

## **East Northamptonshire Local Plan Part 2**

### **Inspector's Initial Questions**

Dear Mr Palmer,

1. Following the submission of the East Northamptonshire Local Plan Part 2 (2011-2031) (the Plan) I have begun my initial preparation and identified a number of initial questions that would benefit from early clarification. These are intended to assist in my understanding of the Plan and the evidence base, to help in my assessment of soundness and legal compliance, and to provide clarity and potentially narrow down the focus of the examination.
2. However, at this early stage in the examination I have some concerns in respect to the Plan and the evidence base as submitted. I also have some questions regarding the soundness of the Plan, some of which are raised here and others which will be considered through my Matters Issues and Questions (MIQs) in due course.
3. The Council is requested to provide a response to the questions with reference to the main relevant evidence. In doing so it would be helpful if the Council could consider whether it might be necessary to advance any potential Main Modifications to the Plan in order to make it sound. Please draft these suggested changes to the relevant part of the Plan and maintain them in a schedule giving reasons for why they are proposed.

#### **The Plan to be examined**

4. Normally the plan that is submitted to be examined must be the same as the plan which was published for representations at Regulation 19 stage. I understand that the Submission Plan March 2021 includes a number of minor amendments which were submitted with the Plan as a schedule of changes, as well as the inclusion of some photographs. These are considered by the Council to be minor in nature have not been consulted on.
5. Nevertheless, I confirm that the Plan that is being examined is that which was published for representations at Regulation 19 stage, namely the Pre-Submission Draft Regulation 19 Consultation Plan February 2021. I will consider the amendments indicated in the schedule of changes as proposed modifications to the Pre-submission Draft Regulation 19 consultation version of the Plan.

6. Any proposed changes that materially affect the Plan's policies can only be included in the Plan if I consider them to be necessary for soundness or legal compliance and recommend them as Main Modifications (MMs). I note that the schedule of changes submitted with the Plan are considered by the Council to be minor and therefore to be considered as Additional Modifications (AMs). AMs must not materially affect the Plan's policies, and are generally accepted to be the correction of typos, updating of document titles and dates etc. only.
7. It would be helpful if any further proposed changes to the Plan are categorised into MMs and AMs and that these schedules are kept up to date throughout the examination. Where the Council has suggested changes to the Plan in the Regulation 19 Consultation Representations spreadsheet, these should be drafted as potential MMs to inform discussions at the hearings.

### **The Scope of the Plan/Examination and consistency with the development plan**

8. This is a Part 2 Plan, and it is necessary for me to be clear about its role and purpose. It is not for me to re-examine issues that were covered in the examination of the North Northamptonshire Joint Core Strategy (JCS) or other examinations. I must establish the true scope of the Plan and what it is setting out to do and its relationship with other existing plans.

#### *Strategic policies*

9. The Local Development Scheme Updated September 2020 (LDS) indicates that the purpose and subject matter of the Plan is to set out the site specific allocations for the district, including residential and employment uses, as well as to set a clear local policy direction, standards and criteria against which to assess proposals for future development.
10. Paragraph 1.18 of the Plan indicates that the North Northamptonshire Joint Core Strategy (JCS) (Local Plan Part 1) deals with strategic issues, allocates strategic sites, sets out the spatial strategy, the required level of growth and the distribution of growth. It also includes strategic and development management policies. It is stated that the Plan 'supplements the JCS and provides greater local detail to issues relevant to the district, where it is necessary to add value to these overarching strategic Local Plan policies.'

