



Report to East Northamptonshire Council

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FRGS

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08 July 2009

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
EAST NORTHAMPTONSHIRE RURAL NORTH, OUNDLE AND THRAPSTON
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 11 January 2008

Examination hearings held between 7 and 17 October 2008 and between 29
April and 1 May 2009

File Ref(s): PINS/G2815/429/2 (LDF000831)

Abbreviations used in this report

AMR	-	Annual Monitoring Report (<i>produced by East Northamptonshire Council</i>)
CSS	-	The Core Spatial Strategy. <i>The North Northamptonshire Core Spatial Strategy</i>
Doc. No.	-	Document Number, <i>reference to a document in the Examination Library</i>
DPD	-	Development Plan Document (<i>see also, "the plan" and "RNOTP" an LDD within the LDF</i>)
ELR	-	Employment Land Review
HMA	-	Housing Market Area
LDD	-	Local Development Document <i>within the LDF</i>
LDF	-	Local Development Framework
LDS	-	Local Development Scheme
LNR	-	Local Nature Reserve
NNJPU	-	North Northamptonshire Joint Planning Unit
pdl	-	previously developed land
PPS (No.)	-	Planning Policy Statement with number, e.g. PPS12
RNOTP	-	Rural North, Oundle and Thrapston Plan (<i>also "the plan"</i>)
RSS	-	Regional Spatial Strategy (<i>East Midlands Regional Plan</i>)
SCI	-	Statement of Community Involvement
SFRA	-	Strategic Flood Risk Assessment
SHLAA	-	Strategic Housing Land Availability Assessment
SHMA	-	Strategic Housing Market Assessment
SPA	-	Special Protection Area (for Conservation)
SPD	-	Supplementary Planning Document (<i>an LDD within LDF</i>)
SUDS	-	Sustainable Urban Drainage System
The Council	-	East Northamptonshire Council
The County Council	-	Northamptonshire County Council
The Local Plan		The East Northamptonshire District Local Plan, 1996
The Plan	-	The RNOTP (see above), <i>which is a DPD</i>
The 2004 Act-		The Planning and Compulsory Purchase Act 2004 (as amended)

1. Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document.
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Rural North, Oundle and Thrapston Plan (the RNOTP) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I consider the legal requirements first and then deal with the relevant matters and issues considered during the examination in relation to the soundness of the DPD as set out in revised Planning Policy Statement (PPS)12.
- 1.4 When the DPD was submitted, PPS12 (2004): *Local Development Frameworks* was in force, but in June 2008, it was replaced by PPS12 (2008): *Local Spatial Planning*. Although the tests of soundness are now presented in a different and simpler way, they cover the same matters as before. Paragraph 4.52 of PPS12 indicates that to be sound, a DPD should be justified, effective and consistent with national policy, along with a continuing requirement for the DPD to satisfy the legal/procedural requirements and be in conformity with regional planning policy. Justified means that a DPD should be founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives. Effective means that the submitted DPD should be deliverable, flexible and able to be monitored.
- 1.5 The Government intends that spatial planning objectives for local areas, as set out in the Local Development Framework (LDF), should be aligned not only with national and regional plans, but also with shared local priorities set out in Sustainable Community Strategies where these are consistent with national and regional policy. National policy emphasises the importance of spatial planning, requires local planning authorities to produce a Statement of Community Involvement and follow its approach, and to undertake proportionate sustainability appraisal. PPS12 (2008) also confirms that the rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content as before. Consequently, the publication of the new PPS12 does not materially affect the procedure or matters to be examined in terms of this DPD.

- 1.6 In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the tests of soundness in PPS12. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.7 It is with these requirements in mind that, when it became apparent after the hearings held in October 2008 that further work would be required before the DPD might be held to be sound, I wrote to the Council by letter dated 31 October 2008. This had the effect of adjourning the examination during which time the Council produced a revised (and extensive) set of suggested changes which were advertised, consulted upon and subjected to further sustainability appraisal. I have been able to consider the representations made on these further changes and also hold further hearings in April 2009. The result is that the examination has been unduly protracted and the changes set out in this report and its annexes are extensive. This is not in the spirit of the 2004 Act and Regulations. Such an approach should be regarded as an exception and by no means establishing a template for the conduct of future examinations.
- 1.8 My overall conclusion is that the Rural North, Oundle and Thrapston Plan is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
- a) A new section describing a Housing Implementation Strategy is inserted to follow paragraph 1.18. (see report paragraph 3.29)
 - b) Paragraphs 4.3 and 4.4 are expanded to include the criteria used to define settlement boundaries on the Proposals Map. (see report paragraphs 3.128-9)
 - c) The lists of villages in Categories A (paragraph 4.5) and B (paragraph 4.6) are amended. (see report paragraph 3.126)
 - d) The last part of policy 2 referring to replacing existing dwellings with higher density new development is deleted. (see report paragraph 3.14)
 - e) The development strategy for Oundle (section 8) is substantially re-written. (see report paragraphs 3.65, 91, 107 and Annex 2)
 - f) Policies 10, 12, 16, 17 and 19 are deleted. (see report paragraphs 3.14, 20, 22, 143 and 169)
 - g) Policy 20 on affordable housing is substantially amended. (see report paragraph 3.143)
 - h) Policy 22 on Open Space, Sport and Recreational Facilities is substantially amended. (see report paragraph 3.172)

- 1.9 I have highlighted in bold within this report all of the changes required to meet the legal requirements and to make the DPD sound. I include as Annex 1 to the report a list of all of the changes suggested by the East Northamptonshire Council during various stages of the examination, except where a change is superseded by a change within the main report. Where I refer to a change number in the body of my report this is emboldened within the list at Annex 1. As the changes to the development strategy for Oundle, section 8 of the DPD, are so extensive these are set out separately as Annex 2. All other changes listed in Annex 1 are of a minor nature required to update the DPD or to otherwise correct or clarify the document. I endorse and agree that these additional changes should be made. Any consequential minor corrections, such as paragraph numbering, spelling or grammatical errors may also be corrected.
- 1.10 As this is a site allocations DPD the Council have prepared a submission proposals map to illustrate the areas of land to which the policies and proposals in the DPD apply. These include allocations for specific land uses and settlement boundaries. I have considered representations made on the proposals map as if they were made to the relevant DPD policy and in terms of the criteria for boundary definition. However, as the proposals map itself is not part of the DPD (see paragraph 2.6 below), I am able only to make suggestions as to the way the proposals map is drawn at adoption. The Council have produced a list of proposed changes to the proposals map (prefixed 'PM') which are included in Annex 3 to this report and which I endorse. Within my report I deal only with those areas or boundaries which have been subject to representation and where I do not agree with the Council's interpretation of the DPD criteria. Possible changes to the proposals map, when adopted, are identified in bold italics in this report.

2 Legal Requirements

- 2.1 For the most part I am satisfied that the requirements of the Act and Regulations have been met. However, there are three exceptions, which I consider below.

Consistency with the Local Development Scheme

- 2.2 Section 19(1) of the 2004 Act requires local development documents to be prepared in accordance with the Local Development Scheme (LDS). A joint LDS for North Northamptonshire approved in March 2007 shows the submission of the RNOTP as September 2007 when, in fact, it was not submitted until January 2008. This is a technical breach of this statutory requirement but the examination stage has been delayed to allow for further consultation on a number of soundness issues. It would not, in my opinion, be in the public interest to delay the adoption of this DPD any further. The Council's suggested change U012 provides an update of the position.

- 2.3 In terms of the content of the DPD, the mixture of "strategic" policies with detailed development control and site allocations policies comes within the description of the document under the "Role and subject" section of the Local Development Scheme. I drew attention to the fact that reference is made in paragraph 6.19 of the DPD to the adoption of the Open Space Strategy as a Supplementary Planning Document (SPD) but this was not included in the March 2007 Local Development Scheme available at submission. However, since then, the 2008 Planning Act together with the 2009 amendment regulations have removed the requirements for SPDs to be listed in the Local Development Scheme.

List of superseded policies

- 2.4 Appendix 1 of the DPD identifies the policies in existing plans which will be superseded by policies in the DPD to meet the requirements of Regulation 13(5). As agreed during the examination it is not appropriate to include the Core Strategy or other DPDs in this list and the Council have produced an amended version which fully meets the statutory requirements.
- 2.5 **Appendix 1 of the DPD shall be replaced by the proposed amended version, as set out in Annex 1 to this report.**

The submission proposals map

- 2.6 As stated in Regulation 6(1)(b) the submission proposals map is a Local Development Document which sits separately within the LDF and is updated each time a DPD is adopted. The statutory procedures for adoption of the proposals map differ from those for the DPD itself. Although it may for practical purposes be attached to this DPD that can only be until such time as another DPD is adopted within the Local Development Framework for East Northamptonshire. I have amended suggested change U097 to that effect (Annex 1).
- 2.7 **The Proposals Map shall be deleted from the RNOTP and included within the Local Development Framework as a Local Development Document.**

Other statutory requirements

- 2.8 The Statement of Community Involvement was produced jointly by the North Northamptonshire Councils, found sound by the Secretary of State and was formally adopted in October 2006. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements and its Self Assessment Paper, that the Council has followed the SCI procedures for public consultation closely. I am satisfied that the submitted DPD is sound in this regard.
- 2.9 It is evident (*Docs. 310 & 333*) that the Council have carried out a process of sustainability appraisal alongside the preparation of the DPD. A revised sustainability appraisal has been carried out supporting the changes put forward after submission (*Doc. 921*)
- 2.10 Parts of the Upper Nene Valley Gravel Pits Special Protection Area /Ramsar site lie within the plan area. Appropriate Assessment Screening under the Habitats Regulations was carried out but following representations by Natural England a revised assessment was prepared in April 2008 (*Doc. 332*). In particular, the green infrastructure proposals in Policy 6 may impinge on the SPA. I agree that the suggested additions to the policy and supporting text are necessary to make clear that any effects on the European site will be mitigated to satisfy the Regulations. The Appropriate Assessment Screening report has been updated further in document 922.
- 2.11 **Policy 6 and its supporting text shall be amended in accordance with proposed changes U030 and 031, as set out in Annex 1 to this report.**
- 2.12 I am satisfied that the DPD has regard to national policy.
- 2.13 The East Midland Regional Assembly indicated at submission that the DPD was in general conformity with the then approved Regional Spatial Strategy (RSS8). In March 2009 the East Midlands Regional Plan was approved by the Secretary of State and replaced RSS8. Subsequently, on 21st April 2009, the Regional Assembly confirmed that the RNOTP remains in general conformity with the Regional Plan.
- 2.14 I am satisfied that the DPD has had regard to the sustainable community strategy for the area.
- 2.15 I am satisfied that the DPD complies with the specific requirements of the 2004 Regulations including the requirements in relation to publication of the prescribed documents; availability of them for inspection and local advertisement; notification of DPD bodies and provision of a list of superseded saved policies.
- 2.16 Accordingly, I am satisfied that, subject to the changes identified above, the legal requirements have all been satisfied.

3 Justified; Effective and Consistent with National Policy

3.1 In this section I consider in turn each of the main matters which I have identified as relevant to my consideration of the soundness of the submitted DPD. I have considered the submitted representations as part of the process of identifying these matters. Site-specific issues are included under the appropriate main matter except for the special policies relating to individual sites in the countryside and settlement boundaries, as shown on the proposals map, which I consider at the end of this report.

Matter A. The scope and timescale of the plan. Issues:

1. *Whether the DPD is an adequately spatial plan in its overall scope and content.*
2. *Whether the plan period should be extended to cover 15 years from the likely date of adoption later in 2009.*
3. *Whether individual policies in the DPD are consistent with, or unnecessarily duplicate, national planning policy guidance and policies in the adopted Core Spatial Strategy for North Northamptonshire.*
4. *Should the DPD include a trajectory and strategy for the development of previously developed land?*

3.2 Issue 1: A spatial plan. Paragraph 2.1 of PPS12 gives guidance on the nature of Spatial Planning. An important aspect of this is that spatial planning involves far more than conventional land use planning. It should be a means to ensure the co-ordination of programmes and policies across a broad spectrum of agencies in order to shape the future of an area.

3.3 Section 3 of the RNOTP includes a clear vision for the area and a distinct set of outcomes which would require the involvement of a wide range of agencies for their achievement. The Monitoring Framework also shows the extent to which the delivery of the various policies will involve decisions and activities by other public sector bodies. Nevertheless, the majority of the policies in the plan are phrased in terms of the decision-making responsibility of the Local Planning Authority, mostly in terms of the consideration of planning applications. I consider this to be a somewhat narrow approach which does not fully recognise the potential of spatial planning. For example, more direct expression might have been given to the initiatives suggested in the Rural Strategy.

3.4 I recognise, though, that this document started life as a local plan review. The early preparatory "Design for the future" stages of the document were extended and converted to those required under the 2004 Act. I suspect that the document might well have been somewhat different in nature had it been started afresh as part of the Local Development Framework process. I

do not go so far as to conclude that the document is unsound for these reasons and I am sure that in the future, with a clear understanding of what is required, there will be ample opportunity to remedy these shortcomings.

