

East Northamptonshire Local Plan Part 2 Examination

Inspector: Caroline Mulloy BSc (Hons) DipTP MRTPI

Programme Officer: Ian Kemp

February 2022

Matters, Issues and Questions

Introduction

This document sets out the Matters, Issues and Questions (MIQs) relating to the soundness of the submitted Plan. They do not intend to cover every policy in the Plan but are based on the main issues identified by the Inspector taking account of the views of the Council and other representors. They are also informed by the Council's response to the Inspector's Initial Questions, which include a number of supporting documents and have been published on the Examination website.

The MIQs may evolve during the Examination particularly following on from the responses of the Council and others on these matters prior to the hearing sessions.

Prior to the forthcoming hearing sessions, responses are invited from participants on these MIQs. Further information about the examination, hearings and format of written statements is given in the Guidance Notes.

One of the four tests of whether a plan is sound is if it is consistent with national policy. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. When responding to the MIQ's, please consider whether the Plan needs to be modified to take account of the Framework, and if you think it does, please say why the Plan as submitted is unsound and how you would wish it to be changed to make it sound. The tests of soundness are set out in paragraph 35 of the Framework.

Paragraph 16d of the Framework also advises that plans should only contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. This should also be considered.

Matter 1 – Legal and Procedural Requirements

Issue

Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the Duty to Co-operate (DtC) on strategic matters been satisfied?

Questions

Duty to Co-operate

1. What strategic, cross-border matters have arisen through the preparation of the Local Plan and how have these been addressed?
2. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the Framework and the National Planning Practice Guidance (the Guidance)?
3. Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on the strategic matters relevant to this Plan and what form has it taken?

(see Initial Question 11 and the Council's response)

Purpose of the Plan and consistency with the North Northamptonshire Joint Core Strategy (JCS)

4. Is the intention and purpose of the Plan and its relationships with other plans clear? (see Initial Question 1 and the Council's response)
5. Is the Plan's approach to strategic policies justified and effective?
6. Has the Plan had regard to the JCS?
7. Are there any policies in the Plan which are not consistent with the JCS? If so, what is the justification for these?
8. Does the Plan set out an appropriate framework and allow an appropriate role for neighbourhood plans (NPs), having regard to the current progress made in relation to their preparation in the borough? (see Initial Question 2 and the Council's response)

9. Are there any instances of conflict between the policies in the Plan and those in the made NPs?
10. Does the Policies Map correctly illustrate geographically the application of the policies in the Plan? (see Initial Question 12 and the Council's response).

Please note the relationship of the Plan to the Masterplan Framework Document (MFD) for the Rusden East Sustainable Urban Extension and the Council's response to Initial Question 4 (a to f) is considered under Matter 6.

Plan preparation and public consultation

11. Does the content and timescale for the preparation of the Plan accord with the latest version of the Local Development Scheme (LDS)?
12. Has consultation on the Plan complied with the Statement of Community Involvement (SCI) and public consultation requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012? (see Initial Question 13 and the Council's response)

Habitats Regulation Assessment (HRA)

13. Have the requirements for appropriate assessment under the Habitats Regulations been met?
14. What were the relevant designated sites considered?
15. What are the results of the Habitats Regulation Assessment (HRA) and where have these been carried forward in the Plan? (see Initial Question 6 and the Council's response including the revised HRA and MM01)
16. How have mitigation measures for potential impacts arising from new development on designated sites in terms of recreational disturbance (and air and water quality?) been addressed?
17. Has the updated HRA and proposed MMs addressed Natural England's objections to the Plan and the HRA in full? If not, what objections remain? (see Initial Question 6 and the Council's response)

Sustainability Appraisal (SA)

18. Has the Plan been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met?
19. Where is it evident that reasonable alternatives have been considered and how the SA has influenced the Plan and dealt with mitigation measures?
20. Are there any representations on the SA itself? If so, how have these been addressed?

Climate Change

21. Does the Plan contain policies designed to secure that the development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change?
22. Which policies in the Plan are designed to secure that the development and use of land in the district contribute to the mitigation or, and adaptation to, climate change? (as required by Section 19(1A) of the 2004 Act). How does the Plan interact with the JCS on this matter?

Equality

23. Will the Plan help to advance equality of opportunity between people who share a 'protected characteristic' as defined in the Equality Act 2010 and those that do not share it and further the aims of the Act?
24. In what ways, positive and negative, are specific policies in the Plan expected to affect the three aims expressed in section 149(1) of the Equality Act 2010 and in particular affect groups with 'protected characteristics'?

Matter 2 – Spatial Strategy

(Vision and Outcomes, the scale and distribution of development, spatial development strategy, site selection, settlement boundary criteria, development on the periphery of settlements and rural exceptions, and replacement dwellings in the open countryside Policies EN1, EN2, EN3, EN4, EN5, EN6)

Issue

Is the Plan positively prepared and justified, effective and consistent with national policy and the JCS in relation to the scale and distribution of development, the site selection process, settlement categories and boundaries and its approach to rural exceptions and replacement dwellings?