11. Additionally, paragraph 1.26 of the Plan in relation to the Duty to Cooperate<sup>1</sup> indicates that that strategic local plan policies are 'in the main' addressed through the JCS. However, paragraph 1.20 of the Plan indicates that the Plan contains of mixture of strategic and non-strategic policies. Appendix 1 of the Plan categorises the policies in the Plan accordingly and includes a good number of strategic policies.
12. It is not clear how these strategic and non-strategic policies have been defined, and whether the strategic policies that have been identified accord with the advice in the National Planning Policy Framework (the Framework), including the definition of strategic policies in the glossary. Paragraph 21 of the Framework indicates that strategic policies should be limited to those necessary to address the strategic policies of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed.
13. The Plan covers the period from 2011 to 2031. In order to anticipate and respond to long-term requirements and opportunities, the Framework requires strategic policies to look ahead over a minimum 15 year period from adoption, which in this case may not be until 2022.
14. Whilst paragraph 31 of the Framework indicates that plans should make explicit which policies are strategic policies, footnote 13 clarifies that the requirement applies to instances where a single local plan is being prepared. Moreover, paragraph 28 of the Framework establishes that non-strategic policies should be used by local planning authorities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
15. **IQ1**
  - a) Are there any strategic policies in the Plan?
  - b) How have they been defined?
  - c) Why they are justified for inclusion in a Part 2 Plan?
  - d) If there are any strategic policies in the Plan, do they accord with paragraph 22 of the Framework insofar as they identify sufficient land to meet needs up to at least 2037?

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<sup>1</sup> IQ13 considers this matter.

*Consistency with the JCS and Neighbourhood Plans (NPs)*

16. There is a requirement in Reg 8(4) for policies contained in a local plan to be consistent with the adopted development plan. Consequently, a non-strategic part 2 Plan must be consistent with the strategic Part 1 Plan, in this case the JCS.
17. The National Planning Practice Guidance (the Guidance) indicates that NPs when brought into force become part of the statutory development plan for the area they cover. They can be developed before, after or in parallel with a local plan, but the law requires that they must be in generally conformity with the strategic policies in the local plan for any area.
18. Where a NP has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and proposals, and similarly for neighbourhood plans to acknowledge local plan policies that they relate to.
19. The LDS includes a list of the 10 'made' NPs in the district. Another 11 NPs are emerging and are at various stages of production.
20. **IQ2**
  - a) Is the list of made and emerging NPs up to date? If not, can an update be provided?
  - b) Are the policies in the Plan intended to apply to areas covered by made NPs? Are there any instances of duplication of NP policies?
  - c) How do the policies in the Plan take into account the made NPs?
  - d) Are any of the NP policies intended to be superseded by the policies in the Plan?
  - e) Does the Plan make appropriate reference to the policies and proposals in the NPs?
21. I am mindful that the distinction between strategic and non-strategic policies raised above, has a particular relevance for NPs which are legally required to be in generally conformity with the strategic policies contained in the development plan (para 29 of the Framework footnote 16). Thus, where a local plan policy is intended to provide direction for neighbourhood planning/a designated

neighbourhood area, it will need to be identified as a strategic policy.

22. Paragraph 65 of the Framework states that strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Paragraph 66 of the Framework states that where it is not possible to provide a requirement figure for a neighbourhood area (because a neighbourhood area is designated at a late stage in the strategic policy making process, or after strategic policies have been adopted) the local planning authority should provide an indicative figure, if requested to do so, by the neighbourhood planning body.
23. Paragraphs 8.15 – 8.19 of the Plan set out the Council’s approach to this matter and advise that that NP groups have sought indicative ward or parish level housing targets to provide a basis for allocating future housing sites in NPs.
24. **IQ3**
  - a) Is there a reason why the requirements for the parishes/villages in Table 18 have not been set out in a policy?
  - b) What is the justification for the housing requirements for the parishes/villages set out in Table 18?
  - c) Are they intended to provide ‘strategic guidance’ as suggested in paragraph 8.17 of the Plan, or to be indicative as stated in Table 18?
  - d) Are the figures/ranges intended to be additional to the supply of housing identified in the Plan?

*Masterplan Framework Document (MFD) for Rusden East SUE*

25. The JCS identifies the broad location of a SUE to the east of Rushden (JCS Policy 33). This proposal includes around 2,500 dwellings and associated jobs and facilities, reflecting the status of Rushden as a Growth Town. JCS Policy 33 identifies the broad location for the SUE along with key issues and development principles that need to be addressed as this is taken forward through master planning. Paragraph 9.15 of the JCs indicates that the broad location for the Rusden East SUE is an area of search which will be refined through master planning to define the extent of the development. Paragraph 10.20 advises that detailed boundaries will be determined through a master planning process.
26. JCS Policy 33 states that a masterplan will be prepared in consultation with the local community and stakeholders and agreed

by the planning authority. The masterplan will define development boundaries and policy expectations for inclusion in the Part 2 Local Plan covering Rushden or in the preparation of a planning application for development of the SUE.