- 3.5 As I state in paragraph 2.3 above, the overall scope and content of this DPD comes within its relevant description in the local development scheme. I agree, however, that the term used for section 4 - "strategic" policies - has the potential to confuse with the rôle of the Core Spatial Strategy and I endorse the Council's proposed change (H002) to "Area wide spatial policies".
- 3.6 Issue 2: The plan period. In the context of the delivery of housing, the advice in PPS3 paragraph 53 is that the policies and strategies in local development documents should enable the continuous supply of housing for at least 15 years from adoption. Paragraph 4.13 of the more recently issued PPS12, referring only to Core Strategies, states that the time horizon should be 15 years.
- 3.7 I am aware that the issue of the time horizon for the Core Strategy was discussed during the examination of that DPD. In his report the Inspector supports the 2021 end-date for the strategy but acknowledges that an early review will be required which will carry the plan forward to 2026 in accordance with the emerging revision of RSS8. That review is now under way.
- 3.8 Thus, the fact of the matter is that to remain consistent with the Core Strategy this DPD should not pre-judge decisions about the distribution of housing development between 2021 and 2024 which will need to be taken as part of the Core Strategy review. Given the largely rural nature of this plan area it cannot be assumed that development should necessarily continue, even in the towns of Thrapston and Oundle, at the same annual rate as during the current plan period. That would be but one of the options to be considered during the Core Strategy review. However, as I set out later in this report, I consider it essential that this DPD should comply with the principles of PPS3 to demonstrate that the housing provisions of the Core Strategy can be delivered up to 2021. At the very least, to comply with paragraph 55 of PPS3, a supply of specific and developable (i.e. allocated) sites should be identified up to 10 years from adoption in 2009.
- 3.9 Issue 3: Consistency with national and strategic policies. In this section of my report I deal with those policies, or parts of policies, which are not considered under other matters later in this report and for which I consider there are outstanding issues. Thus, not every policy discussed under Matter A is listed.
- 3.10 Housing density, policy 2 and policy 10. The last sentence in policy 2 puts a blanket restriction on an increase in density when

existing "windfall" residential sites are redeveloped, whether they be in town or village locations. This part of the policy is not only contrary to advice in PPS3, which seeks to make the most effective use of previously developed land and the regional target for this in policy 3 of the East Midlands Regional Plan, but it runs directly counter to criterion f) of policy 15 in the adopted CSS. There is no clear justification for such a policy.

- 3.11 Furthermore, the reference to density in criterion c) is unnecessary because it is a product of the elements of site design and layout which are already covered.
- 3.12 However, I consider that the rest of policy 2 is adequate to achieve the control sought by the Council with an emphasis on good design which reflects advice in PPS1 as well as PPS3. I accept that the definition of "windfall development" could include green field sites should they fall within settlement boundaries but these will be few and the approach does not conflict with the CSS. The clarification of the scope of the policy provided by suggested change H006 is an important one in this regard but paragraph 4.10 as submitted includes within the definition of a windfall site "new development on the edge of villages where permitted under exceptional circumstances to meet local needs". I recognise that this is taken from CSS policy 1 but it is not indicated in that policy that such sites are to be treated as windfalls. These are highly likely to be green field and would cover rural exception sites under policy 21 or such sites might be allocated to meet local needs, as suggested in paragraph 6.14. Such sites are not "windfall" in terms of PPS3 guidance. I do not agree that it is necessary, nor would it add value, to include a cross-reference to CSS policy 1 as suggested by the Council. Rather, the reference should be deleted as unsound because it is contrary to national policy guidance.
- 3.13 Although there is a modicum of support for policy 10 in the representations it overlaps with policy 2 to some extent. In the face of criticism from the Government Office the Council have suggested a change S007 (U034) to add a cross-reference to policy 2 and CSS policy 14 (adopted 13). To my mind such an addition is not only unnecessary but CSS policy 13, which is part of this Local Development Framework, already covers the same policy area to equal, if not more, effect and so this policy is superfluous. Not only that but it runs counter to the advice in paragraph 50 of PPS3 as it seeks to relate the density of new housing to existing densities. It does not represent a development of either PPS or CSS policy towards a density policy having regard to the factors identified in paragraph 46 of PPS3.
- 3.14 These aspects of RNOTP policy are unsound for the reasons stated. They are superfluous and so can be deleted with no effect on the overall strategy.

In order to make the DPD sound the following changes shall be made:-

In paragraph 4.10, lines 4-6, the text “; and new development on the edge of villages that is permitted under exceptional circumstances justified on the basis of local need” shall be deleted.

The introductory paragraph of policy 2 shall be amended in accordance with suggested change H006.

Criterion c) in policy 2 shall be amended to commence “the scale and siting of any dwellings ...”

The final sentence of policy 2 (Proposals ... permitted.) shall be deleted;

Policy 10 and the accompanying text, paragraph 5.1, shall be deleted.

- 3.15 *Flood Risk, policy 9.* The inclusion of a 200 year standard of flood risk protection does not accord with PPS25 guidance and although I note the justification in paragraph 4.32 of the DPD this does not clearly relate to areas beyond the Nene flood plain at Thrapston. Nevertheless, I accept that there is justification for this standard in the Strategic Flood Risk Assessment (SFRA).
- 3.16 The Council have proposed change H008 to add the words “wherever possible” to the 4th paragraph in the policy which supports Sustainable Urban Drainage Systems (SUDS). As worded the “support” given to SUDS is conditional upon arrangements being made for long term maintenance and inspection. This comes from a recommendation in the SFRA. However, I am concerned that the amendment would be somewhat ambiguous. I recommend a more positive wording which more closely reflects the approach advocated in paragraph F14 of PPS25.
- 3.17 I agree that, for consistency, the policy should make reference to the flood risk zones shown on the Proposals Map. This requires a small change to the first paragraph.

In order to make the DPD sound the following changes shall be made to policy 9:-

In the first paragraph, second line insert “(as shown on the proposals map)” after “flooding”;

The 4th paragraph shall be deleted and replaced by the following “Sustainable Urban Drainage Schemes (SUDS) should be used wherever practicable. Planning conditions or obligations will ensure that the funding of the maintenance and inspection of the facility is guaranteed for the life of the development.”

- 3.18 Windfarms, policy 16. I recognise that there is wide-ranging support for this policy but Government policy is clear on the matter. The advice in paragraph 1(iii) of PPS22 is that policies which place constraints on the development of renewable energy technologies should not be included in local development documents. The more recent PPS1 on climate change goes further with paragraph 19 stating that policies should promote and not restrict such development and in the second bullet point of paragraph 20 stating that "the most exceptional circumstances" would be required to preclude renewable energy development. Paragraph 3.3.86 of the recently approved East Midlands Regional Plan urges the setting of criteria which "guide and inform" the location of such development.
- 3.19 I do not consider that policy 16 achieves this function. It may not amount to a "blanket ban" on development but it is highly negative in its wording and sets many hurdles to cross. I am not convinced that the landscape or environment of East Northamptonshire is so sensitive that there is justification for the inclusion of this policy contrary to a clear Government policy line; one appeal decision does not amount to such justification. The policy is unsound.
- 3.20 Furthermore, virtually all of the policy criteria are covered elsewhere in the RNOTP or under the "Protect assets" section of CSS Policy 13. Broader climate change issues are also covered in the CSS, this forming part of the LDF. In my opinion deletion of policy 16 and its accompanying text would have little effect on the integrity of the plan as a whole.

In order to make the DPD sound policy 16 and text paragraphs 5.24-26 inclusive shall be deleted.

- 3.21 Parish Plans and Village Design Statements, policy 17. Paragraph 5.29 of the DPD correctly summarises the guidance in PPS1 and PPS7, paragraph 13. What that guidance says is that parish plans and village design statements may be used as tools to inform policies in the DPD, not that they should have such status as to be taken into account in the determination of planning applications. These are not statutory documents and at most might become supplementary planning documents if they support a DPD policy and do not allocate sites.
- 3.22 The Local Planning Authority may take any relevant matter into account as a material consideration in the determination of planning applications but this need not be stated in a DPD. As it is, I consider that the policy goes too far and is unsound because it does not comply with PPS7 advice. It should be deleted although paragraph 5.29 may remain, for information.

In order to make the DPD sound policy 17 shall be deleted.

- 3.23 *Considerate construction, policy 18.* This is purely a statement of intent and has no clear spatial element. Nevertheless, it has a laudable environmental objective which, I consider, brings it within the ambit of paragraph 32 of PPS1 and thus sound.
- 3.24 Issue 4: Trajectory for previously-developed land. The advice in paragraph 43 of PPS3 is that a previously-developed land (pdl) target and trajectory should be included in local development documents with reference in the following paragraph to the development of a delivery strategy. There is no target or trajectory in this DPD.
- 3.25 CSS policy 9 requires LPAs to implement brownfield development strategies to ensure that at least 30% of the overall housing requirements for North Northamptonshire are provided on previously-developed land and buildings. In paragraph 3.81 it is stated that East Northamptonshire is expected to achieve 50-60%. Of course, this is a district-wide figure.
- 3.26 I appreciate that a wide range of assumptions has had to be made about the likely contribution from "windfall" sites which are previously developed land (which includes garden areas). This plan area is also largely rural and I accept that a trajectory for the plan area alone would be of limited value. Nevertheless, it is a matter of concern that the district-wide trajectory which has been produced appears to show little more than 30% of all housing completions being achieved on previously-developed land in future years.
- 3.27 I accept that in the particular circumstances applying to this part-area DPD it would not be appropriate to include either a target or trajectory and that the plan is not unsound because of it. Nevertheless, I would expect a district-wide trajectory to be included in the Annual Monitoring Report and this will need to feed into the review of the CSS. Consideration will also need to be given to the development of a brownfield development strategy at district and/or HMA level.

Matter B. Housing supply and delivery. Issues:

1. *Conformity with PPS3 guidance. In particular:*
 - a. *whether a Housing Implementation Strategy should be included in the DPD;*
 - b. *whether the requirement to identify a supply of housing land over 5, 10 and 15 year periods should be assessed district-wide, for this plan area or subdivisions of it as given in Table 5 under Policy 10 of the CSS;*
 - c. *the justification for including an allowance for rural windfalls in the housing trajectory rural area during the first 10 years post-adoption.*
2. *Whether the SHMA provides an adequately robust and credible evidence base to support the thresholds and percentage requirements for different house sizes in Policy 11.*

3.28 Issue 1a: The need to include a Housing Implementation Strategy. Contrary to the clear advice in paragraph 62 of PPS3 the submitted DPD does not include a Housing Implementation Strategy. I agree with the Government Office that this makes that aspect of the DPD unsound. Thus the Council's suggested change (H001), as updated by further changes U009-12, to include such a strategy is clearly necessary.

3.29 **In order to make the DPD sound a new section, headed "Housing Implementation Strategy", shall be added to follow paragraph 1.18 in accordance with suggested change H001 as amended by changes U009-12, as set out in Annex 1 to this report.**

3.30 Issue 1b: The identification of housing land supply at district, plan and sub-area level. As I have indicated under Matter A, Issue 2, there are good reasons why this DPD need only identify sites for housing development until 2021.

3.31 The Council have produced detailed information during the examination, and also referred to the Strategic Housing Land Availability Assessment published only in February 2009, which demonstrates to my satisfaction that, by making reasonable assumptions about the delivery of allocated sites, the five-year requirement across the district as a whole can be satisfied. This is somewhat of a departure from a strict interpretation of PPS3 which would require this to be demonstrated for "at the point of adoption of the relevant Local Development Document" which can only mean for what is more conventionally termed "the plan area".

3.32 As indicated in paragraph 60 of PPS3 the process of ensuring a continuous five-year supply of deliverable site available for housing is linked to the monitoring process through the

production of an Annual Monitoring Report (AMR). The current AMR is produced district-wide and I accept that for practicable purposes this will need to continue but, in the future, it will be necessary to monitor in relation to sub-areas also.

