



# East Northamptonshire Council

## Planning Policy Committee - 29 October 2009

### Update on Rural North, Oundle and Thrapston Plan (RNOT Plan)

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#### Summary

This report provides advice on the way forward for the RNOT Plan. The Committee resolved not to adopt the RNOT Plan on 27 July 2009. This report provides three options for Members to consider in terms of the next steps:

- Do nothing more;
- Ask the Secretary of State to withdraw the plan;
- Ask the Secretary of State to modify the Plan before adoption.

In addition it considers possible options for other Development Plan Documents (DPDs) and also suggests that the Council should seek a meeting with the Secretary of State to discuss the matter.

#### Attachment(s)

- Annex 1 :Policy OUN1 :Oundle Infrastructure -wordings
- Annex 2 :Possible Modifications to the RNOT Plan to be submitted to the Secretary of State
- Annex 3 :Options for the production of DPDs
- Annex4 :Letter from the Government Office for the East Midlands dated 7<sup>th</sup> August 2009

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#### 1. Introduction

- 1.1 This report considers the possible options for the Council in terms of taking forward its decision not to adopt the RNOT plan, as decided at the Committee of the 27 July and 24 September 2009 (including consideration of the legal advice provided to the Council). It also includes information on possible options for other DPDs that the Council may consider producing.

#### 2.0 Background

- 2.1 At the Committee meeting on the 24 July 2009, a report was received setting out the Inspector's report on the RNOT Plan and seeking adoption of the revised plan in accordance with the Inspector' report. The Planning Policy Committee resolved not to adopt the Plan.
- 2.2 At the Committee meeting on the 24 September 2009 the resolution not to adopt the RNOT Plan was supplemented with a more detailed list of the reasons for not adopting the Plan (see minutes of the meeting).
- 2.3 Following the Planning Policy Committee decision of the 27 July, the Council received a letter dated 7 August 2009 from the Government Office for the East Midlands requesting that the Council clarify its position with regard to the RNOT Plan and how it was to take the matter forward. (see Annex4)
- 2.4 Legal advice has been sought to be able to advise the Committee of the options available now. Under the Planning and Compulsory Purchase Act 2004 once a DPD has been the subject of an Examination the Plan can only be withdrawn/modified if the Secretary of State so directs.

### 3. Discussion

- 3.1 The Planning and Compulsory Purchase Act 2004 sets out the steps that Council's must take in preparing Development Plan Documents.(DPDs). A DPD must be the subject of consultation and public participation, after which it is submitted to the Secretary of State for independent examination by an Inspector appointed by the Secretary of State.
- 3.2 After the Examination the Inspector reports on whether the Plan is "sound" and may suggest changes to the Plan to enable it to be sound. Such changes are binding on the Council. The Council can then only adopt a Plan in its submitted form if the Inspector recommends it is adopted in that form. Similarly, a Council can only adopt a DPD with modifications if they have been recommended by the Inspector.
- 3.3 Once the Plan has been submitted for Examination the Secretary of State has powers to intervene (Section 21 of the 2004 Act). And can issue a Direction compelling the Council to either adopt the Plan as per the Inspector's Report, adopt it as modified by request to him or withdraw it.
- 3.4 The Council therefore now has three options;
- Not to do anything further and await possible intervention by the Secretary of State;
  - Request the Secretary of State to direct withdrawal of the Plan;
  - Request the Secretary of State to intervene and modify the Plan before adoption.
- 3.5 **Do Nothing Option:** The legal advice is that this is not a realistic option as the Council has a duty to prepare and maintain a DPD for their area. The Council therefore should take steps to either request the Secretary of State to modify the Plan or to withdraw the Plan. If the Council does not take such steps it is possible/likely that the Secretary of State will intervene to direct that the Plan be adopted as per the Inspector's recommendation-as there will be no request from the Council to do otherwise.
- 3.6 In addition to the probable issue of a Direction to adopt the RNOT Plan from the Secretary of State in due course, the Council will not meet the requirement to prepare a DPD for the remainder of the District in that the published timetable and scope (3 Towns Plan and Raunds Plan ) is no longer viable. Some action is required on the Council's part to remedy this situation so that there is an agreed Local Development Scheme (LDS).
- 3.7 **Seek Modification of the Plan.** The Council could ask the Secretary of State to modify the Plan so that the policies as amended by the Inspector that the Council does not wish to adopt are rejected and in their place the policies, as submitted, be approved. If the Council decide on this option then they will need to be able to demonstrate that the amendments proposed were "unlawful or that it was absurd or irrational to alter the Plan in the manner proposed".
- 3.8 If this course of action is pursued then the Council will need to be clear about those parts of the Plan that they are seeking to have modified. In this regard there are two modifications that have been highlighted at the previous Committee which are:
- Oundle policy OUN1- to modify the policy to that submitted to the Examination rather than the Inspector's amended version.-as set out in Annex 1.
  - The village development boundary for Laxton is amended to include the village green and the land adjacent to No 1.
- There is greater detail in Annex 2 to this report .
- 3.9 It should be noted that with regard to the Oundle Infrastructure policy that the Inspector modified the policy because he believed the modification brought it in line with national planning policy guidance. With regard to the boundary change at Laxton,

