

## **POSITIONAL STATEMENT OF ISSUES ARISING**

**Table of comments on the Pre-Submission Draft of the East Northamptonshire Local Plan Part 2 – Representation from:**

**Bellway Homes/Marrons re land to east of A6 Bedford Road, Rushden**

**Discussions between representatives of the developer and North Northamptonshire Council (East Northamptonshire area Planning Policy team)**

**October 2021**

Engagement with promoters of strategic site allocations is important to inform the Planning Inspector in examining the Local Plan. The local planning authority is proactively engaged with the promoters (developers/ landowners) of the land to the east of A6/Bedford Road, Rushden (Policy EN28) to ensure that policy obligations are deliverable and viable and that they will deliver a sustainable development.

Large site allocations are important to the overall delivery of the Local Plan spatial development strategy. It is therefore important for the promoters and local planning authority to understand issues that may prove pertinent to the allocation of the site in the Local Plan through to successful delivery of a sustainable development. In order to support the Planning Inspector in setting an agenda for the forthcoming examination hearings a “Positional Statement of Issues Arising” has been produced, to identify and explain key points of agreement between the parties, together with areas of disagreement, which could then provide the opportunity for discussion at the hearing sessions of the examination.

Marrons Planning (on behalf of the developer) submitted a representation regarding Policy EN28 along with representations relating to a number of other policies (EN10, EN13, EN28, EN29, EN31 and EN32) contained in the Local Plan in response to the Pre-Submission Draft (Regulation 19) consultation, 5 February – 19 March 2021. While generally supportive, the representation raised concerns, for example, over the detail of delivery requirements set out in the Plan.

The Council holds regular meetings with the site promoters to inform Masterplanning and site delivery. In response to the Regulation 19 representation, the attached Statement has been produced.

### **Matters on which the parties agree – comments relating to the Local Plan Part 2**

The following table sets out the site promoters’ comments on the Local Plan Part 2, received through the Regulation 19 representation along with suggested changes. The final column sets out the current position in respect of the Council’s discussions with the site promoter, along with a series of actions. In some circumstances proposed amendments to the Local Plan are not fully supported by the Council, consequently these are set out in the outcomes/actions as not agreed or that no further proposed action is taken.

**Table 1: Matters raised by Bellway/Marrons in response to draft Local Plan Part 2**

<b>Section</b>	<b>Site promoters ‘Comments</b>	<b>Suggested Change</b>	<b>Agreed Outcome</b>
EN10	The second paragraph of the proposed policy states that the provision of new open space will be required for development where there is insufficient access to existing open space within the local area.	It is not clear what is meant by ‘insufficient access’ and this should be clarified.  The fourth paragraph of the proposed policy requires contributions to existing open space. It is not clear whether this is required in lieu of on-site provision.	<i>Policy EN10 has been drafted with reference to the KKP assessment. This advises that: “A development should make appropriate provision of services, facilities and infrastructure to meet its own needs. Where sufficient capacity does not exist, the development should contribute what is necessary, either</i>

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			<p><i>on-site or by making a financial contribution towards provision elsewhere.” This implies that exact details of open space provision should be determined on a case by case basis; reflected within EN10. However, in relation to the changes suggested the following modifications are proposed to provide greater clarity</i></p> <p><u>Action:</u>  <i>Proposed modification (MM08) to Policy EN10 para 2 (in response to Rep 26/02) to read... The provision of new open space will be required for development where there is insufficient (delete the words “access to existing”) open space (add the word” identified”) within the local area...</i></p> <p><i>The explanation provided in the agreed outcome above be provided within the supporting text to Policy EN10 to set out the approach more clearly.</i></p>