- 3.33 Difficulties have arisen in this examination because the RNOTP is a sub-district plan for which there is no distinct strategic context deriving from the adopted CSS as to the level of housing provision required for the plan area. The adopted Core Strategy (Policy 10 Table 5) relates to the settlement hierarchy and divides East Northamptonshire into the three "smaller towns" which are grouped for this purpose, the three rural service centres and "East Northamptonshire rural". The DPD covering the three smaller towns, where the majority of new development is to take place, and the rural service centre of Raunds, has not yet been published.
- 3.34 I consider it to be significant that separate figures are given in Table 5 of the CSS for housing provision in different parts of plan area. Despite the fact that the figures in CSS Table 5 are said to be indicative it is clear that a considerable amount of work was put into justifying them. CSS Policy 10 also states "Development plan documents will make provision for the amounts of housing development (net new dwellings) in the named settlements or group of settlements as set out in Table 5."
- 3.35 The NNJPU have suggested that as the strategy steers more development to Thrapston than Oundle any shortfall in provision in Oundle could be made up by additional provision in Thrapston. However, I can find nothing in the adopted CSS to suggest that it would be appropriate for such virement to occur. To the contrary, both Oundle and Thrapston are "named settlements" under the terms of Policy 10. Unlike Rushden, Higham Ferrers and Irthlingborough they are not grouped and the towns have equal status within the hierarchy.
- 3.36 Consequently, I consider that it is necessary for the evidence base to show, in PPS3 terms, that the CSS Policy 10 requirements for housing delivery can be met for the towns of Thrapston and Oundle individually. As I discuss later this has been achieved for Thrapston but for Oundle, much additional work has had to be undertaken by the Council during the examination to establish that this can be done.
- 3.37 The position of the rural area is different. It is explicitly stated in paragraph 3.86 of the adopted CSS that the housing figures in Table 5 are indicative and the assumptions behind the figure are explained therein. This is envisaged to be largely through windfall development within village boundaries as provided for in CSS Policy 1.

- 3.38 The Council have estimated, based upon past completions, that the rural part of this plan area might be assumed to provide 92% of the rural area figure in CSS Table 5, i.e. 1343 out of 1460 dwellings. I have some reservations about such an approach, mainly because the policy to reduce the proportion of housing development outside the main towns and villages might alter the balance. However, this does not make the plan unsound. There is no more certain a methodology available and the situation will need to be monitored.
- 3.39 Existing planning permissions within the rural area total 120 dwellings deliverable within 5 years and there are only 168 dwellings allocated in the three service centres of King's Cliffe, Nassington and Warmington together. Even assuming a blanket "windfall trend" figure of 43 a year, as discussed further below, this would yield 559 over the 13 years 2008-21, or just under 730 dwellings in total including the 168 dwellings on allocated sites. The 2008-based residual requirement would be 945 dwellings, leaving a shortfall of 215 dwellings to be allocated to meet the requirements of CSS Table 5 (policy 10). If windfalls are excluded in the first five years the shortfall is 56 greater.
- 3.40 It is evident that the CSS figure is a kind of residual figure to make up the district-wide provision. It is not a target to be met or a minimum. Other than at King's Cliffe, CSS policy 1 permits development outside village boundaries only "in exceptional circumstances, if it can be clearly demonstrated that it is required in order to meet local needs for housing, employment or services." If the rural element was to be "ring fenced" then significant additional allocations would have to be made by extensions to villages. That would not be a sustainable option and would not accord with the spatial strategy or its objectives.
- 3.41 I consider that as it has been demonstrated that the allocations for Thrapston and Oundle can be met and that, in aggregate, the plan-wide requirement can also be met, the DPD complies with the Core Strategy and is sound in this regard. I also consider it to be of significance that a district-wide trajectory demonstrates that additional sites might be brought forward in Raunds and the Three Towns to meet CSS requirements to 2021 in accordance with PPS3 guidance. Unfortunately, the DPDs for those areas fall outside my remit for this examination and so I am unable to test whether the suggested allocations, particularly for years 6-10, are PPS3 compliant. This is a matter which will need to be resolved through subsequent examinations.
- 3.42 There is one element of the CSS spatial strategy which is given but passing reference in this DPD, in paragraphs 2.12 and 4.13, and that is the sustainable urban extension to the north-east of Corby, otherwise known as Priors Hall. This overlaps into East Northamptonshire but, in accordance with the Milton Keynes and South Midlands sub-regional strategy (MKSM) provision is made

for it in the Corby total housing allocation. It is a strategic site but there was no submission proposals map with the CSS. So to be consistent the area, including sites for a local centre and primary school, should be identified on the proposals map adopted at the same time as this DPD.

- 3.43 ***When the proposals map is first adopted in accordance with Regulation 14(4) it should show that part of the development area north-east of Corby which comes within East Northamptonshire district with an indexed reference to the relevant statements in the DPD (paragraphs 2.12 and 4.13).***
- 3.44 Issue 1c: The inclusion of an allowance for rural windfalls in the first 10 years of the housing trajectory. The plan-wide housing trajectory as originally produced for the examination relied upon an assumption that unidentified "rural windfalls", i.e. permitted under the terms of CSS policy 1 and RNOTP policy 2, will continue at a rate of 43 a year over the plan period. However, for such an approach, at least for the first 10 years post-adoption, to comply with guidance in paragraph 59 of PPS3 it is necessary to demonstrate that exceptional circumstances exist.
- 3.45 Consequently, I asked the Council whether they would be able to demonstrate, through the production of a revised trajectory for the RNOTP to 2021, that the CSS requirements can be met omitting any rural windfall allowance. However, I find that the resultant trajectory would distort the pattern of development by significantly underestimating the rural total and would also rely on longer-term sites in both Oundle and Thrapston coming forward before year 11 (2019) as well as taking the total amount of housing development in those towns well beyond the CSS (Table 5) requirements. Whether the identified long-term sites in Oundle and Thrapston should come forward before that date, by 2021 or a later date, is a matter for CSS review.
- 3.46 It is an important aspect of the CSS strategy for rural East Northamptonshire that, in the interests of sustainable development, the scale of housing development in smaller settlements should be more closely related to local need. The NNJPU, with responsibility for production of the CSS, have clarified that the figure given for the rural area in Table 5 of the CSS assumes a continuing but decreasing contribution from small scale infilling within villages, conversion of buildings and affordable housing, none of which can be easily allocated. This approach was endorsed in the Inspector's report on his examination of the Core Strategy and subsequently the SHLAA has concluded that there is clear evidence for the inclusion of a windfall element in rural housing land supply, although not within the first 5 years of the trajectory. I also think it significant that the Government Office consider that the policy background applying in East Northamptonshire amounts to the

exceptional circumstances required to satisfy paragraph 59 of PPS3.

- 3.47 For all of these reasons I consider that exceptional circumstances have been demonstrated to justify the inclusion of an allowance within the housing trajectory for windfall sites in the rural settlements.
- 3.48 Overall conclusion on Issue 1. I am satisfied that the DPD is sound in terms of its compliance with PPS3 guidance, in so far as that relates to the aggregate plan-wide housing provision. It follows that I do not consider there to be any justification for the allocation of additional sites in settlements within the plan area, other than in Oundle. PPS3 does not require the trajectory to be included within the DPD itself and so its omission would not render the DPD unsound. This is recognised in the suggested additional text (change U010) on the Housing Implementation strategy replacing paragraph 1.19 (see paragraph 3.28 above).
- 3.49 Issue 3: Justification for policy 11. The introductory section of policy 11 repeats national policy to encourage a mix of housing types to achieve mixed communities. The generalised reference to taking account of the findings of the SHMA is of no value in a policy. It is for the LPA to do that in formulating the policy.
- 3.50 I recognise that there is some justification for the approach from the conclusions reached in the SHMA but, to my mind, this does not warrant the lack of flexibility through the setting of site size thresholds with fixed percentage requirements. The ward-based analysis which supplements the SHMA relies heavily on 2001 census data. In my assessment it is not sufficiently robust to justify a policy of this detail. This appears to be recognised by the qualifications stated in the introductory paragraphs to Fordham's secondary data analysis (*Doc. 323*).
- 3.51 The policy suggested in the SHMA for larger housing developments, i.e. of over 50 dwellings, is subject to the proviso "where a new community is being developed" which, within the RNOTP area, applies in practice only to the larger allocated sites in Oundle and Thrapston. As such I consider that the mix in the first criterion is sound.
- 3.52 Although the analysis in Table 4 of *Doc. 323* indicates that more, larger dwellings are needed in Thrapston with more, smaller dwellings in most of the other wards within the RNOTP area there is a fair degree of variation in terms of the degree of the perceived mismatch. The data certainly does not justify the "at least 60%" requirement across the plan area outside Thrapston and the larger sites in Oundle.
- 3.53 I consider that the evidence supports no more than an indication that the balance of house types should be "mainly" within the

stated sizes and, in all cases this should be subject to the caveat that local needs surveys may suggest an alternative mix. I see no reason why this provision should be limited to the affordable housing sector. The advice in paragraph 22 of PPS3 refers to the profile of household types requiring market housing. The footnote suggested by change S008 (U035) can be incorporated within the policy.

- 3.54 **In order to make the DPD sound, all but the final paragraph of policy 11 shall be deleted and replaced by the following text:-**

New housing development should include a mix of housing types to take account of local need. Unless specific housing needs information is available to suggest a more appropriate mix, proposals for new housing (including affordable housing) should provide:-

- 1. On sites of over 50 units, an even split between 2,3 and 4 bed house types;**
- 2. On smaller sites in Thrapston, a mix of house types to include mainly 3, 4 or more bedrooms;**
- 3. On smaller sites other than in Thrapston, a mix which includes mainly 1 or 2 bedroom house types.**

Matter C. Infrastructure and Phasing. The strategies for Oundle and Thrapston. Issues:

1. *The approach to infrastructure provision.*
2. *The inclusion of a phasing policy.*

3.55 Under this heading I shall deal with general principles as to the provision of infrastructure and the inclusion of policies for the phased release of land for housing. I consider the choice of sites for housing, employment and other uses in each of the towns of Oundle and Thrapston in the following sections of this report before returning to other matters.

3.56 Issue 1. The approach to infrastructure provision. As submitted the DPD contains a separate general section on Infrastructure and Phasing with two policies, No. 3 on Phasing in Oundle and No. 4 on Phasing in Thrapston. Both policies suggest that the release of the allocated housing sites is dependent upon the delivery of the necessary infrastructure and services without any clear indication as to what that might mean in terms of the timing. This runs counter to paragraph 55 of PPS3 which requires sites for the first 5 years post adoption (in this case until 2014) to be available now (as an aspect of deliverability) with a reasonable prospect of availability for those sites allocated for years 6-10.

3.57 These policies are rendered largely superfluous by the more locally specific infrastructure policies for both Oundle (OUN1) and Thrapston (THR1 and 5). Furthermore, these policies are negatively phrased, placing potentially significant constraints on the grant of permission. The guidance in paragraph 4.27 of PPS12 is clear as to the need for timely, effective and conclusive discussion to ensure the deliverability of the chosen options. As I have pointed out, policy 6 in the adopted Core Strategy takes a positive approach to the timely delivery of infrastructure.

3.58 For these reasons, the approach taken in the submitted DPD is unsound. Thus, following an exploratory meeting, the Council have put forward an ever-evolving series of suggested changes primarily focussed on the need to meet community concerns in Oundle about the capacity of the local highway network to deal with the cumulative impact of developments in the town.

3.59 The first set of published changes, in June 2008, suggest (S004/U025) the merging of policies 3 and 4 with policies OUN1 and THR5 respectively. I agree that suggested change U025 is necessary in the interests of effectiveness. This leaves a truncated section on Infrastructure and Phasing with minor wording changes U022-4, together with a new paragraph on the Housing trajectory (change U026 and 027). I agree that the trajectory itself is better kept within the Annual Monitoring

Report because it will need to be updated annually to reflect changing circumstances. It is no more than an indication of where development will occur and by when.

- 3.60 The Council have also suggested (changes H013 and H019) a re-phrasing of policies OUN1 and THR1 to make them more positive. However, this applies only to the introduction. Even when changed the policies would still require developers to demonstrate that the necessary infrastructure and services will be in place. The wording used in policy THR1 is acceptable in so far as it comes within the terms of Circular 05/2005 with regard to the contributions a developer might reasonably expected to make to serve the development proposed but a different approach is taken in policy OUN1.
- 3.61 Paragraph 8.2 identifies deficiencies in local infrastructure provision in Oundle and indicates that an holistic approach will need to be taken. However, it is primarily for the plan-making authority to do this, looking across the board at the implications for infrastructural provision of the proposed developments. For allocations to be made there should be a reasonable prospect of development taking place in the timescale envisaged, and that should, in itself, take account of any infrastructure delivery requirements.
- 3.62 I consider it to be most unfortunate that a key stakeholder, namely the County Highway Authority, should have found it necessary to make formal representation that the suggested amended text for paragraph 8.3 (change H012) still did not present the correct position with regard to further traffic studies and modelling work for Oundle. However, the revised wording agreed with the County Council only a week before the further hearings (changes U062-4) makes the position very clear and that wording should be included for the DPD to be sound. I think it important to note that there is strategic "clearance" for no more than the 610 dwellings provided for in CSS Table 5. Otherwise the suggested new paragraph (change U064) and replacement additional policy text (change U066) make clear that transport assessments will be required for each site in accordance with Department of Transport guidance, which covers the cumulative effect on traffic movements.
- 3.63 As a result of these changes I consider it to be unduly onerous and beyond Government policy guidance to include a general policy requirement to demonstrate cumulative impact. The statement in policy OUN1 that the rate of development will be dependent upon the delivery of the necessary infrastructure remains unduly negative in stance and should reflect the positive wording of CSS policy 6, i.e. development "will be supported by the provision of the necessary infrastructure".

