

John Slater Planning Ltd

# Rushden Neighbourhood Plan 2011-2031

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## Submission Version

A Report to East Northamptonshire Council on the Examination of the  
Rushden Neighbourhood Plan

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## Contents

	Page
Introduction	3
The Examiner's Role	3
The Examination Process	4
The Consultation Process	5
Regulation 16 Consultation	5
The Basic Conditions	6
Compliance with the Development Plan	7
Compatibility with EU Obligations and Human Rights Legislation	7
The Neighbourhood Plan: An Overview	8
The Neighbourhood Plan Policies	11
The Referendum Area	19
Summary	19

## Introduction

1. Neighbourhood Planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a Neighbourhood Plan is made, it will form part of the statutory development plan alongside North Northamptonshire's Joint Core Strategy 2011- 31, adopted July 2016 (the Local Plan Part 1: strategic policies). Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The Neighbourhood Plan making process has been led by Rushden Town Council which is a "qualifying body" under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Rushden Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by East Northamptonshire Council, the local planning authority (LPA) for the Neighbourhood Plan area.

## The Examiner's Role

4. I was formally appointed by East Northamptonshire Council in December 2017, with the agreement of Rushden Town Council, to conduct this examination. My role is known as an Independent Examiner.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both East Northamptonshire Council, and Rushden Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the Neighbourhood Planning legislation I am required to make one of three possible recommendations:
  - That the plan should proceed to referendum on the basis that it meets all the legal requirements;

- That the plan should proceed to referendum, if modified; or
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Rushden Neighbourhood area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions:
    - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? [It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area]
    - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
  9. I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by East Northamptonshire Council, for the Rushden Neighbourhood Plan, on 16<sup>th</sup> December 2013.
  10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2011 up to 2031, which is the same as the Joint Core Strategy (adopted Local Plan).
  11. I can confirm that the plan does not cover any “excluded development”.
  12. There are no other Neighbourhood Plans covering the area covered by the Plan designation.
  13. Rushden Town Council is a “qualifying body” (QB) under the terms of the legislation.

### **The Examination Process**

14. The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I am satisfied that I have been able to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to the town of Rushden and the surrounding countryside on 22<sup>nd</sup> February 2018. I spent the afternoon driving and walking around the town. Following that visit I did have some questions and matters that need clarifying. These were set out in an email dated 26<sup>th</sup> February 2018 and I received a combined response from the Town Council and the District Council on 6<sup>th</sup> March 2018. A copy of my questions and the responses have been placed on the Council's web site.

### **The Consultation Process**

18. The first consultation carried out after the designation of the neighbourhood area, was a flyer distributed to all households and businesses in Rushden, seeking views on a proposed Communications and Participation Strategy. This was supplemented by "What Do You Think" workshops and other public engagement exercises, including erecting a stall on the High Street on St George's Day. The Town Council also hosted a business breakfast consultation, which was attended by 24 people.
19. In February 2015, a Main Issues Consultation leaflet was distributed to every household, asking for feedback on issues raised in the flyer, which covered a number of different themes. This generated 107 responses.
20. The Town Council then gave a series of presentations to important local community groups between April and November 2015.
21. A "call for sites" consultation took place between March and April 2016 which identified 16 sites for further assessment.
22. The Pre-Submission version of plan was the subject of a consultation between 17<sup>th</sup> March 2017 and 2<sup>nd</sup> May 2017. This was the Regulation 14 consultation. This was publicised on the Rushden Town Council website as well as via their newsletter distributed to all householders. Emails were sent to all the consultees. Two drop in sessions were held. This generated a total of 90 responses, which are fully set out in the Consultation Statement.
23. I am satisfied that the Town Council has actively sought to ascertain the views of the residents and businesses in Rushden, as well as community groups and their involvement has helped shape this plan.

### **Regulation 16 Consultation**

24. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period

between 3<sup>rd</sup> November 2017 and 18<sup>th</sup> December 2017. This consultation was organised by East Northamptonshire Council following submission of the Plan, prior to it being passed to me for examination. That stage is known as the Regulation 16 Consultation.