Questions

Vision and outcomes

1. Is the reference to the presumption in favour of sustainable development at paragraph 3.8 of the Plan consistent with the Framework? Is repetition of the Framework justified?
2. Is the duplication of JCS Policy 1 in the Plan necessary or justified? Additionally, is the text in paragraph 3.10 of the Plan policy rather than explanatory text?

Spatial development strategy

3. What context does the JCS provide in terms of the scale of development required in East Northamptonshire? What are the specific requirements for housing, employment and town centres? Is the scale of development in the Plan consistent with this?
4. What context does the JCS provide in terms of the distribution of development in East Northamptonshire? Is the proposed distribution of development in Policy EN1 in accordance with the JCS and sustainable development principles?
5. Does the Plan include sufficient flexibility and contingencies to take account of any changes in circumstances, including any review of the JCS?

Site selection

6. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear and where is this set out?

Settlement categories and boundaries

7. In terms of the rural areas, is the categorisation of the villages into large free standing villages, small freestanding villages, urban outliers and rural outliers/restraint villages justified and consistent with the JCS? Is the methodology used to determine the categories robust?
8. Is the principle of using settlement boundaries to direct and control the location of new development sound? How does it work in relation to rural exception sites?
9. What is the justification for the criteria for settlement boundaries referred to in Policy EN2 for the urban areas? In practical terms, do the criteria relate to how settlement boundaries will be defined, or are they criteria relating to when infill development will be permitted? Should the policy be clear that it applies only where settlement boundaries are not established in a NP? Is the intention that all the criteria apply?
10. What is the justification for the criteria for settlement boundaries referred to in Policy EN3 for freestanding villages? Does the first sentence relating to infill development repeat Policy EN1 and is it necessary in a policy relating to defining settlement boundaries? Is it the intention of the Policy to set out criteria relating to when infill development will be permitted?
11. Are there any instances where the boundaries of freestanding villages may already be established in a NP and should this be recognised?
12. What is the justification for the criteria for settlement boundaries referred to in Policy EN4 for ribbon developments? In practical terms, do the criteria relate to how settlement boundaries will be defined, or are they criteria relating to when development will be permitted? Does criterion d duplicate JCS Policy 8 regarding place shaping principles?
13. How is infill development defined in the Plan? Does this align with the JCS definition? What is 'small scale infill' referred to in Policy EN3 and how is this defined? Is infill restricted to residential development as

set out in Policy EN3 or does it concern all development?

Development on the periphery of settlements and rural exceptions

14. Is it clear how Policy EN5 deals with development on the periphery of settlements? Where is on the periphery of settlements defined? Is the policy intended to apply to all sites beyond the established settlement boundaries (ie those that are also in the open countryside) or just those on the periphery of settlements?
15. Is the approach to rural exceptions in Policy EN5 in line with the Framework and the JCS? Does it add anything to Policy 13 of the JCS which deals with rural exceptions more generally?
16. Is the wording of Policy EN5 sufficiently clear for the purposes of decision making? Does it repeat the requirements of other policies in the JCS and the Plan?

Replacement dwellings in the open countryside

17. Is Policy EN6 justified in its approach to replacement dwellings in the countryside and does it accord with the JCS and the Framework?
18. How would an applicant demonstrate that an existing dwelling is too small for modern living standards? What evidence would be required and what standards would be applied? Does criterion f repeat the provisions of JCS Policy 8 place shaping principles?

Matter 3 – Delivering the Housing Requirement

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the supply and delivery of housing land to meet the JCS requirement for East Northamptonshire.

The JCS sets the housing requirement for East Northamptonshire at 8,400 dwellings in the period 2011-2031. It also sets out how it will be distributed in line with the spatial strategy and sets out housing requirements for the six towns of Rushden, Raunds, Irthlingborough, Thrapston, Higham Ferrers and Oundle (7,580 dwellings). Additionally it sets out a district wide rural housing target (820 dwellings).

The JCS allocates strategic housing sites of 500+ dwellings. The Plan allocates smaller scale sites to meet housing requirements. The Sustainability Appraisal recognises that without any allocations, there is a total supply for the district of at least 7,509 dwellings, which leaves a residual JCS requirement of 891 dwellings overall. With a reliance on commitments and completions, the targets for Higham Ferrers, Raunds, Thrapston and the rural area would be exceeded, but there would be a shortfall in Rushden, Irthlingborough and Oundle. Accordingly the Plan seeks to allocate additional sites focussed on those locations.