it should be noted that the site referred to in this modification had been the subject of a planning application and subsequent upheld appeal.

3.10 If the Council were to seek modification of the Plan as set out in Para 3.7 then it might assist the case if the Council make it clear that with these 2 modifications the Plan would be adopted by the Council.

3.11 **Seek Withdrawal of the Plan.** The last option is for the Council to ask the Secretary of State to withdraw the Plan. The legal advice indicates that the option to seek modification should be followed first and then if that request is denied by the Secretary of State then the Council should ask for the Plan to be withdrawn. However, the Council can decide to opt for this option in the first instance. If this course of action were followed the Council would need to prove that there was a good reason to reject the Plan and that there was in place a process for preparing a substitute DPD.

3.12 At the present time the Council can use the Plan as emerging policy in determining planning applications, but if the Plan is withdrawn then all the policies are “lost” and until further DPDs are produced the Council will have to rely on national planning policy statements, the East Midlands Regional Plan, the Joint Core Spatial Strategy and other “saved” policies for the determination of planning applications. This could have implications for determining planning applications and the requirement under PPS 3 to have a 5 year supply of land.

3.13 **Progress on DPDs:** Whatever the Council decides to do with regard to the RNOT Plan, but especially if it seeks the withdrawal of the Plan it must, as a matter of urgency, decide on a programme of replacement DPDs. There are a number of options :

- Produce a district wide DPD (if the RNOT Plan is withdrawn or remains not adopted) –or some variation of DPD that provides District Wide coverage
- Produce a 4 Towns Plan or 3Towns Plan/Raunds plan (if RNOT is modified/adopted by the Secretary of State)
- Produce a 4 Towns Plan or a 3 Towns Plan/Raunds Plan (if the RNOT Plan is modified/adopted by the Secretary of State) and a further third Plan for the RNOT area (if the RNOT plan is withdrawn).

The advantages and disadvantages of each of these options are set out in Annex 3 to this report. The legal advice is that the Council cannot decide to not produce (a) DPD(s). The Council is under a legal duty to prepare and maintain a DPD for their area.

3.14 It may also be of benefit if a request is made for representatives from the Council to meet the Secretary of State (or his representative) to explain the current position of the Council.

## 4. Conclusions

4.1 The Council has to decide which course of action to take in regard to the RNOT plan as set out in paragraphs 3.4-3.12.

4.2 The Council needs also to decide how it will progress the preparation of DPD(s) for their area. It is considered that there are advantages and disadvantages to all the options but that the 4 Towns Plan option is the most efficient in terms of both time and cost. Whichever option is chosen, a request for further funding will be presented to Policy and Resources Committee later in the year to cover the costs associated with refreshing the evidence base and for further consultation as a significant time has elapsed since some elements were undertaken.