25. In total 17 individual responses were received; from the Environment Agency, Anglian Water, National Grid, Gladman Developments Ltd, Davidson developments Ltd, North Northamptonshire Joint Planning and Delivery Unit, LXB3 Partners LLP, Amberville Properties, Cllr Dorothy Maxwell, East Northamptonshire Faith Group, Natural England, Northamptonshire CC Development Management, Northamptonshire CC as Lead Local Flood Authority, Taylor Wimpey and Barratt Developments, plus from or on behalf of 3 local residents.
26. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

### **The Basic Conditions**

27. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.
28. The questions which constitute the basic conditions, consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that the Neighbourhood Plan:
- a. Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan;
  - b. Will the making of the Plan contribute to the achievement of sustainable development;
  - c. Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area;
  - d. The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC;

- e. Whether prescribed conditions are met and prescribed matters have been complied with
- f. Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site (as defined in the Conservation of Habitats and Species regulations 2010(d)), either alone or in combination with other plans and projects.

### **Compliance with the Development Plan**

- 29. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan, which in this case is the North Northamptonshire Joint Core Strategy 2011-2031 (the “Core Strategy”) adopted in July 2016. In addition, there are six “saved” policies from the East Northamptonshire District Local Plan adopted in November 1996.
- 30. The Core Strategy (Policy 11) identifies Rushden as a Growth Town which is one of the towns which will be “the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development”. The plan seeks the regeneration of the Town Centre. Policy 29 deals with the distribution of new homes over the Plan area and allocates a housing figure of 3,285, to be provided in Rushden for the period from 2011 to 2031. Policy 33 identifies a Sustainable Urban Extension to the east side of the town, which will accommodate approximately 2,500 dwellings, of which 1,600 are anticipated to be delivered by 2031.
- 31. I am treating all the policies in the Core Strategy as strategic policies for the consideration of the basic conditions test. I do not consider the saved policies of the Local Plan to be strategic in nature.
- 32. The LPA is also working on preparing a Part 2 Plan dealing with site specific policies.

### **Compliance with European and Human Rights Legislation**

- 33. East Northamptonshire Council carried out a Screening Opinion on the Submission Version of the Plan and produced a report, dated 25<sup>th</sup> October 2017. This concluded that it is unlikely that there will be any significant environmental effects arising from the Plan and a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.

34. East Northamptonshire Council, as competent authority, also on 25<sup>th</sup> October 2017, issued a screening report under the Habitat Regulations. The assessment concluded that the Plan could potentially have a significant effect on the Upper Nene Valley Gravel Pits SPA/ Ramsar through the 3 largest residential allocations. However, the relevant policies contain provision for mitigation that will overcome any potentially significant negative effects. It therefore concluded that the plan was not likely to have any significant effects on any internationally protected wildlife sites and a Habitat Regulation Assessment would not be required.
35. I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

36. There is a degree of inconsistency in how the Neighbourhood Plan approaches housing numbers. The number of units required to be provided in Rushden as set out in the Joint Core Strategy is a figure of 3,285 dwellings. Para 3.3 of the Neighbourhood Plan refers to this as a minimum figure. The plan then proposes that beyond the Rushden East Sustainable Urban Extension area, approximately 610 additional dwellings are required to be allocated. This is shown in Policy H2, which repeats the approximate figure, yet Policy H3 refers to the capacity of all the sites as “up to x dwellings”. These are therefore maximum levels of development which would be allowed on each site. This could mean that if all the sites were to be delivered, with numbers below the maximum allowed, then the plan will not be delivering the required housing figure for the town over the plan period. In that case, the plan would not meet the basic condition of being in general conformity with the strategic policies in the development plan. I also consider that the housing policy would not be delivering sustainable development in that it would not be meeting the housing needs of the area.
37. I will be making recommendations that can address this issue, by expressing the housing number to be allocated, as a minimum number of units. Similarly, to ensure the plan makes efficient use of urban land, in line with Policy 6 of the Joint Core Strategy, I will be adjusting the individual site requirements to be minimum figures. This gives scope for the actual numbers to reflect the housing mix that comes forward at development management stage. For example, 15 no 4- bed units will have a very different density of development and 15 no 2- bed homes.
38. My second reservation centres on fact that nearly half of the housing numbers, 300 units of the 610, is proposed on Sites B and D which are both “contingent

upon relocation of existing playing pitches and facilities”. If a new location for the sports facilities, both for the football club and the rugby club, are not delivered, then it casts doubt on whether the Neighbourhood Plan will be meeting the required level of new housing.