Revising the housing requirement is not within the scope of this Plan. Discussions at the hearings will therefore focus on ensuring the Part 2 Plan allocates sufficient housing land to deliver the housing requirement as set out in the adopted JCS. This principle also applies to the provision of a five year housing land supply and whilst I will need to satisfy myself that the proposals in the Plan are such that the aims of the JCS will be met and development delivered in accordance with it, it is not necessary for me to consider whether the Council has a five year housing supply as part of this examination.

(See Initial Question 7 and the Council's response)

In responding to the following questions, the Council should seek to identify and address specific concerns raised in the representations.

Questions

1. Does the Plan deliver the housing requirement of the JCS (for 8,400 dwellings net) and its timescale for delivery?

(See Initial Question 8 and the Council's response in relation to updated monitoring data from 1 April 2020 that was submitted with

the Plan. See also MM21a regarding changes to Tables 15, 16 and 17 and the associated explanatory text and MM30b regarding the Sustainable Urban Extensions).

2. Would there be a supply of deliverable sites and developable sites that would meet the JCS housing requirement for East Northamptonshire? Where is this set out indicating the sources of land supply, when it is expected to be delivered and how this will meet the JCS requirement?
3. What is the estimated total supply in the Local Plan period from:
 - a) Completions since 2011
 - b) Sites under construction
 - c) Planning permissions
 - d) Other commitments
 - e) Major urban extensions
 - f) Other site allocations
 - g) Neighbourhood Plan site allocations
 - h) Windfall sites
4. What assumptions have been made in relation to the timing and delivery rates from these sources of supply and are these justified?
5. With specific reference to the above sources of supply, how will the Local Plan meet the housing targets set out in Table 5 of the JCS for each of the six main towns and rural areas.
6. Should the Plan include a housing trajectory illustrating the expected rate of housing delivery for the plan period that will enable the overall delivery trajectory in the JCS?
7. What progress has been made on the Sustainable Urban Extensions (SUEs) allocated in the JCS and how has this been monitored? What assumptions have been made in relation to delivery rates and are these justified?

(see Initial Question 8 e and the Council's response)

(see initial Question 14 and the Council's response)

(see Position Statement with Rushden East consortium)

8. Do the proposed housing allocations accord with the spatial strategy of the JCS?
9. Is meeting the identified shortfall of homes in Irthlingborough by off-setting the surplus housing figures for Rushden, Higham Ferrers and Raunds justified and effective? Does this approach accord with the

JCS (paragraph 9.10)?

10. What is the justification for the allocation of 450 homes at land east of the A6/Bedford Road Rushden under Policy EN28? Does it accord with the spatial strategy set out in the JCS?
11. Is the expected contribution from windfalls realistic and justified by evidence? What is the justification for the 41 dwellings per annum windfall allowance referred to in Background Paper 10 Rural Housing? The SA indicates that the Council has estimated that windfall development will contribute 820 dwellings to the housing supply, where is this explained and justified?
12. Which allocated sites in the previous Local Plan are relied on as commitments as a component of the housing land supply? Are these justified? What will be their status when the Plan is adopted?
13. What is the justification for the uplifted housing figure at Oundle (as set out in paragraph 8.12 of the Plan)?
14. Is there sufficient range and choice of sites allocated in the Plan in terms of location, type and size to provide adequate flexibility to meet the JCS housing requirement for East Northamptonshire? What contingencies are in place should housing delivery fall below expectations?
15. Is the approach to housing in the rural areas justified? (Table 17 and paragraph 8.14 of the Plan)
16. Is the approach to the housing requirements for designated neighbourhood areas set out in Table 18 of the Plan consistent with the Framework? (see Initial Question 3 and the Council's response).
17. Paragraph 69a of the Framework states that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of housing requirements on sites no larger than one hectare. Should this be recognised specifically in the Plan? (See Initial Question 9 and the Council's response)

Matter 4 – Housing Allocations in Oundle

Issue

Whether the following housing allocations are soundly based, justified and deliverable.

As set out in the Guidance Notes for the examination, it is not part of the Inspector's role to examine the soundness of omissions sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions. Instead, should the situation arise that any additional sites are needed, the Inspector will look to the Council in the first instance to decide which alternative or additional sites should be brought forward (subject to consultation and sustainability appraisal if required).

EN25 Land rear of Cemetery, Stoke Doyle Road, Oundle (70 dwellings)

EN26 Cotterstock Road/St Peters Road, Oundle (130 dwellings)

EN27 St Christopher's Drive, Oundle (100 dwellings)

Questions

The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where reps have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included.

1. Are the housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?
2. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?
3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?
4. How were the site capacities determined? What assumptions have been made? Are these justified?
5. What is the current planning status of the site?

6. What benefits would the proposed development bring?
7. What are the potential adverse impacts of developing the site and how might they be mitigated?
8. Would the Modifications proposed by the Council address any shortcomings?
9. What is the expected timescale and rate of development and is it realistic?
10. Is the boundary of the site appropriate? Is there any justification for amending the boundary?
11. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Are they needed when some of the sites already have planning permission?