## 5. Recommendations

5.1 That the Council:

- Decide on an option in terms of taking the RNOT Plan forwards from the list in

paragraph 3.4

- Request a meeting with the Secretary of State to discuss the position
- Endorse the start of work on the 4 Towns Plan.

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input checked="" type="checkbox"/> Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input checked="" type="checkbox"/> High Quality Service Delivery <input type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership <input checked="" type="checkbox"/>
Effective Management	<input type="checkbox"/> Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
<b>Other:</b>	<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval	<input type="checkbox"/>
<b>Financial</b>	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input checked="" type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input checked="" type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score - <input type="checkbox"/>
<b>Staff</b>	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
<b>Legal</b>	Power: Planning and Compulsory purchase Act 2004
	Other considerations:
<b>Background Papers:</b> Letter from the Government Office for the East Midlands	
<b>Person Originating Report:</b> Elizabeth Wilson: Consultant-Interim Planning Policy and Conservation Manager	
<b>Date:</b> 19 <sup>th</sup> October 2009	
<b>CFO</b>	<b>MO</b>
	<b>CX</b>

(Committee Report Normal Rev. 19)

### **OUNBLE POLICY OUN1**

#### **Wording agreed for Policy OUN1 at Planning Policy Committee on 6 February 2009 - for Consultation**

“Planning permission will be granted for the development of the sites outlined at policies OUN2 and OUN3 of this Plan provided it can be demonstrated to the satisfaction of the Council that the necessary infrastructure will be in place to deal with the cumulative impacts of development as it proceeds.

The release rate for housing land at Oundle will be dependent upon the delivery of the necessary infrastructure, services and facilities.

Town traffic surveys undertaken during 2007 to provide baseline data have provided a baseline assessment for site based Transport assessments and will inform the preparation of a transport strategy for the town in order that a holistic approach is taken to dealing with the effects of new development.

Longer term housing development is expected to be delivered through Policy OUN4 “Phase 2 housing development in Oundle”. When adopted, the transport strategy, together with other emerging studies about infrastructure, services and facilities for the town and its rural hinterland, will inform the release rate for the Phase 2 housing allocation.”

#### **Northamptonshire County Council response to the Consultation**

The County Council considered the need to develop a formal strategy for the strategic transport network in and around Oundle, but concluded that developers of all allocated sites within the town should undertake Transport Assessments (TAs) which include individual and cumulative (i.e. all other allocated sites) assessment of the transport implications of these developments. These TAs will need to be undertaken in accordance with the requirements of PPG13, together with the Department for Transport’s Guidance on Transport Assessments (March 2007).

#### **Revised Policy OUN1-Considered by the Inspector (MAY 2009)**

In the light of the NCC comments the Officers provided a revised wording to OUN1 for the Inspector to consider which read:

“Planning permission will be granted for the development of the sites outlined at policies OUN2 and OUN3 of this Plan provided it can be demonstrated to the satisfaction of the Council that the necessary infrastructure will be in place to deal with the cumulative impacts of development as it proceeds.

The rate of development in Oundle will be dependent upon the delivery of the necessary infrastructure, services and facilities.

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.”

### **Inspector’s Revised Policy OUN1 (JULY 2009)**

“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 authorities.”

### **Joint Core Strategy Policy –adopted June 2008**

#### **Policy 6: Infrastructure Delivery and developer Contributions.**

“New development will be supported by the timely delivery of infrastructure, services and facilities necessary to provide balanced, more self-sufficient communities and to secure a modal shift away from car use and road freight haulage.

Progress on the delivery of strategic infrastructure will be monitored. Planning permission will be granted for development in accordance with phasing in the Core Spatial Strategy, subject to solutions to infrastructure constraints being resolved, or by interim measures or phasing conditions where appropriate. Development will be phased in relation to the delivery of infrastructure and /or performance against targets to reduce demands on infrastructure.

Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. These contributions will be negotiated between the developer and the Local Planning Authority based on the Supplementary Planning Document for North Northamptonshire. For residential development, unless otherwise agreed, local infrastructure contributions will take the form of a standard charge per dwelling. In addition, unless otherwise agreed, a standard charge towards strategic infrastructure provision will apply to residential development, other than small scale “rural exception” sites. The level and ting of this strategic infrastructure charge will vary dependent on the local, scale and financial viability of the development.”

Note: It should be noted that Policy OUN1 (and THR1, in the case of major applications in Thrapston) in the RNOT plan should be used in conjunction with policy 6 of the adopted Core spatial strategy.

### **Possible Request to the Secretary of State to modify the RNOT Plan before adoption.**

#### **Background**

The RNOT Plan was considered by the Inspector during 2008/09 and found sound in his report of the 8 July 2009.

The Planning Policy Committee of East Northamptonshire Council considered the RNOT Plan as modified by the Inspector on the 27 July 2009 and decided not to adopt the Plan.

At the Planning Policy Committee on 24 September, the Committee clarified the reasons for not adopting the Plan as set out in the draft minutes as:

- Considerable changes had been made since the public consultation so it could not be said that the opinions of the communities and elected members involved were still reflected fully;
- There was a lack of existing infrastructure in Oundle and in view of the perceived weakness of the redrafted policy OUN1 Members felt that this gave insufficient strength for this to be rectified;
- The Plan restricted development in villages; and
- Adopting the RNOT Plan would set a precedent for other Plans in terms of format and policy content.

#### **The Matters at Issue.**

If the Council decide to ask the Secretary of State (under Sec 21) of the Planning and Compulsory purchase Act 2004 to modify the Plan before it is adopted the following 2 matters would need to be addressed.

#### **Oundle Policy OUN1 Infrastructure**

This policy was the focus of considerable debate with Members at the Submission stage of the Plan. The Planning Policy Committee were concerned to ensure that the policy reflected the local concerns about development providing local infrastructure that was required. An agreed wording was endorsed at the planning policy committee on the 9 February 2009 for consultation before the Examination.

Following the consultation Northamptonshire County Council Highways made representations about the wording of policy OUN1 which required officers to reword the policy to be factually accurate. This revision was then presented to the Inspector at the examination.

The local concerns about the infrastructure issues at Oundle were presented to the Examination and are recognised by the Inspector in paragraph 3.58 of his report.

The inspector however, considered that the policy OUN1 needed further modification as he considered it unduly onerous and negative and the modification changed it to be more positive in line with the Core Strategy.

The Council believes that this change by the Inspector unduly and unnecessarily dilutes policy OUN1, in particular:

- PPS 1 and PPS 12 both require that DPDs should have regard to and reflect community concerns;
- The preferred wording by East Northamptonshire Council would not be in conflict with the Joint Core Spatial Strategy

The request for modification would be for the wording as agreed by the Council for this policy prior to Examination to be reinstated. (See Annex 1 for details of the wording.)

### **Village Development Boundaries**

Additional work was undertaken by the Council late 2008 and early 2009 to review settlement boundaries. This was requested by the Inspector in his letter to the Council of the 31 October because his initial examination of the proposed boundaries as shown on the submission Proposal Map resulted in recognition that boundaries did not properly and consistently apply the published criteria.

Development boundaries for settlements (particularly villages) have been subject to discussions throughout the RNOT Plan preparation process. Settlement boundary criteria were agreed by the Strategy Committee on 21 November 2005 and these were used to inform the subsequent work on the Plan. The criteria for assessing boundaries were not included in the submission RNOT Plan (January 2008) but at the Inspector's request (during the Examination process) the inclusion of these criteria in the DPD was endorsed by the Planning Policy Committee on the 9 February 2009.

The inclusion of criteria for determining settlement boundaries to be included in the DPD and changes to the submission Proposals Map were approved for statutory 6 week consultation (Regulation 29, Town and Country Planning (Local Development) (England) regulations 2004) by the Planning Policy Committee on the 9 February 2009. The statutory regulation 29 consultation took place between 13 February and 27 March 2009.