27. Policy EN33 in the Plan relates to the MFD for Rushden East SUE. It states that the MFD forms part of the Local Plan and is set out as an appendix to it (Appendix 6). However, I note that paragraph 9.6 of the Plan indicates that the MFD has not as yet been finalised. Additionally, paragraph 1.14 of the MFD indicates that the MFD does not resolve all of the detailed planning matters for the SUE. It advises that the scheme will continue to evolve, the MFD provides a framework for the evolution of the SUE rather than setting out the details of the development. It focusses on key strategic matters and structuring elements of the SUE.

**28. IQ4**

- a) Is the intention for the MFD to be examined in itself? That is, considered against the tests of soundness?
- b) The Council's response to representations<sup>2</sup> suggest that the MFD's inclusion in the Plan was determined on the basis of legal advice. Since it is referred to, would the Council be happy to share this advice?
- c) Would the adoption of the MFD as part of the development plan afford sufficient flexibility for the delivery of the SUE and would it be effective? Would it be able to adapt to changing future circumstances without requiring a review of the Plan?
- d) What is the relationship between Policy EN33 and JCS Policy 33? Is Policy EN33 intended to supersede JCS Policy 33 (as suggested in the Council's response to representations<sup>3</sup>)?
- e) Is Policy EN33 consistent with JCS Policy 33? For example, is the MFD informed by a project level Habitats Regulations Assessment to ensure the protection of the Upper Nene Valley Gravel Pits Special Protection Area? Does the MFD include a delivery strategy to identify how and when the development will be implemented as set out in paragraph 10.32 of the JCS?
- f) How does the MFD relate to the Higham Ferrers and Rushden NPs? Paragraph 6.57 of the Plan refers to the Higham Ferrers Neighbourhood Plan providing a masterplanning/development framework for Rushden East, for those parts of the SUE situated in the parish of Higham Ferrers. Does the MFD have regard to the

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<sup>2</sup> Rep 57/11

<sup>3</sup> Rep 38/02

NPs? Are there any instances of conflict or duplication? Does it make appropriate reference to them?

### **Gypsies and Travellers and Travelling Showpeople**

29. Paragraph 9.52 (table 7) of the JCS identifies a need for 7 residential pitches, 3 transit pitches, and 4 travelling show people plots in East Northamptonshire (2011-2022) based on the 2011 Northamptonshire Gypsy and Traveller Accommodation Assessment (GTAA).
30. Policy 31 of the JCS requires that local planning authorities protect existing lawful sites, plots and pitches for gypsies and travellers. Sufficient sites for gypsy and traveller and travelling showpeople accommodation will be identified in line with robust evidence base. Where necessary, Part 2 Local Plans will allocate further sites for accommodation for gypsies, travellers and travelling showpeople.
31. The GTAA was updated in 2019 in the context of the revised definition in the Planning Policy for Traveller Sites 2015 (PPTS). This found a residual need for accommodation for 4 households who met the definition. Additionally, there were 17 'undetermined' households in need who may not meet the definition, and 7 in need that do not meet the definition.
32. Paragraph 8.95 of the Plan indicates that the definite need (that is those meeting the definition) is minimal (4 households), but paragraph 8.96 recognises that if the 'undetermined' households are assumed to meet the definition, the number of households in need increases to 21. Despite this situation, paragraph 8.98 of the Plan finds that there is no need to allocate further sites in the Plan to fulfil the outstanding requirements. Since there are no public sites in the district, the Plan suggests that residual needs could be met at existing established sites (Irthlingborough and Ringstead).
33. **IQ5**
  - a) With paragraph 10 of the PPTS in mind, where are the specific deliverable sites that will accommodate these identified needs in the next five years, and what are the specific, developable sites, or broad locations for growth to accommodate those needs in the rest of the plan period?
  - b) What is the evidence that the Plan would meet the housing needs of those meeting the definition, as well as the housing needs of ethnic gypsies and travellers arising from the 'undetermined' households and for those who do not meet the PPTS definition? Is this need effectively addressed through the policies in the Plan?

