



East Northamptonshire Council

Planning Policy Committee - 11 February 2010

Rural North, Oundle and Thrapston Plan (RNOT Plan) - Proposed Modifications

Summary

This report provides the submission to the Secretary of State on the modifications required by the Council to the RNOT Plan.

Attachment(s)

Annex 1 :Draft letter to the Secretary of State

Annex 2 : Detailed Submission on the Modifications

Annex 3: List of possible village settlement boundary changes

1.0 Introduction

1.1 This report considers the paper for submission on the modifications required to the RNOT Plan. It also provides a draft letter to the Secretary of State requesting a meeting to discuss this modification.

2.0 Background

2.1 At the Planning Policy Committee meeting on 27 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's report. The Committee resolved not to adopt the Plan.

2.2 Following the Planning Policy Committee decision of 27 July, the Council received a letter 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.

2.4 At the Planning Policy Committee meeting on 29 October 2009, it was resolved that a letter be drafted to the Secretary of State, in concurrence with the Chairman, Vice Chairman, Oundle Ward Members and Councillor Glithero, setting out the detailed reasons for seeking modification of the RNOTP, and that the draft letter be brought back to a future meeting of this Committee for consideration.

3. Discussion

3.1 This report provides the draft letter to the Secretary of State (Annex 1) and the detailed reasons for seeking the modifications (Annex 2).

3.2 The draft letter (Annex 1) to the Secretary of State includes a very brief synopsis of the reasons for asking for the modifications and also requests a meeting to discuss the matter. The letter offers the Secretary of State the opportunity to visit East Northamptonshire for the meeting and to see first hand the issues that are facing the area.

3.3. The modifications document (Annex 2) sets out in detail the reasons for the request to modify Policy OUN1 and the village boundaries at issue (including some further consultation on these boundary issues with relevant Parish Councils). Annex 3 is a table of the changes/amendments to village boundaries to be considered following

recent discussions with Ward Members.

5. Recommendation

5.1 That the draft letter and modifications document be approved for submission to the Secretary of State.

Implications:	
Corporate Outcomes or Other Policy/Priority/Strategy	
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"/>
Other:	<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval	<input type="checkbox"/>
Financial	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"/>
Risk Management	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"/>
Staff	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
Equalities and Human Rights	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"/>
Legal	Power: Planning and Compulsory Purchase Act 2004
	Other considerations:
Background Papers: RNOT Plan-submission version Inspectors Report June 2009	
Person Originating Report: Elizabeth Wilson: Interim Planning Policy and Conservation Manager	
Date: 21 st January 2010	
CFO	MO
	CX

(Committee Report Normal Rev. 19)

Cedar Drive Thrapston Northamptonshire NN14 4LZ
Telephone 01832 742000
Email info@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

Chris Bentley
Planning Manager for Northamptonshire
The Belgrave Centre
Stanley Place
Talbot Street
Nottingham NG1 5GG

Please ask for	Direct Dial	Our Ref.	Your Ref.	Date:
Elizabeth Wilson	01832 742010	EW/RNOTP	EMP 2815/475/11	

Dear Mr Bentley

RE: Rural North, Oundle and Thrapston Plan

Thank you for your letter of 26 October 2009 which was presented to and considered by the Planning Policy Committee of the 29th October 2009. As explained in my last letter to you of the 11th November 2009 the Committee resolved:

- (1) That a letter be drafted to the Secretary of State, in concurrence with the Chairman, Vice Chairman, Oundle Ward Members and Councillor Glithero, setting out the detailed reasons for seeking modification of the RNOTP, and that the draft letter be brought back to a future meeting of this Committee for consideration.
- (2) That work proceeds on producing a Four Towns Plan, including the rural areas in the south of the District.
- (3) That a joint meeting of the Raunds Area and Three Towns Working Parties be arranged for early December to consider a report on the proposed programme and costs of undertaking the preparation of a Four Towns Plan.
- (4) That a meeting with the Secretary of State be requested to discuss the Council's current position with the RNOTP.

The Planning Policy Committee of the 11th February 2010 considered a detailed paper setting out in detail the modifications required to the RNOT Plan for the Council to be able to adopt the Plan. I attach this "modifications paper" to this letter for your consideration.

In addition, the Council has confirmed that now that the paper has been presented to the Government Office the Council's request for a meeting between the Council and the



Secretary of State is now progressed so that the Council can explain its position further. The Council would be most willing to host the meeting at East Northamptonshire.