3.64 Finally on the issue of infrastructure, it has been suggested that the continued reference to community concerns within suggested change U061 to paragraph 8.3 is unnecessary. This is a statement of fact and I do not consider that its inclusion is unsound.

3.65 **In order to make the DPD sound the following changes shall be made:-**

Paragraph 8.3 shall be amended in accordance with suggested changes U061-4 inclusive, as set out in Annex 1 to this report.

Policy OUN1 shall be amended to read:

"Planning permission will be granted for the development of the sites outlined at policies OUN2-OUN4 of this plan provided it can be demonstrated that any additional infrastructure, services and facilities required to support the development will be provided as it proceeds.

In respect of transport infrastructure, transport assessments for all major sites will need to be undertaken in accordance with PPG13 and the Department for Transport guidance, to the satisfaction of the highway authority. Other necessary infrastructure requirements will need to be addressed by the developer to the satisfaction of the relevant statutory undertakers."

The indicator and targets under policy OUN1 shall be amended in accordance with suggested changes U098, U099 and H014,

Policy THR1 shall be amended in accordance with suggested change U085, as set out in Annex 1 to this report.

3.66 Issue 2. The inclusion of a phasing policy. As submitted policy THR5 states that development would be phased in line with the projected availability of school places. No further detail is given nor was there clear evidence to support any restriction of this nature. Consequently, the Council effectively withdrew this provision through change H020. It is unjustified and thus unsound. I do not regard the remaining policy to be a true phasing policy because it relates to one site (Thrapston South) only.

3.67 In Oundle, submitted policy OUN3 allocates two sites and indicates that development would be focused on site 1 (Ashton Road/Herne Road) with longer term needs met through development on a greenfield site at Creed Road. The reference to "phasing" in the title of policy 3 is lost in the suggested merger as is the reference to development being "related to" the

delivery of a high quality business development at East Road under policy OUN2. This linkage is unjustified and hence unsound.

- 3.68 Through the process of the examination the Council's position has evolved. During the hearings in October 2008 the Council conceded that they could not justify giving preference to the Ashton Road site over the Creed Road site even though the latter is in a more peripheral, less sustainable location. In the submitted DPD the target for commencement at Ashton/Herne Road is 2011 with that for Creed Road as 2013 but in the advertised post-hearing change H016 the target for commencement at Creed Road is brought forward to 2011 (see below).
- 3.69 In paragraph 3 of the note attached to my letter of 31 October 2008 I indicate that the submitted DPD is unsound because it fails to allocate sites for housing in Oundle necessary to meet the CSS requirements at least to year 10 post-adoption. In response, the Council have identified additional sites (see paragraph 3.82 below) but have also chosen to suggest a significant re-structuring and re-wording of the Oundle section of the DPD with two distinct policies, OUN3 and OUN4. Revised policy OUN3 (as in change IN027) would list 3 sites in "phase 1" with a timescale of up to 2014. All 3 sites have a target (H016(3)) for commencement of 2011. A new policy OUN4 (change IN029), described as "phase 2" would be prefixed by the words "After 2013, the release of an additional site ... is proposed" which date is also repeated in the target (IN029(3)). It is this version of the policies which was consulted upon in February and March 2009 and has been subject to sustainability appraisal. Thus, in both the submitted DPD and the published changes there are phasing policies for the Oundle housing sites.
- 3.70 Only a week before the hearing on 30 April 2009, largely in response to the County Highway Authority's comments, the Council came forward with a further suggested change to remove the references to phasing altogether and to re-group the sites under policy OUN4 on a geographical basis. The target dates for commencement remain the same except that for Glapthorn Road it is stated to be 2014 rather than 2013 (change U079).
- 3.71 Although these further very late changes were notified to those involved in the hearings and were posted on the web site I do not consider that the publicity was sufficiently wide. Despite the Council's protestation that there had never been a phasing policy, only an indication as to the estimated delivery date, I do not agree that this is a reasonable interpretation of either the submitted DPD or the published changes. The submitted DPD includes a clear policy intention to prioritise the Ashton/Herne Road site and the published changes, as stated above, include a

specific indication that phase 2 is for release after 2013. Thus I consider that the latest pre-hearing changes represent a significant change of emphasis. To compound the situation the post-hearing changes schedule includes yet further wording changes to both policies OUN3 (change U070) and OUN4 (change U077) which have had very limited circulation. Oundle Town Council have rightly expressed concern about the nature of the further changes made and the abandonment of phasing. For procedural reasons I consider that it is wrong to alter the basic approach of the policies at such a late stage and consider that I am only able to include changes based upon those published in February subject to minor or inconsequential adjustments to ensure that they are up to date.

- 3.72 I also consider that an element of phasing is appropriate to ensure not only that local infrastructural provision is provided to support development but also to manage housing supply over the plan period in accordance with the Core Spatial Strategy. I refer to paragraph 3.60 of the CSS which states that local policies should ensure that the supply of housing in East Northamptonshire is not exhausted early in the plan period.
- 3.73 The assumptions made for the purpose of the housing trajectory show all of the plan allocations being developed by 2015 with the full CSS requirement (to 2021) being taken up by 2018. There is no provision at all for the years 2015/2018 which is hardly a "continuing supply of housing land" as required by PPS3. Indeed, on the realistic assumption that completions will be at a low rate until at least mid-2010, followed (optimistically) by a very marked peak in 2011-3, this might be described as a "boom and bust" scenario.
- 3.74 This would suggest that in order to ensure a continuing supply of housing in accordance with PPS3, phase 2 ought to be held back, ideally until 2016, but that option has not been discussed or consulted upon. In the circumstances I consider that the revised policies should continue to refer to phase 1 and 2 as in the published changes although an adjustment of (new) policy OUN4 to commence after 2014 would be logical to avoid overlap of the phases, to smooth the supply and to take account of the probable 2009 adoption date, with the phasing relating to years 1-5 and 6-10. This is as in change U079.
- 3.75 The revised policies and text for the Oundle Housing Strategy section of the DPD, paragraphs 8.7-11 with policy OUN3 and new OUN4 are set out in a separate Annex 2 to this report. See paragraph 3.90 following my consideration of more detailed Oundle housing issues, including alternative sites.

Oundle – site-specific issues:

1. *Housing – a. the detailed provisions of policy OUN3;*
 - b. whether additional sites should be allocated in this DPD and the consideration of alternative site options.*
2. *The East Road employment site - policy OUN2.*
3. *School sites – policies OUN4 and OUN 5*

3.76 Issue 1: a. Policy OUN3 provisions. Policy OUN3 sets detailed requirements for both allocated sites. The Council accepted that there is no longer any justification for the safeguarding of land on the Ashton Road/Herne Road site for additional educational facilities in association with the adjacent Prince William School. That aspect of the policy is unsound and I agree with the Council's suggested changes in that regard (U070 and H017).

3.77 In view of the size of the Ashton Road/Herne Road site and its highly sustainable location it would be contrary to PPS3 advice to assume any lower a density than 30 dwellings per hectare. The concerns of residents about traffic conditions in the vicinity generated largely by the school and exacerbated by on-street parking are pre-existing factors which should be taken into account in the traffic assessment required under policy OUN1. I am not convinced that this aspect justifies the "up to 145 dwellings" restriction in the policy and consider that the "around" terminology used for the Creed Road site would provide greater flexibility. It may not be strictly necessary to include the detailed criteria for a masterplan but I do not regard that aspect as unsound. A similar consideration applies to the detailed masterplan requirements for the Creed Road site. The change (U077) to the estimate of dwelling numbers for that site is simply an update.

3.78 Issue 1: b. Additional and alternative housing sites. The approach to the choice of housing sites in Oundle has proved to be the most contentious issue in this examination. As I indicate in paragraph 3.69 above, the acknowledged failure (DPD paragraph 8.11) to meet PPS3 requirements to allocate specific sites for housing to meet CSS requirements for 10 years post-adoption is unsound. As at April 2008 there had been 161 dwelling completions in Oundle since April 2001 leaving 449 to be completed to meet the CSS requirements to 2021, a 13 year period, making the 5 year requirement 173 dwellings. With 9 dwellings under construction and a further 27 with permission, to meet the guidance in paragraph 55 of PPS3, specific deliverable sites should be allocated to provide a total of 137 dwellings and a further 173 dwellings should be allocated on specific developable sites for years 6-10 (2013-18), leaving sites for another 103 dwellings to be allocated "where possible" for the remainder of the CSS plan period to 2021. For reasons

stated in paragraph 3.8 above, I do not consider it appropriate to extend this to year 15 post-adoption (now 2024).

- 3.79 As submitted the DPD identifies only the Ashton/Herne Road site as being developed before 2013. Thus, on the face of it the DPD fails to comply with the PPS3 requirements for a five-year supply in Oundle. However, when the two OUN3 sites are taken together with the amended total for Creed Road of 145, they total 290 dwellings and the latest evidence is that development is likely to start on both sites by 2011, so meeting the five year requirement. Furthermore, the district-wide five year supply is adequate. Apart from failing to allocate sufficient land to provide a 10 year supply, the Council have also failed to provide convincing reasons for not being able to allocate specific developable sites for the full plan period, especially as the sites identified in paragraph 8.11 as possible longer term sites are specific. They are not broad locations and might have been expected to have been shown on the proposals map.
- 3.80 I acknowledge that a review of the CSS has already commenced and that that the Council expect to commence a review of this DPD in mid-2010. However, I do not accept as a general approach that this is a reason not to comply with PPS3 guidance relating to allocations for this plan period. Unless planning permission has been granted in the interim, allocations will always be open to review, especially should the national, regional or strategic context change. Thus I conclude that to be sound this DPD should make allocations to satisfy the full CSS requirements.
- 3.81 A number of alternative sites have been advocated through the DPD preparation process. These include the four possible longer-term sites identified in submitted DPD paragraph 8.11. A comparative sustainability study by RTP (*Doc. 322*) was used to justify the choice of sites but detailed scrutiny of this document has revealed that the areas assessed are too large and thus insufficiently sensitive to properly weigh the sustainability of the actual development sites or to take sufficient account of potential mitigation measures. At my request the Council commissioned further, more detailed, sustainability work of specific sites (*Doc. 923*) and I am satisfied that its conclusions are generally robust.
- 3.82 On this basis I am satisfied that the Council are justified in allocating Ashton Road/Herne Road (RTP matrix score +16). Although Creed Road is marginal (+1) it is a long-standing allocation. As for the additional sites now suggested for allocation the Dairy Farm (+15) scores strongly, as does Glapthorn Road (+7). The two sites included in change U082 as having longer-term potential both obtain scores of +1. It has been explained that the site to the rear of the cemetery, Stoke Doyle Road, was mistakenly listed as discounted in the RTP

study as the access difficulties can be overcome and I accept that. Many of the discounted sites also attract strongly positive scores but are justifiably discounted as open land. East Road/Eastwood Road scores +15 but, as I discuss below, I consider it is correctly discounted as an employment site.

- 3.83 Despite the concerns expressed by English Heritage I find no reason why the fact that the buildings at the Dairy Farm, Stoke Doyle Road, are listed need prevent development as a matter of principle. The suggested policy (change IN027) includes criteria to address this issue. Although the suggested policy states "up to 25 dwellings" this was based on an average density. In their final statement the Council acknowledge that only 20 dwellings are assumed in the trajectory due to the constraints and I consider that "around 20" would be a more realistic assumption leaving the final number to be determined at application stage. I do not agree that it would be more appropriate to leave the site unallocated, to come forward as a windfall site. Generally, PPS3 encourages all urban potential sites to be allocated. I accept that this site is deliverable within 5 years.
- 3.84 The site at Hillfield Road/Glaphorn Road had not previously been promoted through the DPD consultation process by the land owner, Oundle School. Nevertheless, the site had been advocated by the town council as being a well contained accessible site and although reservations have been expressed about traffic generation and potential surface water flooding I have no reason to assume that these are unresolvable issues. As stated in paragraph 8.3, DPD policy 9 applies to flood risk assessment in accordance with PPS25 guidance.
- 3.85 The site is currently in use as a playing field by Oundle School. Although some have disputed the level of use it is described by Oundle Town Council as "little used". Evidently, the "Sci-tech" development permitted in 2004 included the regrading and levelling of a pre-existing playing field so it is not, strictly, correct to describe that as a replacement facility for the "New field" at Glaphorn Road (suggested change U076). However, it is clear from the statement provided on behalf of the school that the upgraded facility at Home Close will more than compensate for the loss of New Field, which will effectively be surplus to requirements. There is neither public use of the field nor any prospect of it.
- 3.86 The Council commissioned an audit and assessment of open space and playing fields from PMP. This study (*Doc. 309*) indicates that there is no deficiency of open space provision in Oundle, a fact which is borne out by the town council. The recommended local standard of 1.69 ha. of open space per 1000 population, as set out in paragraph 6.21 of the DPD, will not be compromised. Therefore, despite the comments by Sport England, I conclude that PPG17 requirements will be met.