39. I have shared my concerns on this point with the Town Council and the LPA. The supporting text refers to the aspiration for a “high quality, multifunction outdoor sports and recreation hub”. The plan does not identify a site, although it does state that it would have to be outside the settlement boundary. In response to my specific question the Town Council has now revealed that the proposed site for the new sports hub is located off Bedford Road. I do take reassurance from the Town Council advising me that it is in the process of agreeing heads of terms for a 60-acre site. It is somewhat surprising that the Neighbourhood Plan has not taken the opportunity to actually allocate the site for the sports club, as this is critical to the delivery of two major housing allocations. East Northamptonshire Council has suggested that the sports hub allocation could be taken forward through the emerging Local Plan Part Two (Site Specific policies) in the event that no progress is made in relocating the football club (Rushden and Higham FC), rugby club and associated playing fields within the next 2-3 years.
40. I am happy the plan has carried out a robust open-space assessment and it has properly identified surplus land is available at Manor Park and also that the Football Club ground is potentially available subject to its relocation, following the call for sites. However, I do not have sufficient information to be confident of whether, and when, the sports hub will be built, but I appreciate that the value of securing residential land on what is currently open space, will be a major incentive in securing this sports hubs provision. I am given to understand that there is a restrictive covenant on Rushden and Higham United FC site, which potentially could affect the deliverability of that site, which is allocated for 100 dwellings. Again, the Town Council’s response suggests that the relocation of the facilities to the sports hub will satisfy the covenant, but I have seen no further evidence that this is the case.
41. My conclusion is that the plan’s policies rightly protect existing sports facilities until appropriate re-provision is delivered. However, if the replacement sports hub does not materialise, there could be a significant shortfall in housing delivery in the town. Other Neighbourhood Plans have put forward reserve sites, as suggested in the PPG. However, I do not have sufficient basis for my recommendations to promote alternative sites as housing reserve sites should the two sports fields sites, which require re-provision, have not come forward. I will therefore be putting forward, in my recommendations, a review mechanism requiring the plan to be formally reviewed after five years to ascertain whether the sites have been delivered. That could then allow alternative sites to be identified to make up the shortfall if required.

42. My final concern on the matter of housing was regarding Policy H5 and the general presumption against flatted development. My concern was that such a policy runs counter to the requirements set out in Policy 30 of the Joint Core Strategy, which is aimed at providing smaller properties. Policy H5 is clearly a policy that reflects the expressed views of the local community which has sought to rebalance the types of new units being built in the town. It is equally important that the plan recognises, as the NPPF states, the need to “provide a mix of housing based on current and future democratic trends, market trends and needs of different groups in community”. Whilst the Policy H5 has generated objections, in terms of its compliance with national and Local Plan policy, I have noted that the policy now has the support of a major housebuilder, and also the North Northamptonshire Joint Planning and Delivery Unit has confirmed that in their opinion the policy is now based on sufficient evidence, including census data. I have concluded that the policy does not actually rule out the building of flats and that a proposal is only required to meet one of the three criteria set out in the policy to be compatible with its terms. Retirement apartments can be approved under the terms of the policy. Accordingly, I have been satisfied that this policy does reflect both local views and has been based on evidence which has justified its retention in the plan.
43. I have had to recommend a number of policies be deleted where the policies are not clear as to under what circumstances financial contributions can be sought from developers. A financial contribution can only be justified if it is required to make development acceptable in planning terms and is directly related to the development. In any event, there are limits of only 5 contributions that can be made to any one project.
44. Another theme I need to highlight is that there needs to be clarity as to what facilities are protected by policies and in a number of cases I have recommended that these be added to the Policies Map. If the result of that recommendation is that the Policies Map becomes too cluttered, another option would be insert separate plans identifying the facilities being protected, which can be referred to in the specific policy. That is a matter for discussion between the Town Council and East Northamptonshire Council.
45. My proposed changes relate only to the wording of the planning policies and it will be necessary for some changes to be made to the supporting text so that the final version of the plan reads as a coherent document. These issues of editorial, factual or minor corrections are matters for the Town Council to address in consultation with East Northamptonshire Council.

## The Neighbourhood Plan Policies

### Policy H1 – Settlement boundary

46. I consider that the clarity of the policy relating to development outside the settlement boundary can be improved. In the second paragraph, it presumes against residential development except on allocated sites or the Strategic Urban Extension and then where it describes as *exceptional circumstances* as set out in paragraph 55 of the NPPF. It then goes on to say that infill or redevelopment on three named roads, will be allowed subject to conditions. I believe it would remove ambiguity by combining the two paragraphs into a single policy for residential development, outside of the settlement boundary.