- c) Did the SA consider different policy options for meeting G&T needs? Was the option of allocating specific sites to meet identified needs, as required by national policy assessed?
- d) Is this approach to meeting the needs of gypsies and travellers and travelling showpeople justified, effective and consistent with the JCS and national policy?

### **The Habitats Regulation Assessment (HRA)**

- 34. The Council has produced a HRA to support the Plan (Aecom December 2020). The Upper Nene Valley Gravel Pits Special Protection area (SPA)/Ramsar site lies in the district between Irthlingborough and Thorpe Waterville. It was designated due to the number and type of bird species present and is safeguarded by JCS Policy 4. This is considered in the HRA and in paragraphs 1.44 to 1.49 of the Plan.
- 35. JCS Policy 4 recognises that all new residential development within 3km of the SPA will result in a significant effect on the SPA and will have an adverse effect on its integrity unless avoidance and mitigation measures are in place. This would arise through an increase in visitors that will in turn increase the level of disturbance to wintering water birds. Provision to mitigate any likely significant effect on the SPA is made in the Upper Nene Valley Gravel Pits SPA Supplementary Planning Document (SPD) and the Addendum to the SPA SPD: Mitigation Strategy (2016). This was approved by the Council and the neighbouring Borough Council of Wellingborough in 2016. It recognises that recreational disturbance is the most significant threat to the SPA and that demand for access is increasing. With this in mind it sets out the mitigation costs for residential development (in order to remove the adverse impact on the integrity of the SPA arising from residential development).
- 36. Housing allocations are proposed in the Plan within the 3km zone of influence around the Upper Nene Valley Gravel Pits SPA. The HRA relies on those making appropriate contributions to the mitigation strategy. Natural England raise a number of concerns in relation to the approach and content of the HRA and advises that the Plan may not be legally compliant based on the HRA in its current form.
- 37. In terms of recreational pressure, it is not clear whether the existing mitigation strategy can accommodate the additional growth proposed in the Plan. The mitigation strategy was calculated on the basis of 3851 new dwellings across East Northamptonshire and Wellingborough, 2059 of which are in East Northamptonshire (as set

out in table 3 of the SPD). However, Natural England are concerned that the housing figures in the Plan exceed the JCS figures within the 3km zone of influence and go beyond those accounted for in the mitigation strategy.

38. The Council accepts that the Plan requires in excess of 7000 dwellings within the 3km buffer zone. The HRA considers in particular the 450 dwellings proposed under Policy EN28 (Land east of the A6/Bedford Road, Rushden) which it accepts exceeds the 119 dwellings assumed in table 3 of the SPD for Rushden (excluding Rushden East). Paragraph 5.5 of the HRA finds that it seems probable that mitigation (potentially in the form of a SANG) would be needed. However, as far as I can see the recommendations at paragraph 5.10 and 5.11 of the HRA are not made in the Plan.
39. As a result of the uplifted houses figures in the Plan, it seems likely that recreational pressure on the SPA will be increased, due to a higher number of visitors that will in turn increase the level of disturbance to wintering water birds. In this context, it has not been demonstrated that the existing mitigation strategy would be effective or that it can be reasonably relied upon, such that a conclusion of no significant effects can be made for recreational disturbance impacts arising from the Plan.
40. The Guidance<sup>4</sup> states that any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice'. On this basis, I cannot be satisfied that the mitigation measures in relation to recreational pressure are sufficiently secured or likely to work in practice.
41. Additionally, the SPA is adjoined by functionally linked land which may provide important foraging habitats for protected wintering bird species including lapwing and golden plover, and should be treated as if it forms part of the SPA. Natural England raises concerns as to the handling of functionally linked land where allocations conflict with this land use, and expects to see any requirement for alternative provision and clear mitigation measures in the policies.
42. The HRA finds that since the proposed allocation at Policy EN28 (Land east of the A6/Bedford Road, Rushden) is located 3.5km from the SPA, it is entirely possible that it could constitute functionally linked habitat for the SPA. Criterion e of Policy EN28 requires appropriate