In addition at the Planning Policy Committee of the 11th February 2010, the Committee received a separate report a report updating and revising the Local Development Scheme was considered and approved for submission to the Secretary of State for agreement and I attach this report for your information. This refers to the work now underway to progress the 4 Towns plan to a pre-submission draft DPD during 2010. I look forward to receiving your feedback on this so that the LDS scheme can be agreed.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely

Sharn Matthews
Executive Director

Encs



East Northamptonshire Council

Request to the Secretary of State to modify the Rural North Oundle and Thrapston (RNOT) Plan before adoption.

11th February 2010

Background

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

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

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

- Considerable changes had been made since the public consultation so it could not be said that the soundly based 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 considered 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.

At the Planning Committee of the 29th October 2009 the Planning Policy Committee of the Council considered the matter again and:

RESOLVED:

- (1) That a letter be drafted to the Secretary of State, in concurrence with the Chairman, Vice Chairman, Oundle Ward Members and Councillor Glithero setting out the detailed reasons for seeking modification of the RNOT Plan, and that the draft letter be brought back to a future meeting of this Committee for consideration.
- (2) That work proceeds on producing a Four Towns Plan, including the rural areas in the south of the District.
- (3) That a joint meeting of the Raunds Area and Three Towns Working Parties be arranged for early December to consider a report on the proposed programme and costs of undertaking the preparation of a Four Towns Plan.
- (4) That a meeting with the Secretary of State be requested to discuss the Council's current position with the RNOTP.

This paper sets out the detailed points the Council wishes to make in its submission to the Secretary of State.

The Matters at Issue.

The Council has therefore resolved 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. There are two matters that need to be addressed.

- Policy OUN1-Infrastructure requirements for Oundle
- Settlement village boundaries

Issue 1: Oundle Policy OUN1 Infrastructure

This policy relates to the provision of infrastructure (and in particular highways improvements) commensurate with development proposals for the town and to ensure that infrastructure is provided in a timely fashion. There was specific community concern at the time of the submission of the RNOT Plan that development would occur without, or ahead of, the necessary infrastructure provision. It was considered this would be to the considerable detriment to Oundle.

In the submission version of the Plan the Council therefore took considerable time in framing the policy wording to meet these community concerns whilst being aware of the need to be compliant with national policy guidance.

Submission version wording

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 9th February 2009 for consultation before the Examination.

The wording for policy OUN1 agreed for consultation on 9th February 2009 and submitted to the Secretary of State was as follows:

“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.”

Amendments during Examination- Northamptonshire County Council response to the Consultation

During the further consultation between 13 February and 27th March 2009 Northamptonshire County Council Highways (Sustainable Transport team) made representations about the wording on the Schedule of Proposed Changes to the RNOT plan and the proposals map related to Policy OUN1 which required officers to reword the policy to be factually accurate. The County Council had 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 would need to be undertaken in accordance with the requirements of PPG13, together with the Department for Transport's Guidance on Transport Assessments (March 2007).

In the light of the Northamptonshire County Council 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.

The remaining text was therefore deleted. The supporting text was revised in accordance with the County Council notes, to correctly describe the context for Policy OUN1, whilst recognising the concerns of the local community. The principles within the policy remained the same and in line with Member and community concerns.

Inspector's Amendment

The local concerns about the infrastructure issues at Oundle were presented to the Examination and the Inspector recognised in paragraph 3.58 of his report that this was a driving force when the Council worded the policy.

As part of the Examination the OUN1 policy was considered against the adopted Joint Core Spatial Strategy Policy 6: Infrastructure Delivery and developer Contributions to ensure consistency. The policy states:

“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 timing 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.

The Inspector considered that the policy OUN1 needed further modification as he considered it remained unduly onerous and negative despite the Council’s previous attempts to redraft the policy in order to overcome his concerns. The Inspector modified the policy into a form of words he considered to more in line with the adopted Joint Core Spatial Strategy. In his report to the Council he “recommended” changing the wording to:

“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.”

East Northamptonshire Council’s Case for modification

The Council understands that the Inspector is charged with ensuring that the Plan is sound having regard to the tests of soundness as set out in PPS 12 paragraphs 4.36-4.47, 4.51 and 5.2, that is that the Plan should be justified, effective and consistent with national policy. In addition, as a Site Allocations DPD, it should be consistent with the Joint Core Spatial Strategy.