The changes to the RNOT Plan and Proposals Map were subsequently supported by the Inspector subject to the following further changes to the Proposals Map:

- In Thurning the area of Glebe Farm at the eastern end of Main Street should be excluded
- In Hemington, the western extent of the settlement boundary be revised to go as far as 1 on the main road of the village.
- In Titchmarsh, the settlement boundary east of 29 St Andrews Lane should include the whole of the extended house.

Following the 9 February Planning Policy Committee and subsequent statutory consultation on the Proposed Changes to the RNOT Plan and Proposals Map, a number of concerns were raised by Members in respect of the process for reviewing village settlement boundaries:

- Insufficient consideration of changes to settlement boundaries at 9 February Planning Policy Committee, as adverse weather meant that only 6 of the 15 members of the Committee were present at that meeting (although the meeting was quorate);
- Lack of clarity in terms of the process, particularly with respect to the Proposals Map;
- Insufficient consultation of affected parties in respect of changes to the Proposals Map;

- Insufficient preliminary consultation with Parish Councils prior to putting forward changes to the Proposals Map for formal/statutory consultation;
- Changes to the Proposals Map appear to contradict the Council's stated policy to support sustainable policies, through severe restrictions upon development in most villages which is likely to lead to further losses of services

However, the request for modification is now limited to the deletion of the revision of the boundary at Laxton at the Planning policy committee on the 6 February 2009 and the reinstatement of the original boundary as agreed by Members prior to the Committee on the 6 February 2009.

### Options for DPDs for the District.

#### 1. Planning Framework

- 1.1. The Planning Framework for the District comprises a suite of documents. The overarching approach to development is set out in National Policies and Guidance. Below this sits the adopted Regional Spatial Strategy (RSS). Next in the hierarchy is the Core Spatial Strategy (CSS) and then below that district level specific site allocation and development plan documents.
- 1.2. The RNOT Plan covers 80% of the geographical area of the District (i.e. north of the A14, plus Woodford and the Addingtons). Without an adopted DPD in place planning decisions on applications within the Plan area will have to be made in accordance with the policies contained in the higher level RSS & CSS documents.
- 1.3. The RSS (known as “East Midlands Regional Plan”) was adopted in March 2009. Work on RSS review already underway to take this forward to 2031. However, this is at a very early stage. Likewise work on a partial review of the CSS has already commenced and is likely to be complete by October 2010. However the review will not seek to reduce the existing housing numbers set out for provision in specific settlements.
- 1.4. It should be noted that the CSS needs to be considered as the principal Development Plan Document (DPD) for the District (PPS12) and East Northamptonshire Council’s “site allocations DPDs” (currently RNOT, Three Towns and Raunds Plans) function is to apply and develop this policy in the local context.

#### 2.0 Options

- 2.1. There are a number of possible options for the future delivery of the LDS. It will be dependent on whether the RNOT Plan becomes an adopted plan via the Secretary of State’s power of intervention.
- 2.2. It is a statutory requirement to have an LDS in place setting out a 3 year rolling programme of documents to be prepared. Changes to the LDS have to be approved by CLG.
- 2.3. Option 1: Abandon the proposal for separate DPDs and seek to produce one new DPD plan for whole of district
  - 2.3.1. This would require a re-scoping and updating of the work that has already been completed for the RNOT plan together with the additional work that has already been anticipated to produce a Four Towns Plan. Without that work being carried out it is only possible to estimate the likely costs and level of resources required at this stage. On the basis of current knowledge it is anticipated that the costs of consultants and the Examination for this approach would be in the region of at least £650,000 (plus possible additional staff) and that it would take a minimum of two years (potentially more) to reach the examination stage.

2.3.2 This approach would also require the Secretary of State to approve the withdrawal of the RNOT plan and approve a revised LDF for the whole District plan.

