Proof of Evidence of Graeme Tulley

The Homes and Communities Agency

Land South of Brackmills
Newport Pagnell Road
Northampton

PINS Ref: 2228866
LPA Ref: N/2013/0388

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Contents

Section                                                                 Page
1   QUALIFICATIONS AND SCOPE OF EVIDENCE                                  3
2   BACKGROUND AND CHRONOLOGY                                            6
3   THE PLANNING APPLICATION                                              14
4   THE DEVELOPMENT PLAN AND THE NPPF                                     25
5   THE NBC “ADOPTION REPORT” (JANUARY 2015)                              43
6   THE BENEFITS OF PROPOSED DEVELOPMENT                                  52
7   HOUSING NEEDS AND 5 YEAR SUPPLY                                       64
8   OTHER REPRESENTATIONS                                                  74
9   NBC INCONSISTENCIES                                                   80
10  SUMMARY AND CONCLUSIONS                                               84

List of Tables

TABLE 1: CHRONOLOGY OF EVENTS                                             12
TABLE 2: SAVED POLICIES REPLACED BY THE JCS                                 35
TABLE 3: ESTIMATE OF NEW HOMES BONUS FROM APPEAL PROPOSALS                  56
TABLE 4: NRDA (NIA) PAST DELIVERY                                          67
TABLE 5: NRDA (NIA) PAST DELIVERY                                          68
TABLE 6: NRDA 5 YEAR SUPPLY 2014-19: 5% AND 20% BUFFER AND EXCLUDING SUES  69

 Appendices (Bound separately)
1 QUALIFICATIONS AND SCOPE OF EVIDENCE

1.1 My full name is Graeme Anderson Tulley. I am a Planning Director of GL Hearn, 280 High Holborn, London WC1V 7EE. I have over 30 years relevant experience in planning matters and in particular the planning, regeneration and development of area wide regeneration schemes and town centre developments.

1.2 I hold a BA (First Class Hons) degree in Geography from Kings College London, an M.Sc (Econ) in Urban and Regional Planning from the London School of Economics, and a Diploma in Town Planning from the University of Westminster.

1.3 I have been a member of the Royal Town Planning Institute since 1984. I am a member of the British Council of Shopping centres (BCSC) and a member of the Planning and Regeneration committees of the British Property Federation (BPF). In a private capacity I am immediate past Chairman of the Partnership for the Regeneration of Maidenhead (PRoM), a public private partnership body charged with implementing the town’s Area Action Plan (AAP).

1.4 I have been engaged in the practice of Planning, Development and Regeneration with GL Hearn for 4 years. Previously I was National Head of Planning at DTZ (2007 – 2010), prior to that I was Head of Consultancy at Donaldsons LLP (2001- 2007) and prior to that Partner at Drivers Jonas (1987 – 2001), where I established and lead the firm’s local authority and town centres consultancy.

1.5 Prior to joining private sector consultancy, I was a Planning Officer at the City of Westminster (1983-1987), and prior to that a Planning Officer at the Greater London Council (1979 – 1983).

1.6 At GL Hearn I head the firm’s Regeneration Group. In this role I am responsible for the following teams: evidence/economics team (including all objectively assessed need reviews); master planning and planning for large scale mixed use projects; public sector development consultancy; and site assembly and CPO work.

1.7 I advise both private and public sector clients on the planning and development issues associated with area wide residential led mixed use proposals on a nationwide basis, from initial feasibility, through master planning, town planning and the delivery phases.

1.8 Recent experience for public sector clients includes the obtaining of outline planning permission at Nethermayne, Basildon for the Homes and Communities Agency (HCA), South Essex College and Basildon Council for a sustainable urban extension of 725 dwellings (to include local centre and community facilities); preparation of an SPD (with Waverley BC) and obtaining permission for 120
dwellings in the Metropolitan Green Belt for HCA at Upper Tuesley, Godalming; and obtaining permission for 120 dwellings at Basildon, Essex for Basildon Borough Council.

1.9 I am instructed by the Homes and Communities Agency (HCA) in respect of Northampton Borough Council’s decision to refuse outline planning permission in respect of land to the east of Hardingstone, north of Newport Pagnell Road, Northampton (Appeal Ref: APP/V2825/A/14/222886) (LPA Ref: N/2013/0338).

Involvement with Project

1.10 My firm was instructed by the HCA in 2011, as part of its design led multi-disciplinary team to prepare a masterplan and obtain outline planning permission for HCA land east of Hardingstone, part of the Northampton South of Brackmills Sustainable Urban Extension.

1.11 My firm’s and my own particular role within the application process was to prepare the planning statement that accompanied the planning application.

1.12 GL Hearn was re-instructed in 2014 to assist the HCA in preparing its appeal against Northampton Borough Council’s decision to refuse outline planning permission and to appear at the Public Inquiry on the HCA’s behalf.

1.13 I have been involved in the Appeal site for 4 years.

Scope of evidence

1.14 My evidence addresses the planning policy context for the Appeal site and sets out the planning reasons why the proposals before the Inquiry should be granted planning permission.

1.15 In refusing planning permission for the outline application, the decision notice issued by Northampton Borough Council on 15 May 2014 (CD14) set out two reasons for refusal.

1.16 Mr Tricker in his evidence addresses Reason for Refusal 1, which is concerned with highways matters.

1.17 Mr Brashaw in his evidence addresses Reason for Refusal 2, which is concerned with matters of landscape and visual impact and amenity.

1.18 I address the following planning related aspects within my evidence:

- Section 2 – Background and Chronology
- Section 3 – the Planning Application
- Section 4 – the Development Plan and the NPPF
- Section 5 – The NBC “Adoption Report” (2015)
Section 6 – The Benefits of the Proposed Development
Section 7 – Housing needs and 5 year supply
Section 8 – Other representations
Section 9 – NBC inconsistencies
Section 10 – Summary and Conclusions

Relevant matters of agreement

1.19 A number of matters are agreed in the Principal SoCG (CD18), the Landscape SoCG and the Statement of Agreed Position in relation to highways (CD19).
2 BACKGROUND AND CHRONOLOGY

Appeal Site

2.1 In 1968 Northampton was formally designated a "new town". The Northampton Development Corporation (NDC) was set up to expand and develop the town in partnership with the local council.

2.2 The Appeal site was held by the NDC for development purposes. On dissolution of the NDC in 1985, the land was transferred to successor bodies, namely the Commission for New Towns (CNT), English Partnerships (EP) and then to the HCA.

2.3 The HCA’s objectives and strategy for the Appeal Site have been consistent with the long-established intention that former CNT assets will deliver further development and growth of Northampton.

2.4 The Appeal site has therefore been in public ownership through agencies of central government, and held for development purposes since 1968.