#### **Recommendation (Policy H1)**

**Replace the second and third paragraph with**

**“Outside of the settlement boundary, new housing development will only be allowed on the allocated sites covered by Policy H2, or within the Rushden East Sustainable Urban Extension, or as infill or redevelopment of sites on Bedford Road, Avenue Road and Newton Road where the development**

- i. closely follows the existing pattern of development (i.e. linear) and**
- ii. has a frontage on to the highway and**
- iii. demonstrates a depth similar to adjoining residential curtilages or meets the meets the examples of what could constitute special circumstance, as set out in paragraph 55 of the NPPF”**

### Policy H2– Location of new housing development

47. In accordance with the principles of delivering sustainable development, making best use of development land in sustainable locations and to meet the Government’s objectives of significantly boosting the supply of new housing, I consider that the figure of 610 dwellings should be expressed as a minimum figure. This is also consistent with Rushden’s status as a Growth Town in the Joint Core Strategy. As previously stated, I have concerns about the policies relating to the allocation sites being expressed as maximum figures, as if every site met the requirements as set out in policy H3, of providing “up to x dwellings” will mean that the plan could be delivering less development than

required by the local plan. If that was the case, it would not in my opinion, meet the test of basic conditions in relation to general conformity with strategic policies set out in the development plan, delivering sustainable development or having regard to Secretary of State advice.

48. Beyond that requirement to refer to all figures as “minimum”, I consider that the policy can meet basic conditions so long as the housing delivery is monitored after 5 years, particularly to ensure that sufficient process is made on relocating the sports facilities required to allow sites B and D to be released. If the replacement of new sports facilities has not been commenced by that time then the plan needs to be revised to ensure that new allocation sites are identified to ensure that the required levels of housing are capable of being delivered, within a plan’s time frame. This could potentially include land at Phase 2 of the Rushden Lakes as part of a mixed-use scheme.
49. The second paragraph effectively repeats the text of the third paragraph. I propose to remove reference to *smaller* windfall sites as within the settlement boundary the principle of any size of windfall site is acceptable.

### **Recommendations (Policy H2)**

**In the first sentence change “approximately” to “a minimum of”**

**Change the heading of the second column of the table to “Minimum No of dwellings”**

**In the third paragraph delete “smaller”**

**Insert a new paragraph after the table**

**“If, after 5 years from the making of the plan, the reprovision of the sports facilities, referred in footnote 4, which are necessary to enable the development of Site B Hayden Road and Site D Manor Park to proceed, has not commenced, then these two Site Allocations in the plan shall be reviewed and new allocations will be identified through a Modified Neighbourhood Plan to deliver a minimum of 300 additional dwellings.”**

### **Policy H3 – Allocated Sites**

50. On my site visit, I visited all six allocation sites and I consider them to be appropriate allocations for new development within the main built up areas of the town.
51. I also consider that the methodology adopted in the Site Assessment report is objective and has justified the choices of sites which have been made. I did raise a question as to whether there were any contaminated land questions on

the Shirley Road site, in view of its former use as a gasworks. I have been reassured by the comments of the Council's Environmental Health Officer.

52. In view of the comments I have made in the Plan Overview section, I will be proposing that the potential yield from each site should be a *minimum* figure.

***Recommendation (Policy H3)***

**Change the last criteria on each site to “the proposed development will provide for a minimum of x dwellings”.**

**Policy H5- Market housing type and mix**

53. As I have previously referred to in my comments on the plan, I consider that the case made for this policy has been justified and I have concluded that it meets the basic conditions.

**Policy H6- Self build**

54. I have no comments to make on this policy as it relates to the basic conditions.

**Policy EN1 –Design in development**

55. I do not consider that it is appropriate for all development applications to be accompanied by details of bin and recycling stores, as well as to show the position of proposed gutters and downpipes. The information required to be submitted for a planning application is not something that can be dictated by any planning policy, but all such requirements are set out in the East Northamptonshire Council's Local Validation Checklist, which incidentally does include details of bin and recycling storage.

***Recommendation (Policy EN1)***

**Delete the final bullet point.**

**Policy EN2 – Landscaping in development**

56. I have some concerns that the requirement to retain existing wildlife habitat or trees could prevent the delivery of some development sites within the settlement boundary. To ensure that this cannot be used to prevent the delivery of sustainable development, I will propose to introduce the caveat “where appropriate”.