Additional policy/site specific questions are as follows:

12. **EN24 Oundle Housing Allocations** – what is the purpose of this overarching policy? Does it repeat the policies for the individual allocations? Are the development management criteria covered elsewhere in the JCS or the Plan?

Matter 5 – Housing Allocations in Rushden and Higham Ferrers

Issue

Whether the following housing allocations are soundly based, justified and deliverable.

As set out in the Guidance Notes for the examination, it is not part of the Inspector's role to examine the soundness of omissions sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions. Instead, should the situation arise that any additional sites are needed, the Inspector will look to the Council in the first instance to decide which alternative or additional sites should be brought forward (subject to consultation and sustainability appraisal if required).

EN28 Land east of the A6/Bedford Road, Rushden (450 dwellings)

EN36 Former factory site, between 71 Oakley Road and 37-51 Washbrook Road, Rushden (10 dwellings)

EN37 Rectory Business Centre, Rushden (35 dwellings)

EN38 Federal Estates/former Textile Bonding factory site, Newton Road/Midland Road Higham Ferrers (120 dwellings)

Questions

The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where reps have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included.

1. Are the housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?
2. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?
3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

4. How were the site capacities determined? What assumptions have been made? Are these justified?
5. What is the current planning status of the site?
6. What benefits would the proposed development bring?
7. What are the potential adverse impacts of developing the site and how might they be mitigated?
8. Would the Modifications proposed by the Council address any shortcomings?
9. What is the expected timescale and rate of development and is it realistic?
10. Is the boundary of the site appropriate? Is there any justification for amending the boundary?
11. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Are they needed when some of the sites already have planning permission?

Matter 6 – Delivering the Sustainable Urban Extension (SUE) at Rushden East

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards delivering the Rushden East SUE.

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 Rushden 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. Policy EN33 in the Plan relates to the masterplan framework document 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).

Questions

1. Is the Plan's approach to the MFD and Policy EN33 justified and effective and consistent with the JCS and the Framework? (see Initial Question 4 and the Council's response)
2. Does the approach allow sufficient flexibility for the delivery of the SUE and would it be effective? (see Initial Question 4 c and the Council's response)
3. What does Policy EN33 add at a local level to JCS Policy 33, and does it duplicate any of its requirements?
4. How have the policies and proposals in the Higham Ferrers and Rushden Neighbourhood Plans been taken into account in preparing the MFD? (see Initial Question 4 f and the Council's response)
5. With paragraph 16d of the Framework in mind, is it evident from Policy EN33 how a decision maker should react to development proposals? Should the development requirements in the MFD be included in the policy?
6. Is the approach in Policy EN33 and Appendix 6 consistent with paragraph 127 of the Framework which indicates that plans should, at the most appropriate level, set out a clear design vision and

expectations, so that applicants have as much certainty as possible about what is likely to be acceptable?

Matter 7 – Meeting Housing Needs

(Policies EN29, EN30, EN31, EN32, affordable housing, and gypsies and travellers and travelling showpeople)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the provision of housing and whether it adequately address the needs for all types of housing and the needs of different groups in the community (as set out in paragraph 62 of the Framework).

EN29 Delivering wheelchair accessible housing

1. Is Policy EN29 which requires all new housing development to include a proportion of Category 3 wheelchair accessible housing consistent with JCS Policy 30 and the advice at paragraph 130 (f) of the Framework including footnote 49 concerning the Government's optional standards for accessible and adaptable housing?
2. What evidence is there of identified need for such properties and where can this be found? What is the justification for the 5% requirement? Is the policy intended to apply to all new housing developments or those over a particular size threshold? Has the impact of this requirement on viability been assessed?

EN30 Housing mix and tenure to meet local need

3. Is Policy EN30 justified, effective and consistent with national policy and the JCS?

EN31 Older people's housing provision

4. Is the approach to older persons housing justified, effective and consistent with national policy and the JCS? Is there any overlap with JCS Policy 30?
5. Are the various thresholds that constitute 'larger sites' justified and do they relate to an identified need? What is the justification for the 10% and 20% requirements?
6. Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites? (see MM30)
7. Does the policy provide a clear indication of how a decision maker should react to a development proposal? How will the type of housing provision required be determined in practice? Should the examples of

the types of housing be in the supporting text rather than in the Policy itself?

8. Are the requirements for extra care housing in the SUEs reflected in the MFD (c i)? Is the requirement for extra care housing at St Christopher's Drive Oundle (EN27) included in the site specific policy for that site? Is it appropriate to include requirements for sites already allocated in NPs (c ii)?
9. In practical terms, how will older persons housing be 'encouraged' (c iii) and supported (d). Is it clear what is expected of a developer or are these statements of intent/support?
10. Should the site selection and design principles in Appendix 5 be included in the Policy? Is a policy which requires compliance with criteria or standards that are set out elsewhere effective or justified?