2.5 The site is in agricultural use. It has been accepted at Paragraph 8.2 of the Principal Statement of Common Ground that the loss of agricultural land is not disputed and does not constitute a reason for not granting planning permission. There is no public access, save for a Public Footpath (KN6) which extends from the northwest in Hardingstone across the site south eastwards. The site is bisected into two parcels by Landimore Road.

The HCA’s role and approach

2.6 The Homes and Communities Agency (HCA) is the applicant, appellant and sole landowner of the “Appeal Site”. The HCA is an executive agency of the Department of Communities and Local Government (DCLG) and is the national housing and regeneration agency for England.

2.7 The HCA’s statutory objectives are set out in the Housing and Regeneration Act 2008 to:

- improve the supply and quality of housing in England
- secure the regeneration or development of land or infrastructure in England
- support in other ways the creation, regeneration or development of communities in England or their continued well-being; and
- contribute to the achievement of sustainable development and good design in England, with a view to meeting the needs of people living in England.

2.8 The HCA seeks to deliver these statutory objectives in line with local priorities. In particular the HCA works with local authorities to help realise their aspirations for economic growth and to deliver high-quality housing that people can afford.
2.9 Attached at Appendix A to my proof is a letter from the HCA. It sets out the HCA's roles, its land and Development Disposal Plan, its promotion of the Appeal site, its work with relevant authorities, and its remit on as a responsible landowner.

2.10 The allocation of the Appeal site within the West Northamptonshire JCS for a sustainable urban extension (SUE) has been consistently supported by Northampton Borough Council (NBC), since 2009 through the preparation of the west Northants Joint Core Strategy (Part 1). The Appeal site is known as the Northampton, south of Brackmills SUE in the adopted JCS. It is only in response to the proposed modifications to the JCS (December 2013) (CDa5) that NBC raised objections in February 2014 to the expanded SUE and its increased number of homes (CD137).

2.11 The support of the local authority for the allocation was a key consideration for the HCA in its decision to invest time and resources to secure outline planning permission for the site.

2.12 This support is evidenced by notes of the “Development Strategy team” meeting dated 23 June 2011 (CDa4), which included officers form NBC, WNDC, WNJPU and the HCA which welcomed the fact the HCA was actively progressing with an outline planning application. The notes state:

“The fact that the HCA is actively progressing with delivery of this site (through submission of an outline planning application) was welcomed by partners. This will add weight to the case for allocation at the Examination Stage, demonstrating the deliverability of the site as well as enabling the delivery of a key growth priority for Local Authority partners.”

Planning for growth

2.13 The Government's “Plan for Growth” was published in 2011 (CD130). It sets out the Government’s objective to achieve strong, sustainable and balanced economic growth and contains a commitment to “accelerate the release of public sector land to encourage new homes and jobs.” The Government set out plans to accelerate the release of public land capable of delivering up to 100,000 new homes over the Spending Review period.

2.14 DCLG required the HCA to produce a strategy for land disposal, the HCA’s “Land and Development Disposal Plan”, and made available funding to support the additional or accelerated cost of bringing sites to the market under the “Accelerated Land Disposal” (ALD) programme.

2.15 The Appeal site was included within the HCA’s first (2011) Land and Development Disposal Plan (LDDP)* and is in the latest version of the Plan (the 2014/15 Update) (CD129), where it is referred to as “allocated in local plan” and “available for marketing in 2014/15”.

2.16 The introduction to the latest version of the LDDP refers to the Government being committed to achieving strong, sustainable and balanced growth by using public land to accelerate economic activity, including the development of homes.
2.17 The HCA’s letter and the LDDP confirms that HCA’s approach to establishing land use is, determined by local planning policies. The LDDP says where there is an allocation the Agency will work within that, but where there is no allocation, the HCA will work with the local planning authorities through the statutory planning process so that HCA sites can be brought forward. The approach taken with regard to the Appeal Site has been entirely consistent with the objectives and principles of the LDDP.

2.18 The HCA’s 2014/15 update plan provides examples where the HCA is discharging its government remit, and where it successfully works in partnership with local authorities. One example is the work with Waverley Borough Council to agree a site brief, obtain planning permission and dispose of the former Milford Hospital site for 120 dwellings on a sensitive metropolitan green belt site adjacent to an AONB. I was the HCA’s planning consultant for the assignment, so I know well the HCA’s partnership approach.

2.19 In June 2011, funds were allocated under the ALD programme for the delivery of the Appeal Site, which by then had been identified within the submitted JCS. In accordance with the ALD objective of achieving early housing starts, ALD funding was specifically allocated to prepare a masterplan and secure outline planning permission for the Appeal Site and procure a development partner to take forward delivery of the development.

2.20 In order to achieve these aims the HCA submitted an outline application to NBC in March 2013 following extensive consultation with the Council, other stakeholders and the public please refer to Statement of Community Involvement (CD10). The application was advanced with NBC on the basis of a Planning Performance Agreement which HCA and NBC had signed March 2013 (CD a12).

2.21 In late 2013 (i.e. post submission of the planning application), NBC raised an objection to the JCS Inspector’s proposed modifications to extend the Brackmills SUE from 1000 (i.e. the HCA land and appeal site) to 1300 dwellings, by including land to the east of the HCA’s ownership.

2.22 It is important to note that NBC’s objection at that time was to the proposed extension, i.e. explicitly not to the 1000 dwellings allocated on the HCA site, which forms the Appeal Site.

The Joint Strategic Planning Committee

2.23 In July 2008, Northampton Borough Council, Daventry District Council, South Northamptonshire Council and Northamptonshire County Council agreed, by way of Statutory Instrument No.1572 of 2008 (CD30), to form a joint committee to act as the local planning authority for the purposes of plan-making for the administrative areas of Daventry District, Northampton Borough and South Northamptonshire District.
2.24 Together the authorities formed the West Northamptonshire Joint Strategic Planning Committee (“the JSPC”) which was responsible, inter alia, for preparing and adopting the Joint Core Strategy (JCS). By virtue of Section 29 to the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”), that JCS was to be to the Joint Core Strategy for each of the constituent authorities.

2.25 Under the JSPC, the West Northamptonshire Joint Strategic Planning Committee Planning Unit (the JPU) has been responsible for developing the West Northants Joint Core Strategy (JCS).

2.26 The HCA has worked with the appropriate plan making authorities and bodies, namely the West Northants Joint Strategic Planning Committee, the JPU, Northampton BC and Northamptonshire CC to promote the Appeal site through the plan led system. Minutes of meetings with the planning authorities are included (CDa5; CD122; CD123; CD124; CD125.