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			<p><i>Proposed modification (MM07) to para 4 (in response to Rep26/02) to clarify a preference for onsite provision where possible.as follows:</i></p> <p><i>Insert the words “onsite, or where appropriate, offsite....” in the first sentence of para 4 of Policy EN10 after the words” value of existing open space...”</i></p>
EN13	<p><b>Criterion h)</b> requires parking provision in line with the Countywide parking standards and, “where appropriate, incorporates charging points for electric vehicles”. It is noted this should read ‘charging’ not ‘<i>changing</i>’, but the proposed policy is ambiguous as to what is required. The County Council’s Parking Standards are dated 2016 and are similarly ambiguous as to what is required. The policy is not consistent with paragraph 16 of the Framework. It is anticipated that the provision of electric vehicle charging in residential developments will be covered by Building Regulations, and therefore the</p>	<p>Policy EN13 should be amended to clarify the circumstances where charging points for electric vehicles are required on new developments.</p>	<p><i>Potential future changes to the Building Regulations may well render criterion (h) redundant. However, until these are in place criterion (h) provides an opportunity to negotiate the provision of electric vehicle charging points through the planning system.</i></p> <p><u><i>Action:</i></u>  <i>No further change is proposed (aside from the “charging” typo as set out in MM11, Rep 26/03) as it is considered the policy provides sufficient flexibility, indicating in criterion h) “where appropriate”</i></p>

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	policy may in any event become obsolete.		<i>The site promoters have indicated are happy to agree this outcome.</i>
EN13	<b>Criterion i)</b> requires development to not result in unacceptable problems of light pollution. The phrase 'unacceptable' is ambiguous, and not consistent with paragraph 16 of the Framework.	The policy should be amended to clarify when development might have an unacceptable impact on light pollution.	<p><i>Clarity be added to the wording of Policy EN13.</i></p> <p><u>Action:</u>  <i>Proposed modification (MM11) to the wording of Policy EN13 h) in response to Rep 26/03 to delete the words "unacceptable problems of" and replace with "significant harm arising from"</i></p>
EN28	<p>Although Bellway Homes support the inclusion of proposed Policy EN28 and the allocation of land east of the A6/Bedford Road, Rushden, objections are made to the detailed wording and its consistency with national policy.</p> <p><b>Criterion a)</b> of the proposed Policy places a limitation on the development: up to 450 dwellings. The housing requirement within the Joint Core Strategy is not expressed as a maximum, and there is no policy basis</p>	<p>Bellway Homes representation is in support of Policy EN28. However, this includes objections regarding aspects of detailed policy wordings and the need to ensure that the site allocation remains deliverable.</p> <p>The wording 'up to' should be removed and replaced with 'around'. in criterion a)</p>	<p><i>Clarity be added to the wording of Policy EN28.</i></p> <p><u>Action:</u>  <i>In respect of criterion a) and for consistency with other allocation policies, for example Policy EN24, it is proposed to modify (MM28) Policy EN28 a) to delete the words "up to" and replace with the following; "It is expected that the allocation will deliver around 450 dwellings" This is in response to Rep 26/05.</i></p>

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	to limit the scale of development in this context.	In respect of criterion d) whilst no objection is made to delivering biodiversity net gain, objection is made to requiring it within the local greenspace corridor. Therefore to "and net biodiversity gain" should be deleted.	<i>In respect of criterion d) it is agreed that a proposed modification (MM29) to the wording be set out so that the initial reference only to net biodiversity is removed. Therefore, it is agreed that "and net biodiversity gain" be deleted after the words delivering enhancements... This is in response to Rep 26/06.</i>
EN29	It is unclear as to how the implications of this proposed policy on viability have been taken into account in the East Northamptonshire Local Plan Viability Assessment - given the variation in sales values across the District. The impact will be more pronounced in the southern areas of the District where revenues are lower.	If the Council wishes to adopt the optional standards for accessible and adaptable dwellings, this should only be done in accordance with Joint Core Strategy Policy 30 and paragraph 127(f) of the Framework in providing evidence of local needs to justify the 5% requirement. Furthermore, the requirement for Part M (3) should only be required for dwellings over which the Council has housing nomination rights as set out in the NPPG (ID 56-008-20150327).	<i>Category 3/ Building Regulations, Part M (wheelchair accessibility) is an optional standard, however, Policy EN29 seeks to ensure a basis for providing accessible housing through the development management process.</i>  <i><u>Action:</u></i> <i>No change is proposed by the Council; therefore, it is recognised that this represents an area of disagreement between parties.</i>
EN31	Supporting text is not consistent with the older persons' provision policy as it is more flexibly worded. Paragraph 8.73 states that in determining an appropriate	The Viability Assessment states that the Council may need to apply a flexible approach to the form of older	<i>Policy EN31 focuses upon opportunities to deliver specialist older people's housing. It includes a focus upon extra care provision, for</i>

