the housing mix section and immediately after the accessibility standards).
11. In addition, to ensure that the policy is effective and justified by evidence, the suggested main modification relating to the housing mix should express a target that is consistent with and justified by evidence. However, there should also be flexibility relative to the target to account for differing sizes of development by expressing a proportionate range that would not undermine the effectiveness of the policy (for example, 10% as discussed during the hearings). The inclusion of a threshold that would exclude developments of less than 10 dwellings from the provision of the specified housing mix is also required as the limited scale of such proposals would be unsuited to achieving the full extent of the housing mix set out, particularly as evidence suggests that the deliverability of policy compliant schemes on brownfield sites in that range would be challenging. Furthermore, a clause offering flexibility for an alternative housing mix for developments of 10 dwellings or more if informed by a robust assessment of needs at a local level or more up-to-date housing market evidence is also necessary, with allowance for a housing mix to respond to local character or where the policy requirements would otherwise make development unviable.
12. Based upon the viability evidence, the aforementioned threshold in the suggested main modification would appear suitable to be extended to the requirements for optional housing standards relating to accessibility in terms of M4(2) and M4(3) for market dwellings and affordable housing by excluding brownfield sites of less than 10 dwellings to assist the deliverability of those

sites. Furthermore, the deletion of the requirement for 5% of market housing to be M4(3) is necessary to reflect the PPG which indicates that policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. In addition, the policy wording should also be altered to account for circumstances where step free access may not be viable.

Policy HO9 - Gypsies, Travellers and Travelling Showpeople

13. The suggested main modification to the policy text and associated supporting text are, in principle, necessary for soundness. However, further changes are required to be clear that "The policy supersedes Policy H6 of the WNJCS insofar as it relates to Daventry District" given that it does not have the same geographic coverage when rolling forward the criteria based element of the WNJCS policy. Part B should be re-worded in the interest of effectiveness to be clear as to what the existing sites within the District are being protected from (i.e. is it alternative forms of development?). The revised policy wording should ensure that it would not preclude further development at existing sites in compliance with Part A where appropriate.

Policy EC1 - Vibrant Town Centre

14. Further changes to the suggested potential main modification are required to the accompanying supporting text to provide clarity for applicants and decision makers of the definition of "over-dominance". In addition, following discussions during the hearing sessions, separate changes to the Policies Map are proposed to the Daventry Town Centre boundary to include some existing main town centre uses (and associated car parking areas), which although not of itself a main modification would need to be consulted upon. The changes would assist the effectiveness of the policy approach and consistency with the definition of the town centre boundary set out in Appendix B - Glossary.

Policy EC4 - Strategic Employment Areas

15. To ensure that the policy approach of Policy EC4 is effective and justified by the evidence, the new Part E in the suggested potential main modification should incorporate a reference in clause c. that it is demonstrated to be necessary to support or enhance the role and function of the Strategic Employment Area or DIRFT. Furthermore, to ensure consistency in that respect within clause d. it should be clear that insufficient capacity within the Strategic Employment Area to accommodate the proposed development would need to be demonstrated (or within DIRFT where a development is intended to support or enhance that location).

Policy EC6 - Daventry, The Knoll

Policy EC7 - Daventry, Land North West of Nasmyth Road

Policy EC9 - Daventry South East Gateway

16. The flexibility in the policy wording of Policies EC6, EC7 and EC9 for alternative unit sizes for existing businesses located in Daventry District could undermine delivery of development to meet the identified needs and

therefore, should be deleted from each to ensure that the policies are effective.

Policy ST1 - Sustainable Transport Infrastructure

17. Further changes are required to the potential main modification to Part D of Policy ST1 to ensure that it provides certainty that the proposals to be assessed are those that are listed in Parts A, B and C.

Policy ENV2 - Special Landscape Areas

18. Further wording changes to Part C are required to ensure that the policy is clear that it would be proposals for development within the designated Special Landscape Areas to which the requirements in the subsequent criteria would apply.

Policy ENV5 - Biodiversity

19. Further changes to the detailed wording of Part A relative to sites of local importance and Part B are necessary to ensure that they are consistent with the first and fifth bullet points of paragraph 118 of the Framework and Policy BN2 of the WNJCS.

Policy ENV11 - Local Flood Risk Management

20. The potential main modification requires further changes to ensure that the policy wording also reflects the potential need for an exception test to be applied (if necessary) as per paragraphs 100, 102 and 103 of the Framework. Furthermore, the first sentence of the new Part A should be re-worded from "All development..." to "Proposals for development..." to ensure consistency with paragraph 104 of the Framework.

Appendix A - Monitoring Framework

21. The suggested main modification to the monitoring framework is, in principle, necessary for soundness. However, further changes are required in terms of Objective 9 to ensure that it is effective by including a contingency for a review of the policy and/or the Plan should the predicted delivery rate of the housing allocations in Daventry Town (HO1, HO2 and HO4) not be achieved and the other contingencies were to be unsuccessful.

Appendix I - List of Local Green Spaces

22. The locations identified as proposed to be designated by the Plan as Local Green Spaces within Appendix I (as associated with Policy PA1) which I consider do not meet the requirements of the Framework and therefore, should be omitted are:

- Local Plan Reference 141 (Orchards and Pasture, Great Brington)
- Local Plan Reference 165 (Martin Moore Woods, Off Brampton Lane, Boughton)
- Local Plan Reference 167 (Playing Field, Brixworth Road, Creaton)

- Local Plan Reference 191 (Pocket Park, Glebe Lane/Daventry Road, Staverton)

Next Steps

23. Assuming the Council would be content to adopt the Plan incorporating the modifications that I have indicated are necessary, I would be grateful if it would now prepare a full schedule of proposed main modifications. Should this not be the case please advise me as a matter of urgency in order that I can consider how best to progress the examination.
24. The Council when preparing their subsequent response should review whether there are any consequential changes necessary to ensure that the Plan, and the Policies Maps, read coherently as a whole. The existing schedules should also be reviewed to remove any inconsistencies and, where possible, proposed changes to individual policies and associated supporting text should be combined to reduce the overall number of proposed main modifications. As part of that process I would also be grateful if the Council could again seek to determine which they consider to be main modifications and additional modifications, and then divide the respective modifications into separate documents accordingly, in order that I can reach a final view on this particular point.
25. As the main modifications are intended to form part of my report, before the consolidated schedule is published the Council should allow me to see it in order to ensure that it reflects my understanding and to avoid any obvious soundness issues. I would, therefore, be grateful if the full consolidated schedule of proposed main modifications in response to this letter, together with a separate schedule of additional modifications proposed by the Council, should be sent to me via the Programme Officer by not later than **5pm on Friday 9 August 2019.**
26. If there are any procedural or other questions arising from this letter, the Council should contact me via the Programme Officer. However I am not inviting, nor envisage accepting, any comments from other examination participants.

Gareth Wildgoose
INSPECTOR

17 July 2019