The Appeal site’s allocation

2.27 The Appeal Site has been promoted by the HCA throughout the preparation of the JCS. The Appeal site is now the greater part of Brackmills SUE which is allocated for “in the order” of 1300 dwellings in Policy N6 of the adopted JCS. I set out at Table 1 a chronology of events relating to plan preparation and the planning application.

2.28 The appeal site had originally been promoted from 2004 by a consortium including housing developers and English Partnerships (now the HCA), as part of larger area, namely the Wootton Strategic Development Area (SDA) for in the order 4500 dwellings.

2.29 This SDA was consulted upon by the West Northamptonshire Joint Planning Unit as a strategic site allocation in the Emergent Joint Core Strategy in 2009.

2.30 Martin Grant Homes formed part of the original consortium promoting the SDA. Martin Grant Homes continued to engaged with the JCS process, to promote its land interest immediately east of the HCA land (CD136). It is this land which forms the extension of 300 dwellings. I comment further on this below.

2.31 The emergent JCS was published in August 2009. It did not include specific allocations, but identified preferred locations for growth. At that time the Appeal Site formed part of the Northampton South East Extension which was envisaged to deliver 6250 dwellings within the Plan period. To illustrate the Northampton East Extension, an extract from the emergent JCS ‘Map 6.1 Northampton – Preferred Locations for Growth is included at Appendix B of my Proof’.

2.32 The pre-submission JCS (31 January 2011) allocated the Appeal Site as “Northampton South of Brackmills SUE” under Policy N6. It proposed 1000 dwellings along with a primary school, local centre with convenience retail unit of up to 500 sqm and other infrastructure provision.
2.33 The application proposals subject of this appeal reflects the pre-submission JCS (31 January 2011) allocation as set out in Policy N6. I note that in his consultation response dated 31 March 2011, NBC’s Paul Lewin, Planning Policy and Heritage Manager, stated in relation to Policy N6 that it... “supports the principle of development in this SUE”.

2.34 No further changes were made to Policy N6 prior to submission for independent examination by an Inspector appointed by the Secretary of State.

2.35 Given planning authorities are under a duty as set out at Section 20 of the Planning and Compulsory Purchase Act 2004 to only submit a plan when “they think the document is ready for independent examination”, it is reasonable to conclude that NBC considered the submitted plan with the Policy N6 allocation for 1000 dwellings for the appeal site as “sound”.

2.36 In March 2013, a Joint Position Statement (CD40) was agreed by the JPU and the HCA supporting the allocation in Policy N6 as... “a suitable and available site... deliverable within the timeframe of the plan period.”

2.37 In March 2013, the Inspector set out the questions and issues that he wanted addressed as part of the examination process.

2.38 One of those issues (Issue 13) related to the soundness of Policy N6 (CD35; CD37). In relation to that issue, Martin Grant Homes, the owner of land adjoining the eastern edge of the Appeal Site (“the Adjacent Land”), made representations that emerging Policy N6 should apply to a larger site, encompassing both the Appeal Site and the Adjacent Land, and should accommodate in the region of 1300 homes rather than 1000.

2.39 Following preliminary examination of the JCS during hearings which took place between April and May 2013, the Inspector in a letter of April 2013 (CD41) to interested parties indicated that further work needed to be done by the JPU to i) objectively assess housing needs over the plan period; and ii) produce a Sustainability Appraisal Addendum report (CD43) in order to further examine the SUEs in light of the reassessed housing needs of the area. The Inspector also requested that consideration be given to extending the Plan period from 2026 to 2029 or 2031.

2.40 In December 2013, having reassessed housing needs to 2029, the JSPC approved a series of proposed Main Modifications to the draft JCS. Three of those Main Modifications (MM8, MM44 and MM45) related to Policy N6. Together, they proposed the addition of the Adjacent Site (as controlled by Martin Grant Homes) to the Appeal Site within the Policy N6 allocation, and proposed an increase of housing within the allocation to “the region of 1300 dwellings”.
2.41 In representations made on 21 February 2014 (CD137), NBC requested that the additional allocations, including the additional/adjacent land and additional housing numbers included in Policy N6, not be included in the final JCS. NBC raised specific concerns in relation to the reliability of the evidence base for the end of the period 2026 – 2029, “in particular in relation to the transportation elements”.

2.42 I note that NBC in its representations, was only objecting to the inclusion of the Adjacent land and the additional 300 dwellings on the basis of highway matters, and was not objecting to the original allocation at Brackmills SUE for 1000 dwellings on the HCA land east of Hardingstone. The NBC representation does in fact state “Whilst the Council was supportive of the plan as submitted to 2026 with its allocations…” which clearly indicates that NBC was supportive of the 1000 home allocation.

2.43 In March 2014, a Joint Position Statement (CD45) was agreed by the JPU and the HCA describing the Appeal Site and the Adjacent Site as “a suitable and available site… deliverable within the timeframe of the plan period.” It also noted that Policy N6… “provides an appropriate framework that supports the delivery of the site, is sound being positively prepared, justified, effective and consistent with national policy”.

2.44 In October 2014, the Inspector issued his report (‘the JCS IR”) (CD44) which found the JCS to be sound, subject to the adoption of the Main Modifications proposed in January 2014. In relation to Policy N6 I address the Inspector’s Report (IR) comments at section 5.

2.45 On 15 December 2014, the JCS, incorporating the Main Modifications, was adopted by the JSPC with and on behalf of all four constituent authorities including NBC.

2.46 The following table sets out key milestones in terms of the Core Strategy since 2007 to the present day.
Table 1:  Chronology of events