EN32 Self and custom build housing

11. Is the approach to self build and custom building housing justified, effective and consistent with national policy and the JCS? Where is the need for this type of housing established and is this a sound basis from which to seek provision?
12. In practical terms how will proposals for self build be 'supported'?
13. Is the 50 dwellings threshold for custom build housing justified? Is the requirement for 5% of plots to be made available as serviced custom build plots reasonable?
14. Why has a 12 month marketing period been chosen and is this justified?
15. What is the timescale for the intended SPD?
16. Is there any evidence that the requirements of the policy would affect the viability or deliverability of housing sites?

Affordable housing

17. Is the Plan effective in delivery the affordable housing requirements of the JCS and does it meet national policy? Where is this evident?
18. In terms of First Homes, does the Plan provide appropriate support for entry level exception sites suitable for first time buyers in accordance with paragraph 72 of the Framework? If not, should it?

Gypsies and travellers and travelling showpeople

The updated Gypsy and Traveller Accommodation Assessment (March 2019) identifies a need for accommodation for 4 gypsy and traveller 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. 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.

19. Is the approach to meeting this requirement through the existing criteria based policy (JCS Policy 31), and the preparation of the forthcoming North Northamptonshire Gypsy and Traveller Site Allocation Policy DPD, along with a review of the JCS justified and effective and consistent with national policy? (See Initial Question 5 and the Council's response)
20. Can the production of this DPD be ensured? What is its timeline? Has the LDS been prepared? Can the review of the JCS be ensured? What is its timeline?
21. Is proposed MM30a required for soundness?

Matter 8 – Employment

(Policies EN18, EN19, EN20)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the building a strong, competitive economy.

The JCS sets out the job creation target for East Northamptonshire of 7,200 net job growth (in all sectors) within the Plan period (2011 – 2031) (Policy 23 Table 3). Paragraph 7.25 of the Plan explains that major development sites that are expected to come forward during the remainder of the Plan are expected to deliver significantly in excess of the JCS requirement. On this basis no further strategic employment sites are allocated in the Plan and the Council’s approach to the employment strategy is to rely upon development that is already in the ‘pipeline’.

Questions

1. Does the Plan make sufficient provision to meet the job creation target set out in the JCS of 7,200 net job growth (in all sectors) within the Plan period (2011 – 2031)? Where is the evidence to support this?
2. How many jobs have been provided to 2021 and how does this compare to the net requirement?
3. What is the residual net jobs requirement 2021 – 2031 and how is this to be met?
4. Does the Plan include any smaller scale employment allocations? Are Policies EN40 Former Rushden and Diamonds FC Stadium site, and EN41 Riverside Hotel Oundle intended to be employment allocations? Or are they identified as town redevelopment sites with criteria that set out the parameters for their redevelopment?

EN18 Commercial space to support economic growth

5. Is the approach to new commercial employment space in Policy EN18 justified, effective and consistent with national policy and the JCS? How will proposals be ‘supported’ in practice? It is clear what is expected of a decision maker or a developer?
6. Are some of the criteria covered by other more general development management policies in the JCS or elsewhere in the Plan? What is the

'business pipeline' referred to in criterion a?

7. Is MM15 required for soundness?

EN19 Protected employment areas

8. Is the approach to protecting existing employment areas in Policy EN19 justified, effective and consistent with national policy and the JCS?

9. Is it in accordance with JCS Policy 22 which seeks to safeguard employment sites, unless a number of circumstances apply? Should these circumstances also apply in Policy EN19?

10. The policy states that proposals should 'ensure that overall the provision of employment after development is no less than that of the current or most recent use'. Does this concern the provision of employment on the site or in the area? And how will be measured? Does proposed MM16 address this point?

11. Are all the criteria intended to apply? Does proposed MM16 address this point and is it justified and necessary in terms of soundness?

12. In terms of criterion a, should the requirements of footnote 118 be in the policy itself to ensure it is effective? Is the 12 months marketing period justified?

13. Are the development contributions required by criterion c justified? What types and sizes of development will be expected to provide them? How will the contributions be calculated and where will the monies be spent? When is the SPD expected? Are such contributions reasonable if criteria a and/or b have been met?

EN20 Relocation and/or expansion of existing businesses

14. Is the approach to the relocation or expansion of existing businesses in Policy E20 justified, effective and consistent with national policy and the JCS?

15. In practical terms how will proposals be 'supported'? Does the policy duplicate general development management requirements that are already contained in the JCS or elsewhere in the Plan? Is there repetition between criteria a and b?

16. Does MM17 address the points raised by Natural England and is it justified and necessary in terms of soundness?

Matter 9 – Town Centres

(Policies EN21, EN22, EN23)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of town centres.