- 3.87 Nevertheless, the site is clearly not "available now" and so is not deliverable within the terms of paragraph 54 of PPS3 but there does seem to be every prospect that it will become available for development by 2014, in other words it is "developable". In view of my comments about the need to ensure a continuing supply of land for housing I consider that this should remain a "Phase 2" site. An estimate of 80 dwellings capacity may be conservative given the RTP assessment of 100.
- 3.88 Together the Dairy Farm (20) and Glapthorn Road (80) sites will provide 100 dwellings, the two original allocations 290, yielding 390 out of the 413 required to meet CSS requirements. PPS3 advice does not preclude potential "windfall" developments to be taken into account from year 11 onwards and, given the nature of Oundle, it does not seem unreasonable to assume that 8 (not 3-4) dwellings a year might be supplied from this source.
- 3.89 Consequently, I do not consider it to be necessary to allocate either of the identified longer-term sites in Oundle through this DPD. There is no reason why they should not be mentioned but it is an issue for the next review of the CSS whether there is the infrastructural capacity, particularly highways, to accommodate more than the 610 dwellings currently provided for. Paragraph 8.11 as amended by suggested change U082 is correct.
- 3.90 The suggested changes to the Oundle Housing Strategy section of the DPD are extensive. As I conclude that in order to be sound the DPD should incorporate the two phase approach in the February 2009 published changes with some later updates, I have set these out in full in a separate annex 2 to this report.
- 3.91 **In order to make the DPD sound the Housing Strategy section within chapter 8, paragraphs 8.7-8.11 and policy OUN3 shall be deleted and replaced by a new section as set out in full in Annex 2 to this report.**
- 3.92 Annex 2 replaces the Council's suggested changes U068-82; IN025-32 and H016.
- 3.93 Issue 2: The East Road Employment Site. There are, in fact, two adjacent employment sites off East Road although they were considered together under the 2006 Atkins Employment Land Review (ELR)(Doc. 316) as site 8. Policy OUN2 relates to the northern part and states that the site is to be redeveloped for high quality, predominantly business class uses. To the south of this lies the Eastwood Road Trading Estate which, as an existing employment site, is shown on the submission proposals map as subject to DPD policy 23. [Note: Policy 23 applies to the sites listed in Appendix 4 which includes the whole 2.07 ha. area of site 8. This is not apparent from the submission proposals map.]

- 3.94 It is an undisputed fact that these sites are very well located close to the town centre on the edge of the conservation area with residential areas, a school and open space in the immediate vicinity. The northern area has been analysed in the latest Roger Tym appraisal of the sustainability of alternative sites for housing (*Doc. 923*) and scores (+16 overall) equally as highly as Ashton Road/Herne Road, higher than either of the two additional sites put forward by the Council to make up the shortfall in housing land supply. It is on this basis that the two sites have been promoted as a better alternative for housing development.
- 3.95 With regard to sustainability considerations I consider it to be an essential part of the equation that employment provision is easily accessible from residential areas in order to encourage employees to walk or cycle to work rather than to use cars. Bus services are also more effective in serving town centre locations than out-of-town employment areas. Thus the locational advantages of this site for housing apply equally for employment, especially should it in future be primarily within the B1 office sector rather than B2 general industry as provided for in the policy.
- 3.96 The justification for the approach taken in policy OUN2 stems from the recommendations of the ELR which was produced somewhat later than desirable in the DPD preparation process and led to the rejection of a favoured option for mixed use (as recommended in the 2005 Roger Tym/Innes development brief) over the combined area. In paragraph 5.49 of the ELR, site 8 is identified as presenting a rare opportunity to provide high quality B-class floorspace, providing employment for the northern part of the district, not just for Oundle.
- 3.97 Although certain assumptions in the ELR have been criticised, I have no reason to disagree with the conclusions of my colleague Inspector in paragraphs 14-16 of his appeal decision in which he rejects the argument (also put to me) that there is a surplus of employment provision in Oundle and no clear evidence that any additional site should be allocated. The ELR clearly justifies the need for additional employment land, particularly in the rural north, and to protect existing employment sites generally. I consider it to be a sound approach that the plan should seek to encourage additional employment provision in Oundle to balance the proposed housing growth in the town.
- 3.98 Both landowning interests have questioned the viability of the proposed redevelopment scheme solely for employment. There have been difficulties in letting the existing units on the trading estate and there remains vacant land. It seems to me that this stems largely from the nature of the existing units themselves, factors which might not apply should the land be re-developed

in conjunction with the OUN2 site. Although the DPD does not provide for this, it wouldn't prevent it either, policy 23 being simply a protective policy for the use. Many of the detailed points in relation to the Eastwood Road site do not affect the soundness of the DPD because policy 23 provides scope to consider them in the context of any planning application for change of use.

- 3.99 The ELR also recognises that a scheme for a high quality business use on site 8 may not be viable without specific measures of public intervention. In that regard it is unfortunate that this DPD does not identify what such measures might be and when they might realistically be delivered. As it is, the indicator remains that the site should be redeveloped by 2016. Policy OUN2 itself refers to a design workshop involving stakeholders and local people. I agree that this presents a sensible way forward but the terms of reference of the workshop must include a full appraisal of the feasibility and viability of the redevelopment envisaged which appears to me to be somewhat aspirational in nature. Unless positive proposals are brought forward through this process to provide a clear commitment to delivery then the future uses for this area will need to be re-considered in a review of this DPD.
- 3.100 The Council's suggested change H015 to paragraph 8.6 of the supporting text is vague in the reference to a "longer target date for completion". Then, further change U067 says little more than the policy. The first sentence of this, only, should be inserted in paragraph 8.6.
- 3.101 Subject to that I consider that policy OUN2 and the application of Policy 23 to the Eastwood Road Trading Estate is sound.
- 3.102 **In order to make the DPD sound the following text shall be inserted after the second sentence in paragraph 8.6: "The site is allocated to make a significant contribution to providing new employment opportunities to balance housing growth over the plan period."**
- 3.103 Issue 3: School site policies OUN4 and OUN5. The effectiveness of these specific policies relating to school sites in Oundle depends to a very large extent on the position of the education authorities with regard to their implementation. Paragraph 4.28 of PPS12 emphasises the importance of the engagement of key stakeholders in the delivery of policy.
- 3.104 The need for the expansion of facilities at Prince William School has been confirmed by the school authorities themselves and with the omission (change H017) of the reference to safeguarding land within the Ashton Road/Herne Road housing site, because the need for it could not be substantiated, I consider that the remaining policy is PPG17 compliant and thus

sound. Alternative access arrangements to the school are beyond the scope of this DPD.

- 3.105 Similar considerations do not apply to policy OUN5 concerning Oundle CE school on Milton Road. From the County Education Authority representation it transpires that there would only be a need for expansion of the school if a decision (not reached at the time of submission) is taken to re-organise educational provision to a two-tier system. Even then implementation would be "some years away."
- 3.106 From this I deduce that there is inadequate justification for the inclusion of this policy. Moreover, it cannot be implemented until a replacement school site has been identified, which this DPD does not do. That is an essential element for the policy to be sound because otherwise it cannot be delivered. There is nothing to be gained by including an ineffective policy of this nature in the DPD. As it is unsound it should be deleted, although an amended paragraph 8.19 might remain as no more than an indication of possible options, including car parking.
- 3.107 **In order to make the plan sound policy OUN5 and its targets and indicator shall be deleted from the DPD along with the last two sentences in paragraph 8.14; paragraphs 8.15, 16 in their entirety and the first sentence in paragraph 8.19. The first sentence in paragraph 8.19 to be replaced by the following text: "Should there be a need to relocate the Milton Road primary school, preferred new uses for the existing buildings include additional public or community facilities."**

Thrapston – site-specific issues:

- 1. The adequacy of the policies for regeneration (THR2 and 3) and employment (THR4).*
 - 2. The sustainability of the choice of Thrapston South (policy THR5) as the main housing development site as compared to alternatives evaluated and the safeguarding of a secondary school site at Springfield Farm.*
- 3.108 Policy THR1 on infrastructure provision is considered under Matter C, Issue 1, above.
- 3.109 Issue 1: The adequacy of the policies for regeneration (THR2 and 3) and employment (THR4). I accept that the Employment Land Review has established that there is no general need to allocate new greenfield sites for employment development in Thrapston. Under the CSS the focus is on regeneration and policies THR2 and 3 are linked to 4 in this regard.

- 3.110 Policies THR 2 and 3 derive from the conclusions of the Healthcheck and associated Regeneration Masterplan. In that regard the strategy and choice of sites is clear. As with some other employment-related policies, relevant stakeholders appear not to have been adequately engaged in order to identify suitable alternative sites so as to facilitate re-location of existing businesses. However, I accept that there is no positive policy intention to see the re-location of the cattle market. The policy seeks to set a brief for redevelopment of the site should such relocation occur. Within these limitations the policies are sound.
- 3.111 The desire by the current site owners to see the relocation of Scotts and a redevelopment of the site, possibly for housing, has been cited as an example of the restrictions imposed by the DPD policies as they stand. Although Scotts is physically separate from the Cosy Nook with which it has been bracketed as Atkins site 12 in Appendix 4, all subject to policy 23, I do not consider that to be an unsound approach as the whole area is in existing employment use. As I indicate above, with some amendment for clarity I do not consider that policy 23 places an absolute restriction on re-development should the criteria be met. It should also be read with policy THR4 which sets a clear direction as to where new employment development is expected to go.
- 3.112 In conclusion on this issue, I consider this section of the DPD and policies THR2-4 to be sound.
- 3.113 Issue 2. Thrapston South (policy THR5) and the safeguarding of a secondary school site at Springfield Farm. I will deal with the secondary school issue first because the Council have chosen to withdraw this proposal. It was clear at an early stage in the examination that there was no justification deriving from a clear indication of need by the Education Authority for a site to be provided for a secondary school in Thrapston. Indeed, section 37 in the preferred options document explicitly states that there is not enough growth to justify a further school site. It is an aspiration to reduce travel distances for secondary pupils, but no more than that. Thus, this proposal is unsound and I agree the Council's suggested change (as part of U085) to remove it from policy THR1 (see paragraph 3.65 above). However, the Council also suggest (change H018) the retention of a non-committal statement identifying Springfield Farm as a possible site. This is acceptable.
- 3.114 It has been suggested that Springfield Farm should be allocated for housing in place of the extension eastwards in the Huntingdon Road area between the town and the A14 bypass. This is on the basis that there is little to choose in terms of access to the town centre and Huntingdon Road will result in a

large development affected by noise from the A14. It seems to me that the latter point should be dealt with through layout and conditions imposed on any consent. There is a lot to be said for completing development in the southern area whilst Springfield Farm, to the north, is less well contained. Furthermore, in the refined Roger Tym Sustainability Assessment Springfield Farm scores less well overall (+4) than Huntingdon Road (+8). Consequently, I am satisfied that the most appropriate option has been chosen.

- 3.115 Policy THR5, as submitted, contains a requirement that the delivery of housing should be phased in line with the projected availability of school places. Again, such an approach has not been justified. I agree that the requirement be deleted from policy THR5 (suggested change U087) for the policy to be sound. Deletion of the last sentence in paragraph 9.1 (suggested change U095) is a consequential amendment which I endorse.
- 3.116 The approach under policy THR5, as amended, would be to require a master plan for the development related to phasing to "trigger thresholds for additional infrastructure". In view of this requirement the words which follow the criteria are an unnecessary duplication.
- 3.117 Similarly the statement that longer term development sites will be brought forward through a review of the plan is superfluous. As it has been established that this DPD allocates almost sufficient land in Thrapston to meet the CSS requirements for housing to 2021 and the trajectory shows a continuing supply over the plan period there is no need to mention long-term sites, certainly not as a policy. Indeed, this could be construed as prejudicing the review of the Core Strategy now under way. In the interests of consistency, and thus soundness, the statistics on housing land supply in paragraph 9.12 should be updated to an April 2008 base.
- 3.118 Finally, I note that a small site at Washington Court has been advocated for housing development through the DPD process. This has been appraised and given a good sustainability score (+5). I do not consider it necessary to allocate the site at the present time although, I assume, it will be a contender in the future, subject to the CSS.
- 3.119 **In order to make the DPD sound policy THR5 shall be amended in accordance with suggested change U087, as set out in Annex 1 to this report, except that all words after the criteria (a.-i.) shall be omitted.**
- 3.120 **The second sentence in paragraph 9.12 shall be deleted and replaced by "Of this total, 445 were complete by**

April 2008; with a further 23 under construction and 44 with planning permission but not yet started."