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	<p>proportion with regard to evidence of local need (where available), the scale and location of the site, including access to facilities (where appropriate, depending on the type of older person's accommodation that is proposed) and the viability of the development.</p> <p>.</p>	<p>person's housing - where viability issues are present.</p> <p>The policy wording is too rigid and should be more flexible having regard to site specific circumstances. Any case that is made on the topic of viability needs to be accompanied by a detailed viability assessment to determine that it is fully justified.</p> <p>Policy EN31 should be amended to incorporate the wording within para. 8.73 in how it intends to apply the policy.</p>	<p><i>where an acute local need has been identified (particularly in the rural north, but throughout the Plan area).</i></p> <p><i>Smaller sites may provide additional local opportunities to increase provision of new specialist/ older people's housing where a viable scheme is forthcoming.</i></p> <p><i>The focus upon allocated sites enables greater certainty regarding delivery, given that policy obligations are specifically written into individual site-specific policies</i></p> <p><i>Clarity can be provided by making reference in the policy to the supporting text.</i></p> <p><u>Action:</u>  <i>Proposed Modification (MM30) to Policy EN31 by incorporating the following words into para 3 at the end of the current sentence" unless it can be justified that such provision is not appropriate for the location, or would have an adverse impact upon</i></p>

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			<p><i>the deliverability and/or viability of the scheme”</i></p> <p>This is in response to Rep 26/08.</p>
EN32	<p><b>Criterion b)</b> is onerous, and not deliverable. Large housing sites do not lend themselves to the provision of self-build or custom properties. There is a risk that making 5% of the plots available for self and custom build housing could slow down the delivery of housing, e.g. bringing forward an allocation of 450 units would lead to the provision of 23 self-build dwellings, and thus potentially 23 separate contracts would need to be agreed with interested parties.</p> <p>In addition, there are also practical issues to consider, for example the day to day site management and operation of such sites and potential health and safety issues of having 23 or more individual construction sites within one development. The implications for viability have also not been considered and the representations of HBF are supported in this regard.</p>	<p>In responding to the issue, the Council should be allocating specific sites for custom build where the need arises. There is not sufficient evidence base to support the requirement for 5% custom or self-build or to justify the policy requirement.</p>	<p><i>Background Paper 11 Self and Custom Build provides further evidence in support of Policy EN 32 which underlines the Council’s approach to the future delivery of self and custom build.</i></p> <p><u>Action:</u>  <i>No change is proposed by the Council, therefore it is recognised that this represents an area of disagreement between parties.</i></p>

Policy EN28	Additional Matters agreed at 13 July 2021 meeting		
	Key theme/ topic	Details	Agreed outcome
	Implications of Upper Nene Valley Pits Special Protection Area (SPA)/ Ramsar site	<ul style="list-style-type: none"> <li>• Wintering bird surveys undertaken for 2020/2021 season;</li> <li>• Previous surveys of the site undertaken as part of Rushden East application and JCS;</li> <li>• No evidence the site is Functionally Linked Land upon which designated species rely and therefore no impact on the integrity of the designated site.</li> <li>• Bellway Homes has paid for pre-application advice from Natural England and a response is awaited.</li> <li>• Legal advice previously sought by East Northamptonshire Council (2020) re implications of SPA/ Ramsar site, including for Policy EN28</li> <li>• Site is located over 3km from the SPA and potential for</li> </ul>	<i>Bellway Homes to continue engagement with Natural England, circulating relevant feedback as/ when this become available, to support proposals.</i>