<table>
<thead>
<tr>
<th>Date</th>
<th>Key Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>JCS Issues and Options Stage: Appeal site formed part of wider Wootton Strategic Development Area and had been promoted as such by a consortium of developers. 4,500 dwellings were envisaged. East Midlands Regional Spatial Strategy revoked leading to reduction in housing numbers and shrinking in the size of the allocation at Wootton.</td>
</tr>
<tr>
<td>2009</td>
<td>Emergent JCS: Appeal site formed part of Northampton South East Extension included in JCS as preferred location for growth. An SUE of 6,250 dwellings was envisaged and an overall capacity for 18,000 dwellings within the Extension area.</td>
</tr>
<tr>
<td>February 2011</td>
<td>West Northamptonshire JCS Pre Submission: The Appeal Site becomes known as Northampton South of Brackmills SUE under Policy N6. Development is to make provision for 1,000 dwellings, primary school, local centre with a convenience retail unit of up to 500 sqm, community/green/highway infrastructure requirements.</td>
</tr>
<tr>
<td>March 2013</td>
<td>Appellant’s OPA Submitted to NBC.</td>
</tr>
<tr>
<td>December 2013</td>
<td>JCS Proposed Main Modifications: Following Examination, Inspector requested additional work on Objectively Assessed Housing Needs and Sustainability Appraisal. This resulted in a proposed modification to Policy N6 from 1,000 dwellings to “in the region of 1,300 dwellings.” The SUE boundary was expanded eastwards to accommodate additional land.</td>
</tr>
<tr>
<td>January 2014</td>
<td>West Northamptonshire Joint Core Strategy Local Plan (Part 1) = Tracked Changes Version including Proposed Main Modifications: Policy N6 confirmed with development making provision for “in the region of 1,300 dwellings” and “a Local Centre of appropriate scale (including a small convenience store)” as well as other infrastructure.</td>
</tr>
<tr>
<td>06 May 2014</td>
<td>NBC Planning Committee to consider Appellant’s OPA with LPA Officer Recommendation for Approval</td>
</tr>
<tr>
<td>15 May 2014</td>
<td>Issuing of NBC Decision Notice of Planning Determination: REFUSAL of outline planning permission.</td>
</tr>
<tr>
<td>October 2014</td>
<td>Inspector finds the JCS ‘sound’ subject to the Main Modifications proposed in January 2014.</td>
</tr>
<tr>
<td>November 2014</td>
<td>The Appellant’s Appeal is lodged with PINS.</td>
</tr>
<tr>
<td>January 2015</td>
<td>19 January 2015 - NBC passes Full Council resolution to make their objections to Policies N5 and N6 of the JCS a material consideration in the determination of planning applications. 26 January 2015: a) NBC Planning Committee ratifies reasons for refusal in relation to the Appellant’s Outline Planning Application (8 months post determination). b) NBC Planning Committee determines to refuse planning permission for another JCS allocated SUE (Policy N5) in the context of their 19 January 2015 resolution.</td>
</tr>
</tbody>
</table>

Conclusions

2.47 First, there has been a logical and consistent approach from the HCA to promote the appeal site through the development plan process. The HCA as tasked by HM Government through DCLG, has worked with relevant plan making and development control authorities (as well as wide range of other statutory bodies, other stakeholders and the public – which I set out in the following section of my proof), to promote the land east of Hardingstone through the plan led system.
2.48 Second, the support of Northampton BC (though the JSPC, JPU and from NBC officers) to the allocation of the site in the emerging JCS as Brackmills SUE, was an important factor in the site being identified as part of the HCA’s ALD programme in 2011, to help meet Government objective to “accelerate the release of public sector land to encourage new homes and jobs.”

2.49 Third, in being a constituent part of the JSPC as the plan making body, NBC was required by regulations to only submit a plan that it considered ready for independent examination. As such it is reasonable to assume that NBC considered the submitted plan “sound”.

2.50 Fourth, NBC has consistently supported the allocation of the HCA site in the JCS since 2009. Only when the Inspector issued his proposed modifications in late 2013 to extend the Brackmills SUE allocation eastwards to include the adjacent site and in so doing increase the Brackmills SUE from 1000 to 1300 dwellings did NBC raise an objection in February 2014.

2.51 Fifth, I note that in objecting in February 2014, NBC was only objecting to the inclusion of the Adjacent land and additional 300 dwellings on the basis of highway matters, and was not objecting to the original allocation at Brackmills SUE for 1000 dwelling on the HCA land east of Hardingstone.

2.52 Sixth, the appeal site now forms part of Brackmills SUE allocated for housing at Policy N6 in the development plan adopted in December 2014.
3 THE PLANNING APPLICATION

3.1 The appeal site lies east of Hardingstone, Northampton, approximately 3.7 km south east of Northampton town centre, comprising an area of some 45.07 hectares of arable agricultural land.

Preparing and consulting on the planning application

3.2 Preparation of the masterplan and outline planning application began in 2011 when the HCA appointed a multi-disciplinary team led by designers LDA Design and comprising Parsons Brinkerhoff and GL Hearn.

3.3 A consultation strategy was established early in the master plan development process, to ensure that the outline planning application was developed with the input and involvement of a range of community and other stakeholder contributors.

3.4 The consultation strategy drew on the extensive stakeholder consultation and public engagement work previously undertaken for the site as part of the former (Wootton Strategic Development Area) scheme proposals.

3.5 This earlier work enabled engagement on the outline application to build upon feedback already received from the public and to present initial development concepts, taking into account key themes and concerns.

3.6 As noted at para 5.7 of the Joint Position Statement of March 2014 (CD45) agreed between the JPU, HCA and Martin Grant Homes… “this approach had been agreed in advance with NBC by the HCA” . The local planning authority has therefore been involved in the application scheme since its inception.

3.7 Officers at NBC and WNDC inputted to both the physical design of the masterplan and assisted in the coordination of contributions of statutory consultees and other stakeholders. Details of these are set out in the Statement of Community Involvement (SCI) (CD10) and meeting minutes (CD122; CD123; CD124; CD125).

3.8 A comprehensive programme of pre application consultations was undertaken with the LPA, Highways Authority, stakeholders and the public. This is set out in detail in the Statement of Community Involvement (SCI) March 2013 (CD10).

3.9 In summary some six meetings took place over the period October 2011 – July 2012 with officers of WNDC, NBC and NCC. In addition many other informal discussions took place.
3.10 Consultation with Statutory and non-Statutory Organisations was arranged via two dedicated consultation workshops meetings in November 2011 and February 2012.

3.11 In terms of stakeholder and public consultations the specific consultation relating to the current outline application included:

- two stakeholder consultation workshop meetings (November 2011 and February 2012) setting out the development objectives and parameters for the scheme;
- two meetings with community (Parish Council) representatives (November 2011 and February 2012);
- a public exhibition of the emerging masterplan framework proposal (June 2012) which over 90 people attended;
- a pre-planning exhibition of the final submission proposals was held in March 2013 (Hardingstone Village Hall) reminding the public of the key drivers of the master plan framework;
- the main issues raised in the consultation process and the design response taken to incorporate positive solutions to these and other issues as part of the outline planning application
- a further public exhibition of the outline planning application proposals (July 2013).

3.12 The SCI demonstrates that the outline planning application proposals have been informed by a detailed and comprehensive consultation process. Significant effort has been made to ensure that a wide range of contributors have had the opportunity to comment upon and influence the scheme throughout the design process.

3.13 An EIA scoping exercise was undertaken in November and December 2011. The purpose was to establish, through consultation, the issues and topics which the EIA should cover. A Scoping Report was prepared by Parsons Brinkerhoff and submitted to WNDC (the then development control authority) with a request for a Scoping Opinion in December 2011. The scope of the EIA, which is reported in the ES (CD6), was established following a process of scoping undertaken with WNDC and then agreed with Northampton Borough Council.