***Recommendation (Policy EN2)***

**At the start of the third bullet point, insert “Where appropriate”.**

### **Policy EN3– Rushden’s Greenways**

57. I consider that this is a valid policy but in order to provide clarity for decision-makers, I recommend that the Greenway routes should be added to the Policies Map.

#### ***Recommendation (Policy EN3)***

**That the Greenway routes be added to the Policies Map.**

### **Policy EN4 – Public realm**

58. This policy places an obligation on *all* new development. There will be some forms of development within the plan area where it would not be appropriate or justified to be seeking improvements to the public realm. I consider the policy can be focused on those developments that do impact on public areas.

#### ***Recommendation (Policy EN4)***

**Insert at the start of the policy “Where appropriate...”.**

### **Policy EN5–Funding public realm improvements**

59. I consider that the policy, as drafted, incorporates the necessary qualifications to enable the conclusion to be reached that the policy does meet the basic conditions.

### **Policy EN6– Gateway sites**

60. Again, there will be development in the vicinity of the identified Gateway sites, where there is not necessarily the need for them or indeed, if implemented, could deliver enhancements or improvements to these identified Gateway locations. However, I do not believe the wording implies that development in the vicinity of the Gateway Locations which does not or cannot deliver enhancement will be refused planning permission. This policy meets the basic conditions.

### **Policy T1 – Development generating a transport impact**

61. The NPPF, in paragraph 32, indicates “that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” As written, the policy all refers to “unacceptable impacts”, which begs the question of how unacceptable impacts

will be identified or measured. The policy cannot impose a lower threshold of impact, than envisaged by the Secretary of State advice set out above. I will be recommending the modification policies to bring it into line with national policy.

62. The second paragraph is not a policy to guide how planning applications will be determined; this is saying that every application will be assessed on their own merits. That is not a planning policy and I will be recommending that that paragraph be deleted.
63. In terms of the final paragraph to be of value the requirements should be to provide the infrastructure to allow for the *charging* of electric vehicles, not just the *use* of electric vehicles.

#### **Recommendations (Policy T1)**

**In the first bullet point, replace “an unacceptable” with “a significant residual impact”.**

**Delete the second bullet point.**

**In the final sentence of the third paragraph, replace “use” with “charging”.**

#### **Policy T2 – Car park provision**

64. I am concerned that there is an apparent contradiction between the first paragraph of the policy, which looks to retain existing car parks, whilst at the same time the second paragraph allows them to be re-provided. The requirement of a Neighbourhood Plan policy is that “it should be clear and precise and be capable of being used by decision-makers with confidence”. I will therefore recommend the policy be modified to reflect the fact that the existing car parks are protected, unless they are to be replaced or are shown no longer to be required. The first paragraph can, accordingly, be deleted.

#### **Recommendation (Policy T2)**

**Delete the first paragraph.**

#### **Policy T3 – Traffic management**

65. A Neighbourhood Plan policy is required to be a policy for “the development and use of land” and be capable of being used to determine planning applications. I consider that the objective and policy goes beyond a single development and is much more related to the responsibilities of the Highway Authority who manage the highway network, including the ability to introduce measures to address traffic speed. I consider that this aspiration is appropriate to be included in a Neighbourhood Plan, but not as a development plan policy.

It can be included in the supporting text, or be highlighted as a specific Community Aspiration.

***Recommendation (Policy T3)***

**That Policy T3 be deleted.**

**Policy R1 – Town centre uses**

66. I consider that this policy meets the basic conditions and I have no comments to make.

**Policy R2 – Shopping Frontages**

67. On my site visit I spent some time visiting both the town centre and the Rushden Lakes retail and leisure development. I consider that there is some ambiguity in the policy wording. It is not clear whether it is required that proposals for changes of use have to both be of benefit to the vitality and viability of the town centre and/or restore the integrity of a previously subdivided unit. I conclude that it is important to not prevent the beneficial occupation of the town centre unit by requiring that you must restore the integrity of a previous building configuration. I will therefore be recommending that the requirement is to meet one of the two criteria rather than both.

***Recommendation (Policy R2)***

**Insert at the end of the first bullet point “or”.**

**Policy R3 – First floor uses**

68. I consider that this policy meets the basic conditions and have no comments to make.

**Policy EJ1– Starter employment floorspace**

69. I do not understand the proviso that “other policies *in this location* are met”. I assume that the wording should refer to other relevant policies in the development plan. I will recommend the policy be amended accordingly.