Questions

EN21 Town centres and primary shopping frontages

1. Is the approach to town centres and primary shopping frontages in Policy E21 justified, effective and consistent with national policy and the JCS?
2. In practical terms how will proposals be 'supported'?
3. Does the policy only apply to centres which do not have NPs in place as suggested in paragraph 7.56 of the Plan and is this clear? Should the town centres to which the policies apply be listed in the Policy?
4. Do all the criteria apply? Should there be an 'or' instead of an 'and' after criterion f?
5. How will an 'over concentration' of a particular use class referred to in criterion c be measured? Would it be more effective to refer to 'town centre uses' rather than the use classes?
6. Are the 'defined shopping frontages' referred to in criterion d the primary shopping frontages? Should the policy refer to these being shown on the Policies Map? (see MM18)
7. What are the 'local development strategies' referred to in criterion g? Is it expected that developers would prepare these?

EN22 Impact test thresholds for retail development

8. It is clear to which 6 towns Policy EN22 applies? Are these different to those in Policy EN21? Having regard to JCS Policy 12 g, would the Policy apply to the centre(s) in the Rushden East SUE?
9. Does Policy EN22 accord with the advice at paragraph 90 of the Framework regarding impact assessments?

10. What is the justification for a locally set impact thresholds and the specific thresholds proposed? What is the reasoning behind the different thresholds in Rushden and the Market Towns?
11. Would proposals for town centre uses (other than retail) in edge of centre and outside of town centre locations be subject to the national 2,500m² threshold as per the JCS?
12. Are the primary shopping areas referred to in Policy EN22 different from the primary shopping frontages referred to in Policy EN21? Are these shown on the Policies Map? (see MM19) How do the town centre notations on the maps in Appendix 4 of the Plan relate to the Policies Map? Are the notations replicated there and are they consistent?
13. Should the final sentence of the Policy refer to 'adverse impact' rather than 'impact'?

EN23 Development of main town centre uses around the local centres

14. Is it clear from the Policy which local centres are designated? Should these be listed in the Policy for certainty and clarity? Does the Policy apply in areas covered by NPs? What is the difference between a linear local centre and a local centre?
15. Area all the local centres shown on the Policies Map using a consistent notation? (see MM20) How do the town centre notations on the maps in Appendix 4 of the Plan relate to the Policies Map? Are the notations replicated there and are they consistent?
16. How has the 200 metre distance been determined and is it justified? How will it be measured in practice and is this clear in the Plan? (see Initial Question 12 f and the Council's response)
17. What is the purpose of identifying the primary and secondary shopping areas in the local centres on the Maps in Appendix 4? To which Policy does this relate?
18. In practice, how will proposals be 'supported'? Are the general development management principles in criteria b and c covered by JCS Policy 8 and should they be duplicated here?
19. What are the 'exceptional circumstances' to justify the blanket removal of permitted development rights in criterion d? Is this justified in light of the recent changes to the Use Classes Order?

20. Is reference to Policy EN21 in criterion e, effective or justified since that Policy applies only to a number of identified town centres (not local centres)?

Matter 10 – Town Strategies

(Policies EN34, EN35, EN39, EN40, EN41, EN42)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of the town strategies and redevelopment sites.

Questions

EN34 Reimagining town centres – guiding principles

1. Is it clear to which 6 town centres Policy EN34 applies? Where they are in place is Policy EN34 consistent with the relevant NPs?
2. What are the town centre sites referred to? Are these specific sites or would the policy apply to all sites in the relevant town centres?
3. What is the purpose of the Policy? Does it provide a clear indication of how a decision maker should react to a development proposal or is it a statement of intent?

EN35 Splash Pool and Wilkinson site redevelopment, Rushden

4. Is the redevelopment site justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and is it effective?
5. Having regard to paragraph 99b of the Framework, is the loss of the leisure provision justified?
6. Have the requirements of the policy been costed or viability tested?
7. Is proposed MM32 required for soundness?

EN39 Former Select and Save, 13-21 High Street/St Peter's Way car park, Irthlingborough

8. Is the redevelopment site justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and is it effective?
9. Is criterion g consistent with the Framework in relation to heritage assets? Is proposed MM36 required for soundness and does it address the concerns of Historic England in relation to criterion g?

10. Have the requirements of the policy been costed or viability tested?

EN40 Former Rushden and Diamonds FC Stadium site, Nene Park, Diamond Way, Irthlingborough

11. Is the redevelopment site justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and is it effective?

12. Is the site intended as an employment allocation or a redevelopment site? Have alternative uses for the site been considered and why have they been discounted?