The planning application

3.14 The application was advanced with NBC on the basis of a Planning Performance Agreement which HCA and NBC had signed in March 2013 (CDa12).

3.15 Following a 17 month period preparing and consulting on the masterplan and application from October 2011, and after the draft JCS had first been submitted for independent examination in February 2011 which included the Appeal Site as Brackmills SUE, the outline application (NBC Ref N/2013/0338) was submitted to Northampton Borough Council (NBC) in March 2013.

3.16 The description of development is for... “a Sustainable Urban Extension to include up to 1,000 dwellings (Class C3); Local Centre up to 1,320 sqm net floor space of retail, professional and financial services restaurants/cafes (Classes A1, A2 and A3); up to 375 sqm net public house
(Class A4); 2.09ha of land for a two-form entry primary school (Class D1); up to 750 sqm of community uses to include medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access”

3.17 The planning application was submitted in outline with seven Framework (parameter) Plans for determination. All matters are reserved except for means of access.

3.18 The planning application is accompanied by a full Environmental Impact Assessment, an illustrative Masterplan, a Design and Access Statement, a Transport Assessment; a Framework Travel Plan; an Arboricultural Assessment and Sustainability Strategy. A revised Transport Assessment was submitted to the Borough Council in January 2014. (CD8).

3.19 The master plan has evolved as a result of an iterative process of review and assessment of the parameters for development in the context of the opportunities and constraints provided by existing settlement, movement and access patterns; the existing connections, green spaces and community facilities and the site’s location and setting within the local landform.

3.20 The master plan incorporates the main access and circulation routes for the new development; the location of the proposed local centre and primary school; the Green Infrastructure Framework to incorporate informal green space, parks, allotments and sustainable drainage features; and connections to adjoining settlements and green space areas.

Planning decision

3.21 On 6 May 2014 NBC’s Planning Committee considered the outline application. At that stage, the independent examination hearings had concluded, but the JCS IR had not yet been published.

3.22 There were no objections from the Highways Agency, Northamptonshire CC as local highways authority, Environment Agency, Anglian Water, Natural England, NBC’s Arboricultural Officer, NBC Environmental Health or NBC Conservation, NCC Archaeology or Planning, South Northamptonshire District Council, the Police, the Crime Prevention Design Officer or NHS England.

3.23 The application was recommended for approval by the Head of Planning (at the time Ms Susan Bridge). This recommendation was based on what I would describe as a clear and strong Officer's Report (OR) (CD57), the officers having set out a thorough appraisal of the application for their members in the OR, based upon analysis incorporating the responses of statutory consultees.

3.24 I set out below (my emphasis in bold) key parts of the OR

3.25 The OR (para 1.1) recommending the approval of the outline planning application states... “The National Planning Policy Framework supports sustainable housing development and economic
growth. The development of the site for up to 1,000 dwellings forms a significant and vital component of the Borough Council’s 5 year housing land requirement and would contribute towards the Government’s aims of improving economic development and the creation of employment and training opportunities. The site is located in a sustainable location on the edge of Northampton, which will be adequately served by the necessary infrastructure and it is considered that the environmental and highway impacts can be adequately mitigated or reduced to an acceptable degree. The proposal supports the sustainable growth of Northampton in accordance with the National Planning Policy Framework and the submitted West Northamptonshire Joint Core Strategy (as subsequently modified) and subject to the recommended conditions and planning obligations contained within the associated S106 agreement development of the site as proposed is considered acceptable.”

3.26 OR Para 7.7…”It is considered that the site’s identification as a SUE in the submitted JCS should be given significant weight. Northampton Borough Council in its representations to the Pre-Submission JCS on policy N6 supported the proposed allocation”. The Council did not support the expansion of the SUE by an additional 300 in the proposed modifications and the plan considered by the Inspector in the re-convened examination in March. Notwithstanding that the JCS has not been adopted, in the context of the Examination hearings in April/May 2013 and March 2014 which addressed housing numbers, proposed allocations and Policy N6 Northampton Land South of Brackmills SUE, no materially significant issues were identified by the Inspector at the examination hearings sessions into this proposed allocation that would appear to call into doubt the principle of the site’s acceptability as an allocation.

3.27 OR Para 7.8…” Indeed consistent with the NPPF and in particular paragraph 47, one of the Inspector’s main emphases at the Examination Hearings was on testing the potential to ensure that sufficient housing to meet identified objectively assessed needs was identified in the JCS for the periods beyond that for which the Plan was originally submitted. In the material submitted in support of the JCS, the site is shown to be delivering homes in the earlier parts of the Plan period”.

3.28 OR Para 7.9…”In accordance with paragraph 49 of the NPPF, the Council can show that it has sufficient sites available to meet the 5 year housing land supply if the allocation of the Land South of Brackmills SUE is included. Nevertheless, it does not have the 5% “buffer” also stipulated by the NPPF”….and…”Clearly, given the current position on 5 year housing land supply and the site’s identification as providing significant numbers towards achieving the target, Committee needs to be mindful of the potential wider ramifications if a decision is taken which impacts negatively on development proceeding on site in a timely manner”.
3.29 OR Para 7.10… “Incremental development of smaller brownfield sites within or on the edge of Northampton sufficient to achieve the required 5 year land supply are more difficult to serve with the range of community facilities and infrastructure needed to support the increase in population. Consequently, spatial strategy such as the Core Strategy aims to concentrate additional development that cannot be allocated within the town centre in a small number of Sustainable Urban Extensions that can provide the necessary infrastructure to support the growth.”

3.30 OR Para 7.11…”In this context, it is considered that the residential development of the site would make a significant contribution towards the Council’s housing requirements and that the proposal accords in principle with the overriding aims of the NPPF for the provision of housing and the Council’s obligations to ensure a 5 year housing land supply as required by the Government.”

3.31 OR Para 7.13 states that… “It is recognised that there are outstanding objections to Policy N6 and the allocation of the South of Brackmills SUE under the submitted JCS in relation to overall justification for the site allocation, transport, heritage, ecology and flood risk issues. However, it is also important for members to consider that the submitted JCS is in an advanced stage of preparation and that officers consider that Policy N6 is consistent with the policies of the NPPF.”

3.32 OR Para 7.23 states that…”It is inevitable that the landscape character would change significantly with the development of the site and it is recognised in the allocation of the site as a SUE in the submitted JCS that the landscape is of high-medium landscape sensitivity. However, these impacts need to be weighed against the requirement for growth. The provision of sufficient and appropriate green infrastructure throughout the site and sensitive design of layout and building heights at reserved matters stage would assist in mitigating some of the impact on the existing landscape. The land has no nationally or locally important designation and officer opinion is that sufficient mitigation measures are proposed when balanced against the overriding requirements for housing provision.”