Policy EN28	Additional Matters agreed at 13 July 2021 meeting		
	Key theme/ topic	Details	Agreed outcome
		increased recreational use is lower, and can be mitigated through on-site provision of suitable accessible natural greenspace.	
	Bellway Homes – current position re-emerging proposals for Land east of Bedford Road/ A6 Bypass	<ul style="list-style-type: none"> <li>• Pre-application enquiry, EIA screening and scoping request has been submitted.</li> <li>• NNDC issued screening opinion confirming EIA is required.</li> <li>• Public consultation ongoing.</li> <li>• Submission of outline application anticipated late 2021, around or shortly after the Local Plan examination hearings take place</li> <li>• Ongoing engagement with statutory bodies regarding relevant processes (Natural England, Highways Authority,</li> </ul>	<i>Bellway Homes to continue engagement with local planning authority and other relevant statutory consultees. Relevant feedback will be circulated as/ when this become available, to support proposals.</i>

<b>Policy EN28</b>	<b>Additional Matters agreed at 13 July 2021 meeting</b>		
	<b>Key theme/ topic</b>	<b>Details</b>	<b>Agreed outcome</b>
		Lead Local Flood Authority etc)	
	Housing trajectory/ delivery rates	<ul style="list-style-type: none"> <li>• Council published trajectory in April 2020 Housing Site Schedule; anticipating mean delivery of 50-60 units from 2023/24 for the remainder of the Plan period, to 2031</li> <li>• Submission of reserved matters anticipated during 2022/23</li> <li>• Developer's anticipated trajectory broadly aligned to that for the Council</li> </ul>	<i>Broad agreement already between the promoters (Bellway Homes) and the Council.</i>
	Progress with individual site-specific assessments/ studies to support delivery	<ul style="list-style-type: none"> <li>• Transport Assessment in preparation – in consultation with Highway bodies</li> <li>• Drainage (surface water) – modelling undertaken of on-site watercourse and culvert (under A6 Bypass) to inform masterplanning</li> </ul>	<i>Bellway Homes to continue engagement with local planning authority and other relevant statutory consultees. Relevant feedback will be circulated as/ when this become available, to support proposals.</i>

<b>Policy EN28</b>	<b>Additional Matters agreed at 13 July 2021 meeting</b>		
	<b>Key theme/ topic</b>	<b>Details</b>	<b>Agreed outcome</b>
		<ul style="list-style-type: none"> <li>• NNC Education – developer contributions sought, in line with those under negotiation re Rushden East</li> <li>• All baseline survey work completed.</li> </ul>	<i>The promoters will work with both the Planning Policy and Development Management teams, to enable proposals to be supported through the Local Plan examination and allow for the timely submission of a planning application.</i>

## Conclusion

Table 1 sets out the proposed main modifications agreed between the parties to address the issues raised by the site promoter. These address some of the concerns raised within the scope of the Local Plan Part 2. It is also recognised that some areas of discussion identified above have resulted in no further proposed changes to the Local Plan, which has resulted in no agreement being recorded in the above actions.

Signed on behalf of North Northamptonshire Council

Richard Palmer, Planning Policy Manager (East Northamptonshire Area)  
Date: 5 November 2021

A handwritten signature in black ink, appearing to read 'R. Palmer', with a long horizontal flourish extending to the right.

Signed on behalf of Bellway/Marrons Planning

A handwritten signature in black ink, appearing to read 'Gary Stephens', with a long horizontal flourish extending to the right.

Date: 05/11/21