13. Having regard to paragraph 99b of the Framework, is the loss of the stadium and the pitches justified?

14. Is there a need for site specific HRA and is this reflected in the policy? (see MM37)

15. Have the requirements of the policy been costed or viability tested?

16. Does proposed MM38 address Historic England's concerns and is it necessary for soundness?

EN41 Riverside Hotel, Station Road, Oundle

17. Is the redevelopment site justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and is it effective?

18. Do the heritage asset tests at criterion a reflect those in the Framework?

19. Have the requirements of the policy been costed or viability tested?

20. Are proposed MM39, MM40, MM41 and MM42 to the supporting text required for soundness?

EN42 Cattle Market, Market Road, Thrapston

21. Is the redevelopment site justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the JCS and is it effective?

22. Is criterion f consistent with the Framework in relation to heritage assets?

23. Have the requirements of the policy been costed or viability tested?

24. Are proposed MM43 and MM44 required for soundness?

Matter 11 – Social Capital

(Policies EN12, EN13, EN14, EN15, EN16)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of social capital.

Questions

EN12 Health and wellbeing

1. What is the basis for the policy approach set out in Policy EN12, what does the policy seek to achieve? Is the policy justified and effective and in line with Section 8 of the Framework? Does it apply to all development proposals?
2. Should the requirement for a Health Impact Assessment (HIA) in paragraph 6.14 be in the Policy rather than in the supporting text? How will the HIAs be used in decision making?
3. What is the justification for the threshold of 10+ homes or 1000 square metres for a HIA? Is the further threshold suggested in footnote 78 in relation to 'large major developments' justified? Should it be included in the policy?
4. What is the purpose of criterion a, which repeats JCS Policy 8? Does criterion b also duplicate JCS Policy 8?
5. Is it evident how the policy will be implemented? Is it sufficiently clear for the purposes of decision making in terms of the development proposals to which it would apply and what would be required to support an application? In practical terms how will developers and decision makers 'give due consideration to' (criterion c)?
6. With regard to criterion e, is it appropriate to require proposals to be in accordance with a document that does not form part of the Plan? Should this criterion instead require developers to 'have regard' to the relevant protocol?

EN13 Design of buildings/extensions

7. What does Policy EN13 add to JCS Policy 8 place shaping principles, and the Framework? Where is it evident that JCS Policy 8 relates only to major development schemes as suggested?

8. What does Policy EN13 add to the SPDs referred to in paragraph 6.22?
9. How will 'adequate size' in criterion e be determined? If the standard in footnote 85 is part of the policy should it be included there?
10. With regard to criterion f, is it appropriate to require proposals to be in accordance with a document that does not form part of the Plan? Should this criterion instead require developers to 'have regard' to the relevant document?
11. Is reference in criterion g to the national space standards and the JCS justified?

EN14 Designated heritage assets

12. Does Policy EN14 duplicate JCS Policy 2 and the Framework? What is the local justification for this approach?
13. Is the wording of the Policy consistent with the Framework?
14. Does proposed MM12 address the concerns of Historic England and is it necessary for soundness?

EN15 Non-designated heritage assets

15. Does Policy EN15 duplicate JCS Policy 2 and the Framework? What is the local justification for this approach?
16. Is the wording of the Policy consistent with the Framework? Is proposed MM13 required for soundness?
17. To ensure the Policy is effective should footnote 90 be incorporated into the Policy itself?

EN16 Tourism, cultural developments and tourist accommodation

18. Does Policy EN16 duplicate JCS Policies and the Framework? What is the local justification for this approach?
19. Is the wording of the Policy consistent with the Framework?
20. Do any of the criteria in a and b duplicate other general development management policies in the JCS or elsewhere in the Plan? In practice how will proposals be 'supported'?

21. Is criterion b iii justified and is there a reason it would not apply to the areas set out in section a of the Policy?

22. Is MM14 required for soundness?

EN17 Land south of Chelveston Road, Higham Ferrers

23. Is the allocation of a site for a new school in Policy EN17 justified and effective?

24. Does it have regard to the Higham Ferrers NP?

25. What is the purpose of Figure 11 and is it legible? Is the text at paragraph 6.55 of the Plan up to date and accurate in terms of timescales?

26. Is MM21 required for soundness?

Matter 12 – Natural Capital

(Policies EN7, EN8, EN9, EN10 and EN11)

Issue

Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the natural capital.

EN7 Green infrastructure corridors

1. Is Policy EN7 relating to green infrastructure (GI) corridors consistent with the JCS and the Framework? Does some of the policy and supporting text repeat JCS Policy 19?
2. Does Policy EN7 relate to suggested local corridors and is this clear? Is the intention that only the suggested local corridors are shown on the Policies Map? Are the corridors shown effectively on the Policies Map? Are their boundaries clear? Are they affected by any of the proposed allocations in the Plan and how is this dealt with?
3. Are criteria a to d requirements of development proposals and is that clear? Is criterion c related to the additions/improvements to the corridors listed in the second paragraph of the policy and where contributions would be spent?
4. Is criterion d intended to seek financial contributions from developers? Is this approach justified? Is it clear which schemes would be expected to contribute, how the contributions would be calculated and where the monies would be spent? Is the supporting text at paragraph 5.12 of the Plan intended to be part of the Policy?
5. Have the implications of the Policy been viability tested?
6. What is the relationship/cross over of Policy EN7 with Policy EN8 Greenways in terms of contributions?