3.33 At OR Para. 7.48 NBC officers consider…that the submitted TA is “fit for purpose” and subject to the mitigation measures proposed to be secured by condition or S106 obligations the development would have a “nil” detriment to existing highway conditions. Members are advised that the NPPF is quite clear with regard to consideration of highway impacts advising that development should only be prevented on transport grounds where the residual impacts of development are severe.

3.34 At OR Para 8.1 NBC members were informed by officers that the then submitted Core Strategy was at an advanced stage, and... “no materially different issues were identified by the Inspector at
the examination hearings sessions into the proposed allocation that would appear to call into doubt the principle of the site’s acceptability as an allocation. Officer opinion is that the policy and development of the site as proposed is consistent with the requirements of NPPF.

3.35 Also at OR 8.1 officers state that...."the proposed green infrastructure would assist in reducing the visual impacts and assist in mitigating the ecological impacts to an acceptable degree. Detailed consideration at reserved matters would seek to ensure the sensitive integration of the development within this green infrastructure and into the surrounding area”.

3.36 And OR 8.1 ...."Whilst the development may lead to initial impacts on existing highway conditions, officer opinion is that the impacts would not be of such severity that development should be prevented and as such the proposal is considered in accordance with the requirements of the NPPF”.

3.37 In conclusion the OR states (para 8.1)...."The proposal supports the sustainable growth of Northampton and would make a significant and vital contribution towards the Council’s housing requirements and contribute towards the Government’s aims of improving economic development and the creation of employment and training opportunities in accordance with the National Planning Policy Framework, the Northampton Local Plan and the submitted Joint Core Strategy and subject to the conditions below and planning obligations contained within the associated S106 agreement, the proposed development is considered acceptable and is therefore recommended for approval”.

3.38 The view of the NBC officers that the application is supported by the NPPF is clearly important, especially as regards meeting the 5 year housing land supply requirement and contributing towards.... “economic development and the creation of employment and training opportunities”.

3.39 In this context, the OR (paragraph 7.9) gives the Planning Committee members clear guidance. Namely, that the LPA only has a 5 year housing land supply if the allocation of the Land South of Brackmills SUE is included. The OR reminds members that if Brackmills SUE is excluded, the LPA does not have a 5 year housing land as required by the NPPF. The OR also makes clear that even with the Brackmills SUE included, it does not have the 5% ‘buffer’ stipulated by the NPPF. (I address the 5 year housing land supply position in more detail later at section 7 of my proof).

3.40 Nevertheless, NBC Planning Committee resolved to refuse the Planning Application (N/2013/0338). The minutes of the meeting state that the application should be refused on the grounds that:

3.41 “The development fails to comply with Policy H7 of the Northampton Local Plan and is not in conformity with the overarching intentions of the National Planning Policy Framework.”
On 15 May 2014 NBC issued the formal decision notice, setting out two reasons for refusal concerning:

- The proposed development’s highways mitigation; and
- The landscape, visual and amenity effects of the proposed development upon the landscape.

3.43 In full the reasons for refusal are:

"(1) The highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions such that the cumulative impacts of the development would not be severe. These adverse highway impacts in turn will lead to a detrimental impact on the highway network adversely affecting all users including occupiers of business premises located in Brackmills Industrial Estate thus acting as an impediment to the operation of the business park and its future sustainable economic growth. The development would therefore be contrary to the overarching intentions of the National Planning Policy Framework.

(2) The site is identified in the Northampton Landscape and Green Infrastructure Study 2009 as being of high-medium landscape and visual sensitivity comprising of a rural landscape which has a stronger visual connection with the surrounding countryside than with Northampton. Furthermore, Policy E7 of the Northampton Local Plan identifies part of the site as an important skyline between Great Houghton and Hardingsbone as seen from the Nene Valley. Public Footpath KN6 runs across the site in a south-easterly direction providing amenity access through the rural landscape. The National Planning Policy Framework seeks to ensure that any detrimental effects on the environment, the landscape and recreational opportunities arising from major developments are moderated. The proposed development would have an urbanising effect and be of a scale and density detrimental to the existing rural character of the surrounding area and would result in the loss of land of significant amenity value. In the absence of sufficient information to demonstrate appropriate mitigation for the impact of the development on the landscape, skyline and rural character of the area the proposal is therefore contrary to Policies E1, E7 and H7 of the Northampton Local Plan and the overarching intentions of the National Planning Policy Framework."

On 28 January 2015, NBC Planning Committee received a report, prompted by Leading Counsel, for the Planning Committee to ratify the reasons for refusal on the grounds that the formal reasons had not been passed by the full Planning Committee.

I note that whilst the 28 January 2015 report states that the reasons for refusal cannot be amended given the impending Appeal, the first reason of refusal has the word “sufficiently” inserted into the first sentence, and now reads…… “The highway mitigation measures proposed fail to sufficiently demonstrate…. (my bold italics).

Conclusions

3.46 My conclusions are as follows.

3.47 The HCA has properly and consistently promoted the Appeal site through the development plan process. This has been a rigorous and robust process. In total the JCS has taken some 6 years from inception to adoption (2008 – 2014)
3.48 The HCA has prepared and consulted comprehensively on the outline planning application. The application has been specifically prepared to deliver the policy requirements as set out in Policy N6 of the JCS. The application is for 1000 dwellings which mirrors the wording and allocation of Policy N6 at the time of the submission of the application.

3.49 Following the Inspector’s examination, Policy N6 was amended and adopted to make provision for “in the order of 1300” dwellings. This extended the Brackmills SUE boundary by the inclusion of additional and adjacent land to the east of the HCA land, under the control of Martin Grant Homes.

3.50 The Inspector’s independent examination included a request for additional transport and Sustainability Appraisal (CD41) work by the JPU to consider the implications of increased objectively assessed housing numbers and extensions to the SUEs. Using this evidence, the Inspector found the JCS to be sound, culminating with the JCS being formally adopted in December 2014.

3.51 There is nothing within Policy N6 which requires an application to be for 1300 units. The current application for 1000 dwellings is in full accord with adopted Policy N6. It is accompanied by a masterplan which illustrates how the proposals for 1000 dwellings would be delivered in a comprehensive manner.

3.52 The current application for 1000 units is for much the greater part of the N6 allocation, being a large site in public ownership which would make a significant contribution to Northampton BC’s 5 year housing land supply requirement.

3.53 There is nothing within the application which would prevent or prejudice the delivery of the further 300 units east of the Appeal site. I note the Joint Position Statement from the JPU, HCA and Martin Grant homes (March 2014) (CD45) agrees with this view stating at paragraph 5.9, that “The extension to the SUE can be implemented within the context provided by the master plan set out in the HCA’s planning application. It is recognised that a separate planning application would be required for the extended part of the site, which would be accompanied by the requisite technical supporting documents”.

