
**EAST NORTHAMPTONSHIRE LOCAL PLAN PART 2 EXAMINATION
STATEMENT ON BEHALF OF IM PROPERTIES PLC**

MATTER 12 – NATURAL CAPITAL

Preamble

1. This Hearing Statement is made on behalf of our Client, IM Properties Plc ('IM Properties'), in advance of making verbal representations to the East Northamptonshire Local Plan Part 2 ('the Plan') Examination in Public.
2. IM Properties is promoting land to the east of Thrapston on the A605 close to Junction 13 of the A14. The site comprises two parcels of land, with the main parcel of land being sited to the east of the A605 and north of Halden's Parkway employment area and comprises 46.16 hectares (114.07 acres) of land, which IM Properties is seeking to bring forward for employment development, principally Class B8 storage and distribution uses, but also other use classes relevant to employment uses, such as B2, E(c) and E(g).
3. The other smaller parcel of land is located to the west of the A605 and comprises 2.41 hectares of land (5.96 acres). It is envisaged this land parcel will be delivered as flexible business space for smaller occupiers.
4. IM Properties is promoting land at Thrapston in partnership with DSV – the global transport and logistics company – which is currently based out of two buildings in Thrapston and wants to create a new flagship UK facility which can accommodate the growth of the business from approximately 200 to 600 employees.
5. IM Properties is keen to engage in the Local Plan examination process and assist in preparing a sound plan which is positively prepared, justified, effective and consistent.
6. Nevertheless, it is our case that the Plan does not make sufficient allocations for larger employment development, in that it takes forward the jobs target for the District¹ as set by the Joint Core Strategy (February 2016) ('the JCS') and relies on existing major committed sites within the District to meet this need. As demonstrated by our evidence, demand for industrial floorspace, in particular logistics, is outstripping supply and there is, therefore, a need to plan for greater growth now.
7. In light of the above, we consider the Draft Local Plan is unsound as it is:
 - Not positively prepared, as it is not based on up-to-date evidence.

¹ The employment evidence base which underpins the JCS jobs growth targets ranges from 2013-2015 and is therefore dated.

- Not justified, as it does not consider the reasonable alternative of planning for greater employment growth and is not an appropriate strategy based on the evidence.
 - Not consistent with national policy, as it does not reflect the NPPF's approach to building a strong, competitive economy.
8. To make the Draft Plan sound we consider it should plan for greater employment growth where market demand is strongest such as along the A14 corridor. We consider Land East of Thrapston, adjacent to an existing and established employment area, would assist in meeting the significant demand for strategic employment development.

Questions

EN7 Green Infrastructure Corridors

Q1. 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?

Q2. 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?

Q3. 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?

9. Policy EN7 is helpful in that it lends support to JCS Policy 19 via the definition of Green Infrastructure Corridors on the Policies Map. It also identifies Local Green Infrastructure Corridor opportunities that are specific to East Northamptonshire District.
10. However, the Policy is more stringent in its approach towards Green Infrastructure Corridors than JCS Policy 19 (assuming criteria a-d do indeed relate to development proposals), in that the Policy seeks to ensure that developments are connected to the Green Infrastructure Network, rather than lending support to the provision of connections '*where opportunities exist*'. This change in wording effectively makes connections a mandatory requirement, rather than a strategic priority. The wording of Policy EN7 should be amended accordingly to match that of JCS Policy 19.

11. The Legend for the Policies Map uses the term '*Suggested Local Green Infrastructure Corridors*' [emphasis added] which implies that the routes are indicative and subject to deliverability constraints. However, clarification of this through the wording of Policy EN7 would be welcomed.

Q4. 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?

Q5. Have the implications of the Policy been viability tested?

12. Criterion d appears to require all developments to provide off-site contributions towards creating Green Infrastructure Corridor connections. The phrasing of the criterion is absolute which suggests it applies irrespective of proximity to the nearest Green Infrastructure Corridor or whether or not a development has a material impact upon a corridor. This does not meet any of the three tests for planning obligations. The criterion should be amended so that it applies only to instances where a development influences, or is likely to influence, an identified Green Infrastructure Corridor.