***Recommendation (Policy EJ1)***

**Replace “this location” with “the development plan”.**

### **Policy EJ2 – New employment floorspace**

70. I am concerned that the second paragraph imposes a higher threshold than the strategic policies set out in the Joint Core Strategy, particularly Policy 24 which supports logistics (reference in the policy to Policy 22 has been confirmed to me as a typographical error), in that it requires any proposal to be “robustly justified”. I consider that this would mean that the policy was not in general conformity with the relevant policy will and would not pass that element of the basic conditions test. I will recommend that the second paragraph be deleted.

#### ***Recommendation***

**Delete the second paragraph.**

### **Policy EJ3 – Retention of existing employment floorspace**

71. I have no comments to make in terms of compliance with the basic conditions.

### **Policy CL1– Safeguarding existing public open space and playspace**

72. If the policy is to seek to retain specific open-space, I consider it is important there is clarity as to which open spaces are protected by policy. Rather than refer users of the plan to another document, which is not part of the Neighbourhood Plan, I consider that it would be clearer if the plan were to identify the sites to be protected on the Policies Map. I will recommend this so as to be consistent with the approach taken in Policy CL3, protecting the town’s allotments. The drafting of the policy seems to be somewhat contradictory. The first part seeks to safeguard and retain *all* the identified facilities. The second part then offers circumstances where they will no longer be protected. I will recommend a wording of the policy be modified by removing the first sentence and adapting the second.

#### ***Recommendation (Policy CL1)***

**Delete the first sentence and after “children’s playspaces” insert “(as identified on the Policies Map)”.**

### **Policy CL2 – Provision of new open-space and amenity space**

73. I consider that Policy CL2 meets the basic conditions.

### **Policy CL3 – Protection of existing allotment space**

74. I consider that Policy CL3 meets the basic conditions

### **Policy CL4 – Protection of existing sport and recreational facilities**

75. Again, I consider that it is important that the sites to be protected by the policy be included in the Policies Map. Beyond that, the policy exhibits the same contradictions as I have identified in Policy CL1. I will recommend the same remedy.

#### ***Recommendation (Policy CL4)***

**Delete the first sentence, and after “recreational facilities” insert “(as identified on the Policies Map)”.**

### **Policy CL5 – Provision of new outdoor sports and recreation facilities**

76. I have no comments regarding this policy as it relates to the basic conditions.

### **Policy CL6 - Funding provision and improvements of sports facilities**

77. I consider that this policy is too vague as to what circumstances developer contributions will be sought. As written, I do not believe that an applicant would be aware as to what circumstances he or she will be asked to make a contribution. Any contribution will need to meet the test set out in Paragraph 204 of the NPPF which is also enshrined in Regulation 122 of the Community Infrastructure Levy Regulations. Furthermore, the effectiveness of the policy would be limited by the current restrictions which limit a maximum of five contributions to one project. I consider that the policy is not a practical basis for decision-making and should be deleted.

#### ***Recommendation (Policy CL6)***

**That Policy CL6 be deleted.**

### **Policy CL7 – Existing community facilities**

78. I consider this policy meets the basic conditions.

### **Policy CL8 – Funding provision and improvements of community, arts and recreation facilities**

79. Again, I do not consider that the policy provides the certainty requirement about the planning policy, for example what types of development would be covered by this policy and as with Policy CL6, I do not consider that it meets the basic conditions and I will be proposing that it be deleted.

#### ***Recommendation (Policy CL8)*** **That Policy CL8 be deleted.**

### **Policy CL9 – New community facilities**

80. I have no comments to make on this policy as it meets the basic conditions.

### **The Referendum Area**

81. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Rushden Neighbourhood Plan as designated by East Northamptonshire Council on 16<sup>th</sup> December 2013 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

### **Summary**

82. I would particularly wish to congratulate Rushden Town Council and their professional consultants, on producing such a clear and concise, locally distinct Neighbourhood Plan. It is a coherent policy document that seeks to address the challenges that are facing the town over the next decade as it grows in accordance with its designation as a Growth Town. It will form a sound basis for determining planning applications into the future.

83. I have identified a certain vulnerability in the housing policies, as two of the largest allocation sites are contingent upon the creation of replacement sports facilities, particularly for football and rugby. I have had to include a review mechanism to cover the eventuality that the new facilities have not been delivered, which could significantly affect the ability to deliver the new homes that the town needs to be building, over the plan period.

84. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory

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requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**85. I am therefore delighted to recommend to the East Northamptonshire Council that the Rushden Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

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4<sup>th</sup> April 2018