3.54 By letter dated 12 December 2013 from NBC to the HCA, NBC requested an extension of time in order to receive and assess additional information requests that it has made in respect of the application. These requests included revised Transport Assessment (including additional traffic modelling); discussions on ongoing S106 negotiations; and a potential review of parameter plans in respect of open space provision and siting of the local centre and community centre. All requested additional information was supplied by December 2013.
3.55 I find it particularly disappointing that the NBC’s two reasons for refusal are phrased in terms of “fail to sufficiently demonstrate” (in respect of highways) and “absence of sufficient information” (in respect of landscape). As I note above, the LPA had requested further information following submission of the applications and this was duly supplied. Following this had the LPA still required further information, then this should have been requested by the LPA and it would have been duly supplied by the HCA.

3.56 The emphasis in the reasons for refusal on “insufficient information”, as opposed to any objection in principle, is emphasised by NBC’s subsequent insertion of the word “sufficiently” into the first reason for refusal when the Planning Committee received a report on 28 January 2015 to ratify the reasons for refusal.

3.57 This point is further emphasised, given the application represented EIA development, the LPA had specific powers under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to formally request further information and evidence respecting environmental statements. NBC officers did not do so.

3.58 I therefore conclude NBC officers were entirely satisfied with all the information they had received and did not require any further information in order to assess the application and make its recommendation to the Planning Committee.

3.59 I also consider it significant that there were no objections from the Highways Agency (Highway England) or the County Council as local highways authority in respect of highways matters which is NBC’s first reason for refusal.

3.60 The application was recommended for approval by the Head of Planning at NBC. The Planning Officer's Report (OR) (CD57) makes clear to Planning Committee members the importance of the Brackmills SUE in meeting the Council’s 5 year land supply. The OR states that the Council does not have a 5 year land supply without the SUEs, the Council does not in any event have a 5% buffer as required by the NPPF (Paragraph 47) for a 5 year land supply for housing, and that the Brackmills SUE provides “a significant number of dwellings” to achieve targets (OR Paragraph 7.9).

3.61 The OR assesses the application proposals in detail against the requirements for sustainable development as set out in the NPPF. I note that the OR makes some 57 references to the NPPF. The Planning Officer is very clear in her advice that the development is in accord with the NPPF. For example, OR Paragraph 7.13 states… “officers consider that Policy N6 is consistent with the policies of the NPPF”, and at paragraph 8.1 …”Officer Opinion is that the policy and development of the site as proposed is consistent with the requirements of NPPF”.

GL Hearn

Page 22 of 86
3.62 I therefore find it perverse that the reasons for refusal state that the proposals are contrary to the “overarching intentions of the NPPF”, given there is no evidence or comment within the OR to support such a claim.

3.63 The Planning Committee’s minuted reason for refusal refers to the application not conforming to the “overarching intentions” of the NPPF and Local Plan Policy H7 (which deals with housing development outside primarily residential areas). The minuted reason makes no reference to any highway or landscape objections nor indeed, any inadequacy in the information supplied as part of the planning application.

3.64 However, these subsequently form the two reasons for refusal as set out in the decision notice issued 15 May 2014. Indeed until NBC produced its statement of case in February 2015, the HCA was wholly unaware of what were said to be the alleged inadequacies in the information provided. NBC’s position on this continues to move as correspondence on highways and landscape issues in CD89 shows. This is regrettable.

3.65 I consider that the two grounds of refusal in the decision notice have an apparently narrow technical focus rather than an in principle objection in terms of local or national policy. The reasons are confined to “failure to sufficiently demonstrate” in respect of highways and “absence of sufficient information to demonstrate appropriate mitigation” in respect of landscape.

3.66 A letter from GL Hearn to NBC Planning (CD121) in January 2015 demonstrates that the Appellant sought clarification of the grounds for refusal but no such clarification was received in Marrons’ response on behalf of NBC (CDa8).

3.67 By subsequently amending the highways ground of refusal to read “failure to sufficiently demonstrate”, I submit NBC has sought to soften its grounds and has not properly applied the NPPF test (para 32) to only refuse on transport grounds where the “residual cumulative impacts of development are severe”. Mr Tricker in his evidence demonstrates why the proposal meets the NPPF test and indeed meets a higher test of making no “nil detriment” on highway grounds.

3.68 NBC’s decision relying on “insufficient information” are also contrary to the NPPF requirements (Para 187 that …“Local planning authorities should look for solutions rather than problems”…and work… “proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.

3.69 This proactive approach is also a fundamental tenant of the adopted JCS which at Policy SA states that relevant authorities should …“always work proactively with applicants jointly to find solutions”
3.70 The reasons for refusal also rely heavily on the very dated saved policies of the Local Plan 1997. As set out at NPPF Paras 215, these must be accorded limited weight given their age and consistency with the NPPF and given (Paragraph 216) what at the time of determination were well advanced policies of the JCS. Indeed all referenced local plan policies have (with the exception of Local Plan Policy E7, which I address in section 4) have now been replaced by the JCS and are no longer relevant to decision making.

3.71 Given the Officer’s Report’s strong support for the application proposals, the officer’s conclusion that the proposal is in accord with NPPF requirements, the officer’s recommendation for approval, the Planning Committee’s reasons for refusal are drafted as “insufficient information” and “failure to sufficiently demonstrate”, Planning Committee’s reliance on out of date local plan policies (now superseded by the JCS policies), then I conclude that NBC had not or could not substantiate any in principle objection to the proposals at the point of determination.

3.72 Thus in my opinion, following the adoption of the JCS the first bullet point of Paragraph 14 of the NPPF should apply, i.e. “for decision-taking this means approving development proposals that accord with the development plan without delay”.

3.73 In any event as I will address in section 5 of my evidence, local plan policies relied upon by NBC are now replaced or out of date; and thus permission should have been granted given the benefits of the proposal clearly outweigh any potential dis benefits (section 6).

3.74 Notwithstanding my conclusions above, I recognise the NBC Full Council received an Adoption Report (AR) for the JCS on 19 January 2015. This does in fact seek post hoc to object in principle to the Appeal proposals, by objecting to the inclusion of the South of Brackmills SUE (and indeed the Collingtree SUE) within the JCS. I address the relevance and, if relevant, the weight, if any, that can be attached to the Adoption Report at section 5 of my evidence.
4 THE DEVELOPMENT PLAN AND THE NPPF

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accord with the Development Plan unless material considerations indicate otherwise.

4.2 The development plan now comprises:

- West Northamptonshire Joint Core Strategy Part 1 – adopted 15 December 2014

4.3 I address first the newly adopted JCS, then consider the status and weight of the saved policies of the local plan and comment on the consistency with the NPPF.