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<sup>4</sup> Paragraph: 004 Reference ID: 65-004-20190772

mitigation measures to avoid significant adverse impacts upon the integrity of the SPA. However, the recommendations at paragraph 5.28 of the HRA for the inclusion of text in the Plan regarding the need for further surveys, avoidance and mitigation measures as required (such as the creation of replacement habitat nearby), and a project specific HRA, do not appear to have been included in the Plan.

43. Table 5 of the HRA considers the potential of the other allocated sites to be functionally linked land. The recommendations in relation to the requirement for a wintering bird survey in relation to Policy EN17 and EN25 (wording set out in paragraph 5.31 of the HRA) do not appear to have been included in the Plan.
44. Notably, the proposed allocation at Policy EN40 (Former Rushden and Diamonds FC Stadium site) is located adjacent to the SPA. However, the HRA (Table 5) finds that it does not constitute suitable habitat and will not be functionally linked land. However, Natural England expects a site specific HRA to assess all potential impacts. Policy EN40 seeks only to ensure that any development does not have a significant effect on the adjacent SPA.
45. As things stand, the evidence before me does not establish whether there are sites in the Plan that are functionally related to the SPA, and in this context I cannot be satisfied that there will be no adverse impacts on the integrity of the SPA in this regard. As a result consideration needs to be given to mitigation measures. These need to be sufficiently secured and likely to work in practice in line with the Guidance (as set out above). Based on the evidence before me it has not been demonstrated that this is the case.
46. Additionally, Natural England raise a number of other points which the Council need to consider further including (amongst other things) the use of the conservation objectives as the main point of reference in the HRA and the approach to the in-combination test, including the assumption that strategic issues are only to be dealt with in combination rather than by individual policies. The recommendations in the HRA in relation to Policies EN16, EN18 and EN20 at paragraph 5.18 of the Plan do not appear to have been made and are also raised by Natural England as a concern.
47. In light of the above, at this stage I have significant concerns regarding compliance with the Habitat Regulations and as to how the findings of the HRA have been taken into account in the Plan. The

Plan is not consistent with paragraph 174 of the Framework which seeks to protect and enhance biodiversity and geodiversity and is not justified in this regard.

**48. IQ6**

- a) I am aware that the Council is in contact with Natural England in response to the representations made to the Plan. These discussions should result in the preparation of a statement of common ground to identify areas of agreement/disagreement and to cover the points made above. When will this be available?
- b) Can the Council confirm whether further work is likely to be required to demonstrate mitigation in respect of recreational disturbance? If so, what would it entail and what is the timescale for the work?

**Housing**

- 49. The purpose of the Plan is to meet the aims of the JCS and to deliver development in accordance with it. The Plan allocates a number of housing sites, and I need to consider whether the Plan will meet the housing requirement established in the JCS, and whether the site allocations are consistent with the JCS spatial strategy.
- 50. Policy 28 of the JCS indicates a requirement for East Northamptonshire district of 8,400 dwellings for the Plan period 2011 to 2031. I am aware from the representations to the Plan that the development of new homes has not taken place at the rate set out in the JCS. However, these are strategic matters relating to the review of the JCS and the preparation of any forthcoming strategic plan. Such strategic matters are beyond the scope of this examination.
- 51. In line with the Oxted Residential judgment<sup>5</sup>, I am mindful that the Plan is not required to rectify any shortcomings in the Core Strategy's approach to housing land supply. The Plan does not need to re-consider objectively assessed need since its scope is clearly limited to allocating sites to meet the need established in the Core Strategy.
- 52. This principle also applies to the provision of a five year housing land supply which does not arise. As such, whilst I will need to satisfy myself that the proposals in the Plan are such that the aims of the parent plan (JCS) will be met and development delivered in accordance with it, it is not necessary for me to consider whether the

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<sup>5</sup> Oxted Residential Ltd v Tandridge DC [2016] EWCA Civ 414

Council has a five year housing supply as part of this examination (since that would require consideration of sites already allocated in other plans that are not before me).