2.3.3. *Opportunities and Advantages*

- Ease of collecting and collating evidence/ data at a District level, as opposed to dividing District up into sub-areas
- Would enable a fresh start to be made on the RNOT plan area, taking on board lessons learned about community and Member engagement.
- Some of the RNOT work that has already been tested and found sound (and which has not been changed from the submission document) could be rolled forward thereby reducing overall costs.
- Two year timetable might enable any proposed changes in approach to the planning framework to be implemented and time to consider emerging RSS and CSS reviews

2.3.4 *Risks and Disadvantages*

- For a minimum of a further two years across the whole of the District there would be a local policy vacuum until submission stage – with only RSS & CSS to guide site location debates. This could lead to an increase in “Planning by appeal” decisions with possible increase in unreasonable decision costs awards. Also it is possible that many of the sites that could be considered in the Plan development process would already have been subject to application proposals by the time of adoption or even at submission stage
- Changes to Local Development Scheme (LDS) need to be agreed by Government Office (GOEM) – this might take some time and there is always the risk that the LDS would not be approved which could extend the overall timetable
- Risks to the success of future funding applications for emerging projects in RNOT Plan area, e.g. Thrapston regeneration, King’s Cliffe projects
- If there is no change in legislation, Members may, at end of new District Plan process, have exactly the same concerns expressed about failure to consider local opinion in the north of the District following interventions by the Planning Inspector in considering national guidance, RSS & CSS provisions as those for the RNOT Plan.

2.4 Option 2: Carry out no further work in relation to the RNOT plan area (for the immediate future) but proceed with a Four Towns Plan for the south of District

2.4.1 This option only comes into force if the RNOT Plan is adopted/modified in some form by the Secretary of State. Legal advice is that if the RNOT plan is withdrawn then the option to do nothing in the north of the District is not an option. This would mean that Option 1 must be taken.

2.4.2 The timetable for the preparation of a Four Towns Plan, together with likely costs, was set out in the report to Planning Policy Committee (Agenda Item 6, 27 July 2009) i.e. planned submission in September 2010 at an estimated cost of £450,000. (This represents a reduction on cost of about £100,000 from having two separate plans)

#### 2.4.3 Opportunities and Advantages

- A considerable amount of work has already been completed in relation to both the Three Towns and the Raunds Area plans. Both of these have reached the Preferred Options stage( although as time passes the need for fresh consultation increases and the need to review the evidence base becomes more pressing) and work has already commenced on assessing what further work is required to progress these as a single plan for the south of the District.
- Most of the CSS targets (including at least 66% of total housing target) relate to the south of the District
- The Corporate Plan specifies Rushden regeneration as a priority outcome and adoption of a 'sound' plan in this area should help achieve this priority by focusing development

#### 2.4.4 Risks and Disadvantages

- Further planning applications in the RNOT area may well come forward as the economic climate eases and there will not be an up to date local level DPD by which the applications can be assessed. This may lead to developments outside the preferred locations identified through the RNOT process and there would be no detailed policy basis to underpin requirements for the provision of additional local infrastructure as part of the application agreement process within the RNOT area.
- Any applications in the north area will need to be assessed against RSS & CSS and housing supply trajectory – it will be difficult to defend some appeals as there would be no agreed plan to deliver the 5 year supply of housing is in place. In addition the Council could be exposed to award of costs against it for 'unreasonable decisions' if it refused applications in some cases.
- There is a requirement to maintain a 3-year rolling programme setting out the timetable for plan preparation in terms of the Local Development Scheme. Not to have an agreed approach/ timetable for an emerging DPD in terms of north of District may lead to interventions by CLG/GOEM and could impact on the success or level of any bids for Growth Area , Housing and Planning Delivery Grant or other funding in the District.

#### 2.5 Option 3: Produce a 4 Towns plan or a 3 Towns and Raunds Plan and seek to produce a separate new plan for RNOT area (if current RNOT plan is withdrawn)

2.5.1 This option would require the Secretary of State to approve the withdrawal of the RNOT plan. If the RNOT plan were adopted through Direction from the Secretary of State then this option could be pursued without the work on the RNOT area. This approach would require additional work over and above that required to produce either a Four Towns Plan or a district wide plan, as the two/three plans would need to be progressed separately, but in parallel if the Council decided to undertake a new RNOT Plan, a 3 Towns plan and a Raunds plan.