Matter D. The identification of a settlement hierarchy. Issues:

1. *Whether additional settlements should be classified as smaller service centres.*
2. *Whether category A and B settlements have been correctly classified.*
3. *Is there a case for the identification of settlement boundaries for category B villages and should the criteria for the drawing of boundaries be included in the DPD?*

- 3.121 Issue 1: Smaller Service Service Centres. The approach to the definition of a settlement hierarchy stems primarily from the adopted Core Spatial Strategy. The CSS specifies Oundle and Thrapston as rural service centres and identifies King's Cliffe as a local service centre or "secondary focus". Otherwise, in paragraph 3.8 of the CSS it is stated that DPDs may identify Limited Local Service Centres within which the small scale needs of a group of villages may be focussed.
- 3.122 RNOTP Policy 1 identifies Nassington and Warmington as Smaller Service Centres and it is there (as well as in King's Cliffe) that small allocations have been made for housing. All of the other villages are categorised as either A or B with development proposals considered under policy 2.
- 3.123 It is correct, as stated in paragraph 4.9 of the DPD, that Nassington and Warmington were recommended to be local service centres in the Baker Associates report (*Doc. 308*). However, that study covered only a part (central north) of the plan area and thus it was not within the remit of that study to consider the other sizeable settlements of Brigstock, Easton on the Hill and Woodford. However, work by Entec (*Doc. 305*) on village services identifies that these villages retain a wide range of services which raises a question as to the justification for not including them as smaller service centres permitting the allocation of housing sites to meet the CSS requirement for housing within the rural part of the district.
- 3.124 During the course of the examination the Council have produced additional information. It is evident that a combination of sources has been used, including surveys of the inter-dependency of the various centres and relationships with nearby larger urban centres. From this I am satisfied that Brigstock looks to Corby, Easton on the Hill to Stamford and Woodford to Thrapston. Islip is within walking distance of Thrapston centre. As such they do not fulfil the local service centre rôle for groups of surrounding villages in the same way as do Warmington and Nassington. Thus I consider that the

choice of only those two larger villages to be smaller service centres has been adequately justified.

- 3.125 Issue 2: Category A and B settlements. I indicated in section C of the note accompanying my letter of 31 October 2008 that the Council had not adequately justified the choice of those villages named in paragraphs 4.5 and 4.6 of the DPD as either category A or category B. In particular, the survey information on rural services dated from 2003. As a result the Council have carried out a full re-assessment of the villages and update of the rural services study and published this in document 925 which has been the subject of public consultation. Although some further representations have been made I find this to be a thorough and comprehensive piece of work. It fully justifies the categorisation of settlements and indicates that some changes should be made (changes IN001 and IN002). The reason for these changes is very clearly set out in sections 4.3-6 of the document.
- 3.126 **In order to make the DPD sound, the listing of villages in category A in paragraph 4.5 shall be amended in accordance with suggested change IN001 (Lowick and Wadenhoe to be added) and, in paragraph 4.6, Lowick, Wadenhoe and Luddington-in-the-Brook shall be deleted from the list of category B villages in accordance with suggested change IN002.**
- 3.127 Issue 3. Settlement boundaries. There has been extensive consultation during the DPD preparation process on both the principles and detail of the drawing of settlement boundaries. Category B settlement are, by definition either more highly constrained or have a more limited range of services than those in category A. In order to accord with the strategic (CSS) intention, in the interest of sustainable development, to focus development in the settlements with better access to services I consider it sound to exclude category B settlements from the infill potential provided under policy 2, which is the primary purpose of the settlement boundary.
- 3.128 I have drawn attention elsewhere to the status of the proposals map and its relationship to this DPD. The reference in paragraph 4.4 of the submitted DPD to the criteria for the definition of settlement boundaries is to the preferred options document which will have no status once the DPD has been adopted. There would also be difficulties in any boundary review in isolation. Consequently, the Council have suggested (change H004(7)) that the criteria be included in the DPD, with similar treatment (changes H004(3&4)) for Oundle and Thrapston. These changes will make the DPD sound. In the interests of clarity the criteria need to be lettered a, b, etc., rather than as bullet points.

- 3.129 **In order to make the DPD sound paragraphs 4.3 and 4.4 shall be amended in accordance with suggested changes H004(1-7) except that the criteria under change H004(4) shall be lettered a.-g. and those under change H004(7) shall be lettered a.-f.**
- 3.130 Many individual representations have been made to the lines drawn on the submission proposal map to depict the settlement boundaries for the purpose of applying DPD policy 2. This is an issue of soundness in so far as it affects the implementation of the policy through decisions on planning applications and hence the effectiveness of the DPD. As the details are of a site-specific nature I deal with these in the final section of this report.

Matter E. Affordable Housing – General Policies 19 and 20 and text paragraphs 6.1-9. Issue: The justification for site size thresholds and percentage targets in terms of PPS3 guidance, including the viability assessment.

- 3.131 In my letter to the Council dated 31 October I requested that a viability assessment be undertaken in accordance with the guidance in Paragraph 29 of PPS3 in order to demonstrate the extent to which the affordable housing target for the plan area and the site-size thresholds and percentage requirements take account of the likely economic viability of land for housing including the risks to delivery and the likely availability of finance.
- 3.132 At the time of submission and during the earlier part of the examination no-one could reasonably have predicted the seismic shift in the state of the housing market which would follow as the result of the world-wide recession. This has fundamentally altered the viability of all housing schemes, at least in the short term.
- 3.133 Thus it is fortunate that the viability assessment carried out for the Council by EDAW (*Doc. 927*) has been able to take these factors into account in so far as it is possible to do so. As a result of the findings of the assessment the Council have recognised that the affordable housing policies in the submitted DPD were unsound and have put forward a series of changes which significantly alter the plan content in this regard. These changes have been the subject of further publicity and sustainability appraisal.
- 3.134 The focus of my deliberations is, therefore, on the soundness of the DPD as proposed to be changed and the justification for the remaining elements of policy.
- 3.135 In their proposal to delete Policy 19 (Changes IN010-1) and to replace it with an indication within the text of the overall plan-

wide target (IN014) the Council have recognised that this element of the submitted DPD is unsound in so far as it is appropriate to identify targets as a product of policy rather than as policies in themselves. The target also makes assumptions about affordable housing yield on individual sites which must be tempered by the amendments required to the thresholds in policy 20. In this regard, it is inconsistent with the requirements for individual site-related viability assessments to "expect" the listed sites to deliver a particular number. Thus, I consider that the inclusion of supporting text as in change U048 is a sound way forward.

- 3.136 In the submitted plan policy 20 is very specific in its requirements to achieve 40% affordable housing on all sites of 15 dwellings or more generally but on all sites of 5 or more dwellings in rural areas which, I am informed, means outside Thrapston and Oundle. There are also varying requirements in terms of the balance between social rented and intermediate housing. General questions have been raised about the feasibility of this approach and despite the SHMA work it is not clear that the original evidence base is sufficiently robust at the more detailed local level.
- 3.137 I consider that the revised Policy 20 as suggested in change IN013(1) is an appropriate response to the conclusions of the EDAW affordable housing assessment. It provides considerable flexibility but gives a general indication of the level of affordable housing provision the Council are seeking (40%), with reference to the target in CSS Policy 15. The approach may not be fully PPS3 compliant but that guidance was written before the current economic difficulties. I do not consider it to be unduly onerous for developers to provide viability assessments in relation to individual sites; this would be part of the application process and should not delay development to any significant extent. This is especially the case as the revised policy would apply only to sites of 10 dwellings or more (15 in Oundle and Thrapston). In view of the rural nature of much of the area this lower threshold is reasonable although the terms of DPD Policy 2 are such that few rural sites are likely to be so large.
- 3.138 Nevertheless, it is still necessary to consider whether the viability assessment itself is sufficiently robust to justify the provisions of the revised policy. Aspects of the methodology have been challenged and examined further by way of a hearing. It seems to me that the crux of the matter is whether the remaining requirement for a minimum of 20% of the units on sites of 15 or more dwellings has been adequately justified. This requirement, in combination with other community benefits sought through s106 obligations, should not be such as to cast serious doubt on the deliverability of housing sites.

- 3.139 Following an independent analysis of the EDAW affordable housing viability model and comments made on it in representations, EDAW have produced a variance analysis in an attempt to demonstrate the robustness of the approach. Due to time constraints this examines only two development sites in the plan area (Thrapston and Ashton Road, Oundle). I agree that build cost variations over time should be assumed and an increasing discount applied. It also seems reasonable to allow for the costs of meeting the Code for Sustainable Homes standards at least to level 5. On that basis the developer's profit would be reduced to little over 10% against the 20% which had been used as a measure of viability.
- 3.140 I recognise that profit margins may be squeezed in the current economic circumstances and this may be feasible for sites which are already partially complete due to developers having to cut values to achieve sales. However, the unchallenged evidence from industry representatives is that banks are requiring developers to show that their proposed schemes generate higher profit margins now than they did previously and that a 20% profit margin might well be the minimum sought. This leads me to doubt that a scheme showing a 10% profit would attract funding and consequently it would be unlikely to proceed.
- 3.141 My conclusion from this is that the viability assessment, allowing for potential variance, fails to justify a policy to require a minimum 20% proportion of affordable housing. Such a policy would be unsound for that reason.
- 3.142 In anticipation of this possible conclusion the Council have suggested a fall-back position of there being no stated minimum provision with the Council seeking up to 40% affordable housing on all sites over the stated thresholds. In the light of the evidence I consider this to be a sound approach. It is pragmatic and flexible in order to allow viability factors to be considered entirely in relation to site-specific factors. In practice this means that the policy approach will be the same in Oundle and Thrapston as elsewhere, only the lower threshold being different. This enables the two parts of the revised policy to be combined.
- 3.143 **In order to make the DPD sound the following changes shall be made:-**
- Paragraphs 6.1 and 6.2 shall be amended in accordance with suggested changes IN006 and 007 as set out in Annex 1 to this report;**
- Paragraph 6.3 shall be amended in accordance with suggested changes IN008(1)-(4) as set out in Annex 1 except that in suggested change IN008(3) the last two sentences (commencing "The larger schemes ...") shall not be included;**

Paragraph 6.4 shall be amended in accordance with suggested change IN009 as set out in Annex 1;

Paragraphs 6.5 and Policy 19 shall be deleted;

Paragraph 6.6 shall be amended in accordance with suggested changes IN012 and U045 as set out in Annex 1;

The last sentence of paragraph 6.7 shall be deleted and replaced with the following text:-

“In Oundle and Thrapston affordable housing will be sought only on sites of 15 dwellings or more;”

Policy 20 shall be deleted and replaced by a new policy to read as follows:-

“On all development sites of 15 dwellings and over and on sites of between 10 and 14 dwellings outside of Oundle and Thrapston, based on local housing need an element of affordable housing will be sought of up to 40% of the total number of dwellings proposed, although the finally agreed proportion will depend upon specific site viability.

Public subsidy will be sought in order to maintain affordable housing provision at or near the 40% target for individual sites wherever possible.

Affordable units should comprise 75% social rented and 25% intermediate housing, unless an alternative tenure split is agreed with the Council in response to local needs.”

The associated indicators shall be amended in accordance with suggested change IN013(2) and the targets shall be amended in accordance with change U047, as set out in Annex 1 to this report.

- 3.144 Gypsies and travellers. Paragraph 6.15-6.18 set out the position with regard to provision for gypsy and traveller needs. As submitted this does not make it sufficiently clear why no site provision has been made in this plan area, apparently contrary to guidance in Circulars 1/2006 and 4/2007. I agree that the additional text suggested by the Council (changes U050-2) would make this section of the DPD sound.
- 3.145 **In order to make the DPD sound, paragraphs 6.15 and 6.17 and the footnotes shall be amended in accordance with suggested changes U050-2 as set out in Annex 1 to this report.**

Matter F. DPD Section 7 – Economic policies. Issues:

1. *The justification for policy 23 on protected employment sites and the treatment of Deenethorpe Airfield;*
2. *The adequacy and appropriateness of policies 24 and 26-9 covering individual businesses and sites;*
3. *The compatibility of policy 30 with PPS7 guidance;*
4. *The scope of policy 33, lorry parking.*

3.146 Issue 1: Policy 23. The strategy which seeks to protect all 31 existing employment sites in the district derives from the Employment Land Review (ELR). I comment on this in more detail in the context of the East Road site in Oundle, see paragraphs 3.93-101 of this report, and generally I consider that this study provides a reasonably robust and credible evidence base sufficient to justify the employment strategy of this DPD. It should also be borne in mind that the wider strategy is contained within the adopted CSS, regional and sub-regional strategies. Although the CSS identifies specific employment requirements for East Northamptonshire district as a whole, as indicated in the ELR the main opportunities for additional development lie in other parts of the district outside the RNOTP area. I am satisfied that there is no strong case for the identification of additional sites within this plan area.

3.147 Appendix 4 (to become 5 under suggested change U054) lists the existing employment sites as identified in the ELR. These do not include Deenethorpe Airfield which contains uses largely within former airfield related buildings spread over a wide area. This cannot be described as a conventional employment site and, as it is located within the otherwise open countryside, I consider that the inclusion of a specific policy (DA1) is a sound approach.

3.148 As for Policy 23 itself, although I consider this to have been adequately justified I do not consider that it will be as effective as intended owing to a lack of clarity in wording. The inclusion of a reference to "changes of use" causes confusion as to whether that relates to the land or buildings and there is an inherent contradiction between a change "only" being acceptable provided there is no loss of employment but then to set out the circumstances under which such a situation may be contemplated. I propose revised wording to achieve the intended aims.