53. **IQ7** - Notwithstanding these circumstances, to be clear, and with paragraph 74 of the Framework and the associated advice in the Guidance in mind, please can the Council clarify whether it is intending to 'confirm' its 5 year housing land supply through the Plan?
54. Updated monitoring data from 1 April 2020 was submitted with the Plan (G-02 and associated appendices). I note from its responses to the representations that the Council anticipates that the Plan would be updated in line with this.
55. **IQ8**
- a) What updates are required to the Plan as a result of the updated monitoring data, and when will they be provided?
  - b) What are the implications of this new data for the housing land supply evidence?
  - c) Are changes required to any parts of the Plan?
  - d) Do any of the background papers need to be updated?
  - e) What are the implications of this data on the progress of the SUEs, allocated sites and the housing trajectory? Where can clear evidence can be found to justify when the housing completions on the identified sites would begin?
56. Paragraphs 68 and 69 of the Framework refer to the need to identify land to accommodate at least 10% of housing requirements on sites no larger than one hectare.
57. **IQ9** - Can the Council confirm whether this is the case and where evidence of it can be found?

### **Sport and Recreation**

58. Paragraph 96 of the Framework indicates that planning policies should be based on robust and up-to-date assessment so the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.
59. The Open Space Study and Playing Pitch Strategy (PPS) relied on by the Council to underpin Policy EN10 Enhancement and provision of open space, and Policy EN11 Enhancement and provision of sport and

recreation facilities, were prepared in 2016 and are now 5 years old.

60. In particular, the PPS (and Table 9 in the Plan concerning the playing pitch demand calculator) only considers future demand up to 2021 and does not identify quantitative or qualitative deficits or surpluses and opportunities for new provision for the whole plan period.
61. **IQ10** - Does the Council intend to update this evidence? If so what is the timeline for its production?

### **Other Matters**

62. The following matters are also appropriate to raise as this point.

#### *Duty to Cooperate*

63. S33A of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the duty to co-operate (DtC). This applies to the preparation of Local Plans so far as relating to a strategic matter.
64. Paragraph 1.26 of the Plan indicates that the DtC relates predominantly to strategic policies<sup>6</sup> which, in the main, are addressed through the JCS. Paragraph 1.27 of the Plan indicates that the DtC is nevertheless a requirement for this Plan.
65. **IQ11**
- a) Can the Council confirm whether the Plan relates to any strategic matters and whether it considers the DtC to be engaged in this case?
  - b) What are the cross boundary issues referred to in paragraph 1.23 of the Plan and what has been done in terms of co-operation in this regard?
  - c) What are the SoCGs referred to in paragraph 1.27 of the Plan and where can these be found?
  - d) With reference to the Upper Nene Valley Gravel Pits SPA and Ramsar site and the common issues which arise in terms of the mitigation strategy SPD (as detailed above), has the Council prepared a SoCG with Wellingborough Borough Council? Can details of the outcomes of the cooperation undertaken in this regard be provided?
  - e) Is it the Council's intention to have any further discussions with representors or to prepare any SoCG in advance of the hearing sessions?

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<sup>6</sup> IQ1 considers this matter.