2.5.2 There is insufficient current capacity within the Policy team to provide for dedicated resources to be applied to the production of two plans (hence the proposal to merge the two plans for the South of the District) and therefore additional staff/ consultancy support would be required-especially if it was

decided to do three plans simultaneously. Costs would be significantly higher than for any of the other options if the 3 DPDs were progressed simultaneously.

2.5.2 This approach would also require two (or possibly 3) plans to be the subject of Examination resulting in more costs than any other option due to the additional costs associated with the duplication of processes for consultants and two separate Examination in Public processes (estimated at £800k plus excluding staffing).

2.5.3 In the event that the RNOT Plan is not withdrawn but the Secretary of State directs the Council to adopt the RNOT Plan then work would focus on the 4 Towns plan/3Towns and Raunds plan option.

#### 2.5.4 *Opportunities and Advantages*

- Would enable a fresh start to be made on the RNOT plan area, taking on board lessons learned about community and Member engagement.
- Overall sub-District area focus maintained, and possibility to embrace potential changes in national/ regional/ CSS policies
- Could be a focus on just the 4 Towns plan

#### 2.5.5 *Risks and Disadvantages*

- Additional costs would be incurred in the development of the new North Plan as we would have to refresh the evidence base in order to get a 'sound' decision in two years time.
- The Secretary of State may not be convinced of the arguments to redo the RNOT Plan
- No detailed adopted site specific DPDs in place for any part of the District for a minimum of a further two years. This could lead to an increase in "Planning by appeal" decisions with likely increase in unreasonable decision costs awards and sites coming forward on basis of developer readiness not phased approach. Also it is possible that many of the sites that could be considered in the Plan development process would already have been subject to application proposals by the time of adoption or even at submission stage

### 2.6 Option 4: Do not plan to replace RNOT and abandon plans for south of District

2.6.1 The preparation of a local development framework, in accordance with the LDS, is a statutory obligation for the Council. Legal advice is that this is not an option. The Secretary of State would intervene if the Council were to take this option.

### 3 Additional Review of County Council's draft East Northamptonshire Transport Strategy

3.1 One additional matter which might be employed with any of the above is to commission a travel and infrastructure plan for Oundle from consultants, mirroring/ building upon previous work done by NCC. This could provide the evidence to supplement consideration of any Oundle applications but is likely to be of limited value if it conflicts with NCC findings (which were found sound). The additional evidence base work may merely ratify earlier findings (e.g. in terms of traffic growth) and thus will not address deficits in current

infrastructure which underpins Member's concerns. In addition such work could not be used to seek to resist the overall scale of planned development as the housing numbers are set out in the CSS. The option will add some £50,000 - £100,000 costs to those already outlined above.

#### 4. Conclusions

- 4.1 All of the options will have significantly greater cost and resource implications than adopting the RNOT Plan would have done. They will delay the putting in place of a new policy framework across the whole of the District, with the consequent issues of dealing with planning applications which come forward in the interim. In addition there is reduced scope for requiring the necessary infrastructure to meet the growth agenda in the short-to medium term in the north of the District whilst any new plan is prepared.



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FOR THE EAST MIDLANDS

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7 August 2009

Our Ref: EMP 2815/475/11

Dear Ms Matthews,

**Rural North, Oundle and Thrapston Plan**

Thank you for your letter of 6 August addressed to Rowena Limb about your Council's resolution not to adopt the above Plan. We are taking advice on this and will respond formally to your letter when we have discussed the matter with colleagues in the Department of Communities and Local Government. In the meantime it would be useful if you could clarify whether it is the intention of your Council that the Plan should now be withdrawn. If so, as the Plan has already been subject to Examination, paragraph 22 of the Planning and Compulsory Purchase Act 2004 indicates that this can only be done by direction by the Secretary of State.

Yours sincerely,

Chris Bentley  
Planning Manager for Northamptonshire