3.149 **In order to make the DPD sound policy 23 shall be deleted and replaced by the following reworded policy:-**

The existing employment sites, identified in Appendix 5, are protected for employment use. Proposals for re-development or changes of use of existing buildings

should ensure that the overall provision of employment after development is no less than that of the current use or most recent use. A reduction in the level of employment or development for non-employment uses will be permitted only when it can be demonstrated that:

a. there is no realistic prospect of the site or buildings being used or re-used, including redevelopment, for employment purposes; or

b. constraints associated with the site or buildings mean these would be unsuitable for re-use, in terms of siting, design, access, layout and relationship to neighbouring buildings and uses.

- 3.150 Issue 2: The adequacy and appropriateness of policies 24 and 26-9. Policies 24 and 28 are regarded as contingency measures aimed at addressing the possibility of the sites being vacated by the existing operators. I agree that the policies are prudent measures for specific sites each in a specific context. With regard to Policy 24, no convincing case has been put forward to support the need to expand the Islip Furnace site to the east. The balance of proposed uses is derived from the ELR and concerns about the visual impact of warehousing is covered by other policies. Similarly, Oundle Marina is in a rural location and it has not been clearly established that a wider range of uses would be appropriate. Under both policies, opportunities will arise to shape proposals in the event of the sites coming forward for redevelopment.
- 3.151 To be fully effective, Policy 26 should be consistent with the supporting text in paragraph 7.22. The policy should be expanded to be more explicit about the types of developments which may be permitted.
- 3.152 **In order to make the DPD sound Policy 26 shall be amended to include the words "visitors' moorings, support facilities and other associated infrastructure" between "boats" and "along" in line 3 of the policy.**
- 3.153 Turning to Policy 27, there are concerns about the current state and future use of the Riverside Hotel near Oundle. The Council are working with the land owner to bring the site back into use. Generally, the policy encourages the reuse of a dilapidated development in a prominent location.
- 3.154 Policy 29 and its supporting text highlight a range of proposals that the Council intend to pursue in association with the restoration of Lilford Hall and Park. Clearly, the Council and the land owner should be engaged in shaping the associated aspects of the restoration proposals to enable the proposals to come to fruition. As it stands, the policy is sufficiently clear in

terms of providing guidance on the associated developments that the Council consider appropriate for the restoration project to be successful. The policy is sound.

- 3.155 Issue 3: The compatibility of Policy 30 with PPS7 guidance. The guidance in PPS7 and the supporting text for the policy highlights the preference for re-using rural buildings for employment generating uses. However, neither the PPS nor the supporting text precludes the re-use of rural buildings for residential use where it would be more appropriate in view of the location. This aspect of the guidance should be reflected in the policy.
- 3.156 **In order to make the DPD sound the words "or residential use, where the location or building is more appropriate for such a use and" shall be inserted in place of "uses" in line 2 of policy 30.**
- 3.157 Issue 4: The scope of Policy 33, lorry parking. It might be expected that as there is an identified shortage of lorry parking adjacent to the strategic road network which is causing problems, either in terms of highway safety or the environment within the plan area, positive steps would have been taken through the DPD process to have identified and consulted upon suitable sites. I regard a criteria-based policy of this kind to be no more than a stop-gap although it is not unsound as framed. More work needs to be done to identify suitable locations for lorry parking so that a more robust and site-specific policy can be included in a review of the DPD.

Matter G. Transport, accessibility and parking. Issues:

1. *The adequacy of policy 7 in particular in tackling rural accessibility problems and encouraging walking and cycling*
2. *The appropriateness of the parking standards in policy 8.*

- 3.158 Issue 1: Policy 7. The policy approach to improvements in rural transport and in providing for walking and cycling is drawn from the CSS and Local Transport Plan. In my view it correctly identifies a need to improve bus services in King's Cliffe and Nassington as a reflection of the status of those settlements as service centres within the rural settlement strategy. Oundle is relatively well served by the X4 strategic bus route and the CSS includes proposals for improved services to Thrapston.
- 3.159 The policy might have gone further to indicate what is the "planned network" for cyclists and pedestrians to link the proposed new housing areas in Oundle and Thrapston to the town centres, but overall I consider policy 7 and its supporting text to be sound.

- 3.160 Issue 2: Policy 8. As the Council have correctly identified, guidance in PPS3 no longer seeks an average maximum parking provision in new residential developments of 1.5 spaces per dwelling. However, it remains an important aspect of national policy, in the interests of sustainable development, that parking provision should take account of accessibility and design factors and not be a dominant feature in new housing layouts. As this DPD covers a predominantly rural area where public transport is limited, I consider that policy 8 provides an appropriate balance. It is sound.

Issues arising under matters H (renewable energy and climate change) and K (sustainability appraisals) have been incorporated within other matters, mainly A-C.

Matter I. The natural and built environment. Policies 6, 12-15 and 22. Issues:

- 1. The scope of policy 6 on green infrastructure and its relationship with policy 5 and figure 9 in the adopted CSS;*
- 2. The adequacy of policy 13 in relation to locally listed buildings and the treatment of conservation areas within this LDF;*
- 3. Whether policies 14 and 15 should contain more detail on the actions necessary to protect and enhance LNRs and biodiversity generally;*
- 4. The justification for the inclusion of policies 12 (Important Open Space) and 22 (Open Space, Sport and Recreational facilities).*

- 3.161 Issue 1: Green Infrastructure, policy 6. I consider the changes required to this policy, to satisfy the requirements of English Nature for appropriate assessment, in paragraph 2.10 of this report.

- 3.162 Policy 6 is strongly linked to policy 5 in the CSS. CSS Policy 5 in itself is comprehensive and classifies green infrastructure corridors between those of sub-regional significance and local corridors, as shown in figure 9. Factual corrections will be required to paragraphs 4.17 and 4.22 of this DPD in this regard. This policy adds very little to the strategic policy except that it provides for specific improvements to specified cycling routes crossing into neighbouring counties. In seeking to implement the policy it will be necessary to consider these cross-boundary concerns. CSS policy 13 also applies in terms of landscape protection. I consider that DPD policy 6 is sound.

- 3.163 Issue 2: Locally listed buildings and conservation areas. Policy 13 should be read with CSS policy 13 in which criterion (o) provides for the conservation and enhancement of a range of designated environmental assets and landscape. The DPD policy relates specifically to "locally listed" buildings and thus complements the CSS and reflects paragraph 6.16 of PPG15,

although there is no statutory protection for such buildings. It is sound.

- 3.164 There is no policy with regard to conservation areas only a statement referring to conservation area appraisals. Thus, the Council is relying on CSS policy 13 in conjunction with PPG15. Whereas the adopted Local Plan contains a suite of policies which apply in conservation areas these have either not been saved or replaced by the CSS. Consequently there appears to be no basis to show these areas on the proposals map other than by reference to paragraph 5.11. This is a procedural point which the Council will need to resolve before adopting the proposals map.
- 3.165 Issue 3: Biodiversity and the natural environment. It has been suggested that policies 14 and 15 should contain more detail as to the proposed means of implementation and the management of Local Nature Reserves and to identify additional sites through the Biodiversity Action Plan. I consider that this section of the DPD adequately identifies those bodies and agencies responsible for the management of LNRs and care is needed not to include undue detail at this level. Only a broad policy context is required. That is achieved in these policies which I consider to be sound.
- 3.166 The Biodiversity Action Plan (*Doc.260*) is a very comprehensive document giving detail on the measures to be taken to protect different species and habitats. However, any spatial element (sites) should be identified through the LDF process at an appropriate level.
- 3.167 Issue 4: Open Spaces, policies 12 and 22. Both of these policies deal with open land within the towns and villages and the submission proposals map shows many areas as subject to one or the other policy, sometimes both. This resulted in many site-specific representations.
- 3.168 It became clear through the examination that the concept of "Important Open Land" is a carry over from the existing local plan, policy EN20. In discussing the justification for the identification of additional areas it became apparent that there had been no recent field based appraisal of these sites and new ones appeared to have been included on the basis primarily of local perceptions rather than systematic analysis against clear criteria. Indeed, the original work underlying the areas shown in the local plan is some 15 years old. This does not satisfy the more rigorous requirements on soundness for inclusion in this DPD and the policy is unsound. The Council have now acknowledged this by suggesting (change IN003) the deletion of policy 12 and its supporting text which means that the very similar saved local plan policy EN20 will remain in force. To emphasise this the Council have suggested (change

IN005) the insertion of a new Appendix 2 setting this out and additional text following paragraph 5.13 (change IN004). I agree that the deletion is necessary to make the plan sound. The inclusion of additional text and the appendix is not necessary for soundness because the local plan policy remains part of the LDF, but it helps to clarify the position. Consequently I endorse its inclusion as a minor change.

3.169 **In order to make the DPD sound, policy 12 and the supporting text, paragraphs 5.5 and 5.6 shall be deleted as in suggested change IN003.**

3.170 The justification for policy 22 is the work carried out in 2006 by PMP. This is an open space audit and study carried out in accordance with PPG17 guidance. In my letter to the Council dated 31 October 2008 I set out in paragraphs 19 and 20 of the accompanying note the reasons why I considered the submitted policy did not meet PPG17 requirements and was unsound. In essence this is because the policy seeks to resist the loss of all existing open space with no reference to the possibility that alternative provision might be made which would have wider benefit for the community. I also referred to the identification (on the proposals map) of areas for inclusion under this policy which have no public access, in some cases private gardens, and asked that these be re-appraised.

3.171 As a result the Council have comprehensively re-appraised the policy and the areas shown on the proposals map as subject to it. From this I am satisfied that the revised policy would be PPG17 compliant and ought to be included in the DPD for it to be sound. I am also satisfied that the adjustments suggested to the proposals map properly reflect the criteria and are consistent and justified.

3.172 **In order to make the DPD sound policy 22 and the supporting text in paragraphs 6.18-6.22 shall be amended in accordance with suggested changes IN015-024, as set out in Annex 1 to this report.**

Matter J. The adequacy of mechanisms for implementation and monitoring

3.173 It is not suggested that there has been no involvement with key stakeholders such as the Environment Agency and the Water Authorities but it is not always as clear as it might be who exactly is responsible for the delivery of the necessary infrastructure to support development and how the programmes of these agencies dovetail with the underlying assumptions on development rates, especially for housing.

3.174 As the Council have explained, much work has been done at the strategic (CSS) level to determine the overall levels of

development at various locations within the plan area. Targets and indicators have been included under each policy in the DPD but for an indication of the bodies responsible for delivery it is necessary to refer to the separate monitoring framework, document 254.

- 3.175 I find this to be just about adequate for the purpose of supporting the policy choices within this DPD, and thus sound. However, I consider that it will be necessary to develop this area of work following the CSS review to establish more clearly how necessary infrastructural improvements are to be achieved, and by when.
- 3.176 In terms of the monitoring processes, the existing annual monitoring report provides statistics on a district-wide rather than plan-area basis. In part the difficulty in this respect stems from the fact that the plan area is not recognised in the CSS. These issues will need to be addressed through the forthcoming plan reviews.

Sites in Open Countryside – Special Policy Areas.

1. *Brigstock Camp, policy BC1. Issues:*

- a. *The history of the site and area covered;*
- b. *The sustainability of the site and appropriateness for business or a wider range of uses;*
- c. *The need for any policy at all.*

3.177 Issue a. History and site area. Brigstock Camp is an area of derelict army huts located on the northern side of the A6116 about a mile to the north-west of the centre of Brigstock village. An area of some 4 ha. is the subject of saved policy BR3 in the adopted Local Plan and planning permission has been granted on appeal over a 10 ha. site for a secure hospital, which has not yet been implemented. It is this larger site to which policy BC1 in the submitted DPD applies as this has been treated as a commitment. Suggested change H021 is to amend the policy to refer only to the 4 ha. "brownfield" part of the site. I agree this change as the permission for a secure hospital includes large areas to provide a landscape setting.

3.178 Issue b. Sustainability and business or other uses. Although the current owners seek a wider range of uses, including residential, the relatively isolated location renders the site unsuitable, in my view, for such uses. However, low key business (office) uses on the more restricted area would be subject to the requirements within the policy for the introduction of sustainable transport measures, including a possible footpath and cycle link. These measures should be

achievable by obligation and would help to balance the locational disadvantages.

3.179 Issue c. The need for any policy. The preferred option (42.4) was to delete policy BR3 in the extant local plan and to treat the site as subject to policies for development in the open countryside under PPS7 guidance and the CSS. That would be a sensible way forward but it is not an option which is now available because local plan policy BR3 has been saved and so, under regulation 13(3) (DPD Appendix 1) unless a policy in the DPD replaces it, it will remain in force. As policy BR3 includes provision for a wide range of uses, including employment, and is clearly no longer appropriate, I agree that the policy in the DPD, subject to change H021 to limit the size of the site, represents a sound approach. The Council should ensure that the adopted Proposals Map properly delineates the "brownfield" part of the site.