However the Council believes the change made by the Inspector to Policy OUN1 unduly and unnecessarily dilutes the policy especially in the deletion of the word 'cumulative'. The Council considers that the previous wording provided following consultation with the County Council should be reinstated. The reasons for this are that the Council believes:

- Greater weight should be given to PPS 1 and PPS 12 which both require that DPDs should have regard to and reflect community concerns;
- The Inspector's wording changes are not nuances: they would constrain proper consideration of the implications of applications for planning permission for the sites on the existing Oundle road network and other infrastructure provision.
- There is the opportunity for a stronger emphasis in policy wording than perhaps suggested by national planning policy whereby this can be justified.
- The preferred wording by East Northamptonshire Council would not conflict with the Joint Core Spatial Strategy

Further justification for these four points is set out below:

1. PPS 1 is quite clear that one of the key principles to be applied to ensure that DPDs contribute to the delivery of sustainable development is community involvement in developing the vision for the area, and that the community have the opportunity to participate in the drawing up the vision, strategy and specific policies. The Council argues that where the community has so strongly articulated their views in a particular policy that it is unreasonable then to seek to dilute that policy. In addition, in PPS 12, paragraph 4.20 states that the productions of DPDs should follow the Government's principles for community engagement so that from the outset it leads to a sense of ownership of local policy decisions. In the case of the RNOT plan the local community (represented by both Town Council and District Council ward members) were involved in ensuring that the infrastructure policy reflected their real concerns about the ability of the highway network to be able to robustly withstand further development.
2. The aim of the previous wording of the policy was to ensure that because there was no adopted transport strategy in place, there was not a piecemeal approach to the provision of infrastructure that ignored the need to ensure that the cumulative impact of several developments was recognised and addressed.
3. In terms of the issue of whether the wording of the policy conflicts with national planning policy the Planning Inspectorate in its guidance document "Local Development Framework-Examining Development Plan Documents: Soundness Guide" (August 2009 2nd edition) set out that in the Examination process that a policy or proposal which is not consistent with national policy can be considered if there is clear and convincing reasoning to justify the approach. The Council argues that the detailed discussions with the community representatives about policy OUN1 is sufficiently clear and justified reasoning for this locally distinctive policy to be included in the Plan.

4. The request for modification would be for the wording as agreed by the Council for this policy at Examination, following clarification by the County Council, to be reinstated as this is not in conflict with the Joint Core Spatial Strategy. **Therefore** the Council requests that the following wording be reinstated in Policy OUN1 of the RNOT Plan.

“Planning permission will be granted for the development of the sites outlined at policies OUN2-OUN4 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.

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.”

Issue 2: 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 31st 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 since 2005 and throughout the RNOT Plan preparation process. Settlement boundary criteria were agreed by the Strategy Committee on 21st 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 9th February 2009.

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

The guiding principles used to define the settlement boundaries as set out in the Plan were:

- 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 are excluded;
- b. Free standing, 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 are excluded

- c. Public open spaces and undeveloped areas of land on the edge of villages are excluded
- d. The curtilage of dwellings are included unless the land has the capacity to extend the built form of the village
- e. Areas of land currently with planning permission at 1st April 2008 adjoining the built up area are included: and
- f. Proposed allocations are included.

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 no1 on the main road of the village.
- In Titchmarsh, the settlement boundary east of No 29 St Andrews Lane should include the whole of the extended house.

Following the 9th 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 criteria and changes to settlement boundaries at 9th 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, at this time the Council is not requesting changes to the criteria for the village settlement boundaries as set out in the RNOT plan, but a limited number of changes to village settlement boundaries on the Proposals Map, reversing the decisions made at the Planning Policy Committee on the 9th February 2009 and the reinstatement of the original boundary as agreed by Members prior to the Committee on the 9th February 2009.

The list attached to this note itemises the individual village limit boundaries that the Council would wish to have revised. Most of the changes relate to reversing the decisions made at the Planning Policy Committee of the 9th February 2009 (copies of the plans are also attached).

The Council would want further consultation with the local community about whether these site boundary changes should be included in the adopted Proposal Map. If this proposal was supported by the local community then the Council would wish the Secretary of State to modify the Proposal Map accordingly.

East Northamptonshire Council

Request to the Secretary of State to modify the Rural North Oundle and Thrapston (RNOT) Plan before adoption.

11th February 2010

Village / Settlement	Amendment	Councillor
Nassington	Include garage block rear St Mary's Close – taken out in Jan 09 changes.	Cllr Richardson
Nassington	Include garage block rear Eastfields Crescent – taken out in Jan 09 changes.	Cllr Richardson
Clopton	Include properties taken out in Jan 09 changes.	Cllr Philip H
Laxton	Include the land taken out in Jan 09 changes – green and curtilage of No.1.	Cllr Glithero
Little Addington	Possible inclusion of land removed in Jan 09 changes – rear of Old Bakery – Parish Council response needed.	Cllr D. Hughes
Sudborough	New property on Newton Lane next to Beech Barn – should be included in village limit.	Cllr S.Hughes