EN8 The greenway

7. Is Policy EN8 relating to the greenway consistent with the JCS and the Framework?
8. Is it clear that the greenway is made up a number of components? Are these shown effectively on the Policies Map? (see Initial Question 12 c and d and the Council's response including MM05a).

9. What are the implications for landowners/developers/local residents of the greenway designation?
10. Does the Policy seek financial contributions from developers? Is this approach justified? Is it clear which schemes would be expected to contribute, how the contributions would be calculated and where the monies would be spent?
11. Is the text at footnote 62 intended to be part of the Policy?
12. Have the implications of the Policy been viability tested?
13. What is the relationship/cross over of Policy EN8 and Policy EN7 green infrastructure corridors in terms of contributions?

EN9 Designation of local green space

14. Is Policy EN9 regarding the designation of local green space consistent with the JCS and the Framework?
15. Do the criteria for designation reflect the guidance at paragraphs 101, 102 and 103 of the Framework? Do they repeat the Framework? How do they 'define an enhanced local interpretation of the Framework' and is this justified?
16. Why are the NPs considered to be the most appropriate mechanism for designating individual sites? (paragraph 5.22 of the Plan) What is the approach to local green space in areas without NPs?
17. What is the justification for the gross site area restriction in criterion c? Is it consistent with the Framework? How is the existing main built up area of the settlement defined?

EN10 Enhancement and provision of open space

18. Is Policy EN10 regarding the enhancement and provision of open space consistent with the JCS and the Framework?
19. What is the justification for the threshold of 10 or more dwellings?
20. To ensure Policy EN10 is effective should Tables 6,7 and 8 be included within the policy? Are they likely to be updated/become of date within the Plan period?
21. How will 'insufficient access' to existing open space within the local area be determined in practice? (paragraph 2 of the Policy) Has this been addressed by MM08?

22. How will financial contributions be determined and is it clear where the monies will be spent? Where is this set out?

23. Have the implications of the Policy been viability tested?

24. Is there any cross over/duplication with the contributions sought under EN7 green infrastructure corridors, and EN8 the greenway?

EN11 Enhancement and provision of sport and recreation facilities

25. Is Policy EN11 regarding the enhancement and provision of sport and recreation facilities consistent with the JCS and the Framework?

26. The Policy applies to new strategic employment and housing development of 500 or more dwellings or 5 hectares of employment land which are beyond the scope of the Plan since they are considered by the JCS. Is Policy EN11 justified and effective in this context?

27. Is the approach to open space and sport and recreation facilities in the Plan based on robust and up-to-date evidence relating to need (including quantitative or qualitative deficits or surpluses) and opportunities for new provision? (see Initial Question 10 and the Council's response). Is the Plan positively prepared, justified, effective and consistent with national policy in this regard?

28. Is it effective to include the playing pitch demand calculator at Table 9 in the Plan (it is not referred to in the Policy)? Are the demand figures likely to be updated/become of date within the Plan period?

29. Should the accessibility standards in Table 7 be in the Policy itself?

30. Is the approach to contributions from both housing and employment development justified and effective?

31. What is the relevant legislation referred to in paragraph 3 of the Policy and where is this explained?

32. What is the 'other qualifying development' referred to in paragraph 3 of the Policy? Are these the major developments referred to in paragraph 5.36 of the Plan? How are these defined?

33. What is the threshold for the employment development? How will the contributions be calculated and where will the monies be spent?

34. Have the requirements of the Policy been viability tested?

Matter 13 - Infrastructure and Viability

Issue

Whether the Plan is positively prepared and justified, effective and consistent with national policy and the JCS in relation to infrastructure and viability.

Questions

1. Is the Plan's approach towards infrastructure justified, effective and consistent with national policy, so as to ensure the timely delivery of the scale and distribution of development in the Plan?
2. What are the likely impacts of the proposed development on infrastructure, and what specific improvements are required or have been proposed?
3. Has the viability of the Plan been tested and evidenced?
4. Were viability assessments undertaken during the preparation of the Plan in accordance with the relevant national guidance? Are the recommendations of any viability assessment reflected in the Plan?
5. Does the viability evidence take into account the relevant policy requirements arising from the Plan and the Core Strategy?
6. Are the policy requirements such that the cumulative cost of all relevant policies will not undermine the deliverability of the Plan having regard to the types of development and sites proposed?

Matter 14 – Monitoring and Implementation

(Section 11 and Table 29)

Issue

Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals in conformity with the JCS?

Questions

1. How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites to progress?
2. How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon? What would trigger a review of the Plan?
3. Overall does the plan deal adequately with uncertainty?
4. Is MM45 required for soundness?