3.180 **In order to make the DPD sound policy BC1 shall be amended in accordance with suggested change H021.**

2. *Deenethorpe Airfield, policy DA1. Issue: The nature of any restriction of employment uses.*

3.181 Although policy DA1 appears to have been introduced very late in the process the Council have clarified that it is primarily addressed at restricting any intensification of the existing aviation uses. From my own observations I consider it correct that the dispersed nature of the existing development and relatively isolated location renders it unsuitable for identification as an employment site especially as there is no clear evidence that any of the existing uses fall within class B. The policy does not limit any changes of use, in so far as permission may be required, to employment use. I find the policy to be sound.

Settlement boundaries – Proposals Map.

3.182 I deal with the principles of settlement boundary definition and the inclusion of criteria within the DPD under Matter D, issue 3, in paragraphs 3.127-130 above.

3.183 I indicated for the purpose of the hearings that my consideration of the soundness of the DPD relates to the issue as to whether the boundaries as shown on the submission proposals map properly and consistently apply the published criteria for definition. My initial examination resulted in a recognition by the Council that this was not always the case and, as a result, I requested in paragraph 13 of the note attached to my letter of 31 October 2008 that a re-assessment be carried out. Document 926 represents a comprehensive analysis of the additional work done and which has resulted in

the PM series of suggested changes to the boundaries. I endorse the majority of these and in the paragraphs below I make recommendations for further changes for the Council's consideration.

- 3.184 It is the definition of category A village settlement boundaries which has proved the most contentious. In part this is due to the deliberately restrictive nature of the criteria used in order to minimise the potential for infill development under policy 2 in accordance with CSS Policy 1.
- 3.185 There have been difficulties in the interpretation of some of the criteria, particularly the second (b) in terms of peripherality and the fourth (d) in that the purpose of sub-dividing existing residential curtilages has not always been understood by landowners and there is scope for disagreement on the question of whether there is "capacity to extend the built form of the village". The third criterion (c) excludes undeveloped land on the edge of villages even where such land is well enclosed. Furthermore, field surveys suggest that planning permissions (criterion e) have not always been recognised.
- 3.186 In the following sections I consider the boundary lines around individual settlements where representations suggest anomalies and inconsistencies against the criteria. Representations are not referenced individually.
- 3.187 Criterion a: existing employment uses, caravan sites or leisure uses on the edge of villages which are obviously detached from, or peripheral to, the main built up area. In Brigstock, the kennels area on the eastern side of the village has been correctly excluded as a peripheral non-residential use. Change PM057 for the Great Addington Inset map seeks to limit the potential for further development to the rear of Redlands, Tea Tree Cottage and Leopard House. The change does not improve consistency with criterion a., but it is consistent with the aim of limiting infill development.
- 3.188 In the case of Lutton, I consider that the change set out in PM082 is in line with criterion a. By contrast, the former Reliance garage site is a large area of previously developed land which, although it is situated only just behind the church, abuts undeveloped land on two sites and so is properly described as peripheral. Therefore, I consider it is correct to exclude the site from the settlement under criterion a. Slater's Drift at Collyweston is clearly well detached from the main part of the village; consolidation within this loose-knit area would be contrary to the adopted CSS.
- 3.189 In Thurning, it is suggested that as Glebe Farm at the eastern end of Main Street has been included within the settlement boundary line, so should York Farm at the south-western end.

In both areas the implications of including the farm in the settlement would be considerable potential for development which I consider would be contrary to the Core Strategy. Glebe Farm is on the edge of the village and should, logically be excluded under criterion a.

- 3.190 ***For the Proposals Map to be consistent with criterion a. the area of Glebe Farm at the eastern end of Main Street should be excluded from the settlement boundary for Thurning.***
- 3.191 Criterion b: *freestanding, individual or groups of less than 10 dwellings, nearby farm buildings or other structures which are obviously detached from, or peripheral to, the main built up area.* Changes PM017 and PM018 at Nassington; PM024 at Warmington; PM033 at Brigstock; PM048 at Easton on the Hill; PM088 at Southwick; PM110 at Upper Benefield and PM122 at Woodford all exclude garage structures that are on the edge of the main built up area. Similarly the change at Lilford (PM072) seeks to exclude the green house structures adjacent to The Hermitage. These changes are consistent with the criterion.
- 3.192 Changes PM066 and 67 also exclude garages at Nene View from the Islip settlement boundary (criterion b) in addition to reducing the extent of adjoining curtilages (criterion d). In both cases the changes are consistent with the criteria.
- 3.193 Change PM039 is a revised boundary for Clopton which excludes the buildings at the Clopton Farm site and the group of dwellings to the north west of the Farm. This is consistent with the criterion. Change PM040 puts forward a similar case for the revised boundary at Pen y Bryn. The area proposed to be excluded is attached to the main built up area, and thus excluded in accordance with both criteria a. and b.
- 3.194 At Deenethorpe, the deletion of the Important Open Land designation for the part of the area between 56 Deenethorpe Lane and New Cottages (change PM044) would initially suggest that the boundary could be drawn in to exclude New Cottages and the area beyond to 56 Deenethorpe Lane. However, there is a suggestion that an extant planning permission for a residential development in this area provides sufficient basis under criterion e. to retain the proposed boundary following the deletion of the Important Open Land designation. Should that not be the case the boundary should be revised in accordance with criterion b.
- 3.195 Suggested change PM049 is to include the 15 dwellings at 79-105 Stamford Road as an "outlier" within the settlement boundary of Easton on the Hill under criterion b. I do not consider there to be any parallel in terms of the triangular area around 2 Stamford Road eastwards to the junction with High

Street. Although there is a small group of houses to the east, the area is a house within extensive grounds clearly separated from the main built up area by a stretch of open space. As such the area has correctly been excluded from the boundary under criterion b.

- 3.196 The proposed boundary change PM065 at Hemington excludes The Bungalow to the south of the main built up area and this seems to be consistent with the criteria. The development at the western end of the boundary is separated from the main built up area by the road and the undeveloped area to the west of No.1 on the main road through the Village.
- 3.197 ***For the Proposals Map to be consistent with criterion b. the western extent of the settlement boundary for Hemington should be revised to go as far as No.1 on the main road through the village.***
- 3.198 On Newton Lane, Sudborough, the settlement boundary is drawn tightly around Beehive Barn and does not include a newly constructed house at Orchard Cottage. There is an orchard to the north of Beehive Barn which means that the curtilage of the new dwelling does not immediately abut the built-up area. Thus, the free-standing dwelling is peripheral and properly excluded from the settlement boundary under criterion b.
- 3.199 Criterion c: public open spaces and underdeveloped areas of land on the edge of villages. In Nassington, the exclusion of the undeveloped area between 21 and 25 Church Street (PM019) is consistent with what the criterion seeks to achieve. A notable anomaly within the Nassington settlement boundary is the area partially referred to as Homefield, adjacent to 30 Woodnewton Road. This is an undeveloped area to the west of the settlement and its inclusion appears to be inconsistent with criterion c. The Council should re-assess this.
- 3.200 Change PM062 takes out the undeveloped area south of 25 Seaton Road from the settlement boundary line for Harringworth. The change is consistent with this criterion.
- 3.201 The boundary revision at Laxton draws the boundary in to exclude the undeveloped area around the Pump and the adjoining area to the rear of No.1 Main Street (change PM071). The change sets out a boundary which is more consistent with criteria c. and d. At Bulwick, although Millies Lane may have been laid out with a view to further development at its western end this undeveloped area abuts open countryside to the north and is properly excluded under criterion c.
- 3.202 Similarly the issues relating to the boundary at Titchmarsh also cover criteria c. and d. Although reference is made to draft

village boundary maps and previous consultation exercises this review is in the context of the DPD process with revised criteria. On the northern side of the village a farm track runs parallel to Chapel Street between Church Street to the west and North Street to the east. If the extensive garden area around Titchmarsh Hall, and Village Farm, was to be included within the boundary the potential for backland development would be considerable and thus contrary to the Core Strategy. It would appear, however, that the rear garden areas to the properties at the western end of the track, fronting Church Lane, might equally have been considered as having capacity to extend the built form of the village (criterion d.).

- 3.203 At the eastern end of Saint Andrews Lane southwards to Brook Farm cottage is a strip of well enclosed land but this has been excluded correctly either under criterion c. as undeveloped land or criterion d. as part of a residential curtilage with potential to extend. The Council acknowledge (PM102) that the boundary around and to the south of Brook Farm Cottage has not taken account of an extension to that property and that part of the curtilage with no capacity to extend the built form (criterion d). Field survey indicates that the boundary fails to take account of the balcony extension to the east of No. 29 St Andrews Lane.
- 3.204 ***For the Proposals Map to be consistent with criterion c. the settlement boundary east of No. 29 St Andrews Lane, Titchmarsh, should be drawn to include the whole of the extended house.***
- 3.205 At the bottom of the dip on Roman Road, Titchmarsh, on the south side, is a triangular piece of open land between the road and a hedge, I agree that the area is detached from the settlement and should be excluded as undeveloped land under criterion c. However, there is an inconsistency in that an apparently undeveloped area of land to the south has been included within the settlement boundary. There is also potential access to Roman Road (criterion d.)
- 3.206 I agree that the extensive garden areas to the rear (east) of the stream at Polopit south of Littlewood House have potential for backland development with access across the ford to the south and thus have been correctly excluded under criterion d. Similarly the rear garden areas of the properties (Nos. 18-26) on the western side have capacity for access from a field track. However, it is not clear why Nos. 14 and 16 are treated differently.
- 3.207 At Woodford, change PM121 sets out a boundary which is consistent with criteria c and d. Change PM123 excludes the section of Important Open Land and the adjacent undeveloped

area south of St Mary's Church. The change is in line with criterion c.

- 3.208 Criterion d: curtilage of dwellings where the land has the capacity to extend the built form of the village. In Bulwick, change PM038 indicates that the Council are now satisfied that including the whole of the rear gardens of Nos. 25 and 28 along the main road would not contribute to extending the built form of the village. Change PM042 at Collyweston; PM076 at Little Addington; PM081 at Lutton; PM085 at Slipton; PM109 at Upper Benefield; and, PM125 at Woodnewton set out boundaries that promote consistency with criterion d.
- 3.209 The Proposed Changes (February 2009) Inset Map 15 would seem to indicate a minor drafting error in the boundary change for Cotterstock, Nevertheless, change PM043 which brings in the boundary to the south west of Stallingborough and the neighbouring properties seems consistent with criterion d. At Denford, change PM047 to exclude the area to the east of 4 Duck End is consistent with the criterion. Change PM068 sets out a change to include a bath house at 89 Lowick Road in Islip, as agreed on site. As previously stated, the Council should seek to provide accurate maps to aide the reading of the Plan. Other areas of land at Islip have been correctly excluded under this criterion.
- 3.210 Criterion e: areas of land currently with planning permission at 1 April 2008 adjoining the built up area. Change PM064 extends the settlement boundary to include the plot with extant planning permission between Coppice House and Walter's Coppice, Hemington. The change is appropriate in view of the criterion. The change does not extend the boundary sufficiently to justify a further extension to include the dwellings south of Walter's Coppice along the main road through the village subsequently; that group of dwellings should remain outside of the settlement boundary in accordance with criterion b.
- 3.211 In Polebrook, planning permission for a development at the Allotment Gardens on Kings Arms Lane has lapsed. Subsequently, the boundary has been revised in line with criterion c (change PM084). Similarly, the planning permission at change PM127 has also lapsed and the land north of Manor House Cottage has been excluded, correctly, from the boundary.
- 3.212 The boundary to the north of Tollymore, Corner Cottage and Ivy Cott, Thorpe Waterville, has been revised in line with the planning permission relating to the area now included in the boundary. The new position on the area now means the proposed change (PM096) is also consistent with criterion d.

Changes PM108 and PM111 at Upper Benefield are consistent with criterion e.

- 3.213 Criterion f: proposed allocations are included. This not a criterion but a statement to clarify that land which is allocated in the plan for development, for example for housing or employment, has been included within the settlement boundary. I do not consider it to have been demonstrated that the RNOTP is unsound such as to warrant the making of any additional allocations on the edge of settlements, including the service centres of King's Cliffe, Nassington and Warmington. CSS policy 1 will apply in such situations.

4 Overall Conclusion

- 4.1 I conclude that, with the amendments I recommend, the East Northamptonshire Rural North, Oundle and Thrapston Plan satisfies the requirements of s20(5) of the 2004 Act and is sound in that it is justified, effective and consistent with national policy in accordance with the guidance in paragraph 4.52 of PPS12.

John R Mattocks □

INSPECTOR

Attached:

- Annex 1 – Schedule of the Council's suggested changes to the DPD, as amended by recommendations within the main report.
- Annex 2 - Full text of changes to paragraphs 8.7-11 and policy OUN3 (paragraph 3.91 of this report refers)
- Annex 3 - Schedule of the Council's proposed changes to the submission Proposals Map