Q6. What is the relationship/cross over of Policy EN7 with Policy EN8 Greenways in terms of contributions?

13. It appears from the Policies Map that there is no overlap between Green Infrastructure Corridors or Greenway routes, although confirmation on this matter would be useful in aiding the interpretation and application of both Policies EN7 and EN8.

14. As above, contributions towards Greenway routes should only be sought where they meet the three tests for planning obligations.

EN8 The Greenway

Q7. Is Policy EN8 relating to the greenway consistent with the JCS and the Framework?

- Q8. 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).**
- Q9. What are the implications for landowners/developers/local residents of the greenway designation?**
- Q10. 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?**
- Q12. Have the implications of the Policy been viability tested?**
- Q13. What is the relationship/cross over of Policy EN8 and Policy EN7 green infrastructure corridors in terms of contributions?**
15. The JCS does not have any explicit policies which support the Greenway, which is instead briefly mentioned in the supporting text to Policy 15 (Well-Connected Towns, Villages and Neighbourhoods). In this regard, the Policy provides local direction to the strategic priorities within the JCS, which is appropriate. There is equally nothing within the NPPF which would be considered to prejudice the provision of the Greenway. Indeed, National policy and guidance is supportive of the provision of pedestrian and cycle routes and connectivity.
16. However, as above, it remains that clarity is required in respect of the funding mechanisms for the Greenway, as well as the circumstances where connections are expected to be provided directly from development proposals. The *East Northamptonshire Local Plan Viability Assessment (January 2021)* [Examination Document B-13] suggests at Paragraph 2.51 that '*financial contributions will be sought from a small number of developments where these would pass the tests at paragraph 56 of the NPPF*', but this clarification is not included within the Policy wording or supporting text.
17. In respect of viability in relation to open space and sports provision (which encompasses Policy EN8), the Assessment states that '*our appraisals also incorporate allowances for a package of Section 106 obligations which can include financial contributions where these meet the tests in paragraph 34 of the NPPF*'. However, the quantum of the assumed contribution towards the Greenway is not evident within the breakdown of calculations provided. Instead, the Assessment simply includes the following assumptions in respect of S106 costs: 5 to 299 units £2,500 per unit; 300 units to 799 units £5,000 per unit; SUEs (800 units+) £15,000 per unit.

18. Policy EN8 should also recognise that there may be circumstances where direct connections are not possible, due to circumstances such as ownership constraints. Proposed Main Modification MM05a goes some way towards providing this clarity in recognising that some connections are 'aspirational', but ambiguity remains in respect of funding and delivery.

EN11 Enhancement and provision of sport and recreation facilities

Q26. 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?

Q33. What is the threshold for the employment development? How will the contributions be calculated and where will the monies be spent?

19. Clarification is sought on this point, as footnote 73 does indeed refer to the Policy as applying to developments of 500 or more dwellings/5ha or more of employment uses. However, the supporting text at Paragraph 5.36 suggests that '*major developments will be required to provide developer contributions towards the provision and enhancement of playing pitches or make provision for these on site*' [emphasis added]. It is therefore not clear whether the term '*major developments*' in the supporting text is being used to refer to '*strategic development*' as per the Policy wording, or whether the supporting text is suggesting the Policy is applied to all major development as defined by the Town and Country Planning Development Management Procedure Order.
20. Nevertheless, whilst strategic sites are stated as being beyond the scope of the Plan, it remains that large-scale windfall developments may come forward in certain circumstances. The Policy therefore arguably remains relevant, even though it will be applied in a limited number of circumstances.
21. IM Properties supports the recognition within the Policy that on-site provision of sport and recreation facilities may not always be possible, and that off-site provision and enhancement of existing facilities will be considered, where a need for such an approach can be fully justified. Indeed, it is questionable whether the provision of sports facilities on, or in relation to, employment sites is relevant. It is considered unlikely that employees will frequently play sport either during, or immediately after, working hours, with the majority of employees following the typical pattern of community immediately to and from their place of work.

22. It is considered more appropriate for employment developments to contribute towards the provision of formal and informal open and recreational spaces, which are likely to be frequented by employees during lunch breaks.