### *The Policies Map*

66. The role of the adopted policies map is to illustrate geographically the applications of the policies in the development plan.
67. **IQ12** - Where necessary do the policies in the Plan make it clear that their geographic application is illustrated on the policies map? I have identified a number of issues relating to this question as follows:
- a) Policies EN23 (Local centres), EN22 (Impact tests outside the primary shopping areas) and E17 (allocates land south of Chelveston Road Higham Ferrers for a new school) do not refer to the policies map.
  - b) Paragraph 1.47 of the Plan indicates that the 3km and 4km buffer zones associated with the Upper Nene Valley Gravel Pits SPA/Ramsar site are shown on the policies map. I cannot find this annotation on the map or the key?
  - c) Policy EN8 relating to the Greenway indicates that the Greenway is identified on the policies map. However the main map and inset map indicate a number of annotations for EN8 including 'completed', 'indicative', 'proposed', and 'sustrans'. To which of these annotations does Policy EN8 apply and where is this explained?
  - d) The key for the map (and inset maps) includes 'EN8 aspirational connections' which are not referred to in the Plan. As such this appears to be a designation without policy basis. It is also unclear whether the aspirational connections are within the areas delineated by the broken lines, or along the route of the lines?
  - e) The Welland Valley Railway is shown on the map and key but does not appear to illustrate geographically the application of any particular policy in Plan?
  - f) On the Rushden and Higham Ferrers inset map there are three annotations relating to EN23 which are not referred to in the Policy. It is not clear if these are three of the designated local centres referred to in the Policy? If that is the case, given their annotation as a single point/marker, rather than as a boundary how will applicants determine if their proposals are within 200 metres of the centre?
  - g) On the keys for the inset maps the town centre boundaries and primary shopping frontage are attributed to Policy EN23. Should they should relate to EN21 and/or EN22?
  - h) The sites shown on the map under Policy EN19 Protected Employment Areas are not identifiable by their address/reference number. They all appear simply as red boundaries.

- i) The same is true of the housing allocations shown as block yellow including the Rushden East SUE and land to the east of the A6/Bedford Road. This needs to be rectified in the interests of effectiveness.
  - j) The EN19 rural employment designation on the main map appears to include land outside the district. What is the justification for this and where is it explained?
68. The policies map is not a development plan document and I do not have the power to recommend MMs to it. However, MMs relating to the Plan's policies may require corresponding changes to the Map. A change to the policies map would not be either a MM or an AM. It would be an alteration to the geographic illustration of a policy to ensure the policy is effective and therefore sound. Any such changes should be included in a separate schedule. I note that some such changes are proposed in the Regulation 19 Consultation Representations spreadsheet (see representation 9/06 for example).

*The Statement of Community Involvement (SCI)*

69. Further to the government's Written Ministerial Statement on virtual working and planning – responding to the Covid 19 restrictions, the Guidance encourages local planning authorities to immediately review and update their SCI where necessary so that plan-making can continue. It would be helpful if this matter could be considered by the Council now in the context of the North Northamptonshire SCI so that any work on this document that may be necessary can be undertaken expediently.
70. **IQ13** – in this context, can the Council confirm whether any changes to the SCI are necessary?

*Sustainable Urban Extensions (SUEs)*

71. **IQ14** - Position statements to provide an update on the status of the SUEs in East Northamptonshire at Rushden East and Irthlingborough West would be helpful. These should draw on the updated monitoring information referred to under the Housing section of this letter.
72. **IQ15** - Although it is included as Figure 19 in the Plan, the policies map as submitted does not include a notation for the Irthlingborough West SUE allocated in the JCS. It would be helpful to me if a version of the map showing the boundary of this can be provided and added to the Examination library.

### *Introduction to the Plan*

73. **IQ16** - Paragraphs 1.7 to 1.14 of the Plan will be out of date when the Plan is finalised for adoption. Figure 1 is also inaccurate in relation to 'subsequent stages'. Please prepare potential MMs to ensure that this part of the Plan is sound.

### **Next Steps**

74. I have not carried out a comprehensive analysis of the Plan at this stage. I appreciate that the Council may need some time to consider the contents of this letter and will not set a deadline for a response. However, an early indication as to when a response can be expected would be appreciated.

75. The examination is at an early stage and my initial concerns about the legal compliance and soundness of the Plan are set out in this letter. These matters need to be addressed in order for the examination to progress and to enable me to formulate my Matters Issues and Questions and Guidance Notes with a view to producing a draft hearings programme. Depending on the responses to these Initial Questions, it may be that the hearings will need to be staged to consider legal compliance issues in the first instance.

76. If you require any clarification on any of the matters raised please contact the Programme Officer. A copy of this note and the Council's response should be placed on the examination website. Responses from any other parties on this letter are not sought and comments will not be received.

Elaine Worthington

Examining Inspector  
16 July 2021