The adopted Joint Core Strategy (JCS)

4.4 In the context of this appeal the Development Plan now consists of the West Northamptonshire Joint Core Strategy Part 1 (WNJCS) as adopted December 2014, and the remaining saved policies of the Local Plan 1997.

4.5 The following policies of the JCS are most relevant to the consideration of this appeal:

- Policy SA ‘presumption in favour of sustainable development’
- Policy S3 ‘Scale and distribution of housing development’
- Policy S4 ‘Northampton related development area’
- Policy S5 ‘Sustainable urban extensions’
- Policy S8 ‘Distribution of jobs’
- Policy S10 ‘Sustainable development principles’
- Policy C1 ‘Changing behaviour and achieving modal shift’
- Policy C2 ‘New developments’
- Policy C3 ‘Strategic connections’
- Policy H1 ‘Housing density and mix and type of dwellings’
- Policy H2 ‘Affordable housing’
- Policy H4 ‘Sustainable housing’
- Policy BN1 ‘green infrastructure connections’
- Policy BN2 ‘biodiversity’
- Policy BN5 ‘the historic environment and landscape’
- Policy BN7 ‘flood risk’
- Policy BN8 ‘the River Nene strategic river corridor’
- Policy INF1 ‘approach to infrastructure delivery’
- Policy INF2 ‘contributions to infrastructure requirements’
- Policy N6 ‘Northampton south of Brackmills SUE’
- Policy N12 ‘Northampton’s transport network’
4.6 In accordance with the NPPF, JCS Policy SA sets out a presumption in favour of sustainable development. It requires the JSPC councils (which includes NBC) to take a “positive approach” and to “always work proactively with applicants jointly to find solutions which mean that proposal for sustainable development will be approved”.

4.7 Policy SA also sets out that... “planning applications that accord with the policies in this local plan (and, where relevant, with policies in other local plans and neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise”.

4.8 Policy SA also makes clear that where policies are out of date then planning permission should be granted unless material considerations indicate otherwise:

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the appropriate council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that framework indicate that development should be restricted.”

4.9 Given there are a number of highly relevant policies within the JCS to which the application accords, the most significant of which I address below, and NBC’s local plan policies are either no longer saved or out of date, then in keeping with Policy SA the appeal application should be approved without delay.

4.10 JCS Policy S5 allocates 12 Sustainable Urban Extensions (SUEs) to deliver housing growth in the region of 23,280 dwellings within the Plan period (2011-2029). The SUEs constitute some 56% of the total housing target for JCS area (41,760 dwellings) and are therefore absolutely fundamental to housing needs targets being met.

4.11 The full list of SUEs and their housing allocations are set out at Policy S5 are:

1. Northampton
   A) Northampton Kings Heath (3,000 dwellings, 10 ha employment)
   B) Northampton North (3,500 dwellings, 10 ha employment)
   C) Northampton North of Whitehills (1,000 dwellings, local employment opportunities)
   D) Northampton South (1,000 dwellings, local employment opportunities)
   E) Northampton South of Brackmills (1,300 dwellings, local employment opportunities)
   F) Northampton Upton Park (1,000 dwellings, local employment opportunities)
   G) Northampton West (2,550 dwellings, local employment opportunities)
   H) Northampton Norwood farm/ Upton Lodge (3,500 dwellings, local employment opportunities)

2. Daventry
   A) Daventry North East (2,600 dwellings, local employment opportunities)
3. Towcester

A) Towcester South (2,100 dwellings 10.8 ha employment)

4. Brackley

A) Brackley East (350 dwellings, 9.4 ha employment)
B) Brackley North (1,380 dwellings, local employment opportunities)

4.12 The Appeal Site forms much the greater part of the SUE allocation referred to in Policy S5 as “Northampton South of Brackmills (1,300 dwellings, local employment opportunities)”.

4.13 The Appeal Site proposals are for 1000 dwellings out of the total Brackmills SUE allocation of 1300 dwellings, with the remaining 300 dwellings allocated on an adjacent site (not in HCA ownership) and within a different local authority.

4.14 Policy S10 deals with sustainable development principles and sets out a number of criteria for development to achieve. Policy S10 criteria i) requires development to protect, conserve and enhance the natural and built environment and heritage assets and their settings; and criteria j) promote the creation of green infrastructure networks, enhance biodiversity and reduce the fragmentation of habitats.

4.15 The principle Statement of Common Ground (CD18) sets out agreement that heritage and biodiversity are not matters in dispute. Mr Brashaw sets out in his evidence how the application proposals positively respond to the other criteria.

4.16 In keeping with Policy H2 the level of affordable housing provision has been arrived at through a viability assessment. As reported in the Head of Planning’s report on the application of May 2014 (CD57), agreement had been reached on 24% affordable housing, with 70/30 split between affordable rent/shared ownership. The viability assessment is now being updated by the applicant and authority’s viability consultants and will be reported to the Inquiry.

4.17 Policy BN1 deals with Green Infrastructure connections. Mr Brashaw addresses this in his evidence.

4.18 Policy BN 5 deals with the Historic Environment and Landscape. It sets out that in order to secure and enhances the significance of heritage assets and their settings and landscapes, development in areas of landscape sensitivity and/ or known historic or heritage significance will be required to meet a set of criteria. Mr Brashaw in his evidence demonstrates how the application proposals meet these criteria.
Policy N6 of the JCS is a site specific policy for “Northampton South of Brackmills SUE”. In full it reads:

“POLICY N6 - NORTHAMPTON SOUTH OF BRACKMILLS SUE

THE BOUNDARY OF THE NORTHAMPTON SOUTH OF BRACKMILLS SUE IS SHOWN ON THE POLICIES MAP (FIGURE 5). THE DEVELOPMENT WILL MAKE PROVISION FOR:

IN THE REGION OF 1,300 DWELLINGS;

A PRIMARY SCHOOL;

A LOCAL CENTRE TO INCLUDE LOCAL RETAIL FACILITIES OF AN APPROPRIATE SCALE (INCLUDING A SMALL CONVENIENCE STORE), HEALTH CARE SERVICES AND COMMUNITY FACILITIES;

AN INTEGRATED TRANSPORT NETWORK FOCUSED ON SUSTAINABLE TRANSPORT MODES INCLUDING PUBLIC TRANSPORT, WALKING AND CYCLING WITH STRONG LINKS TO ADJOINING NEIGHBOURHOODS, EMPLOYMENT AREAS AND THE TOWN CENTRE;

STRUCTURAL GREENSPACE AND WILDLIFE CORRIDORS AS INDICATED ON THE POLICIES MAP (FIGURE 5);

THE CREATION OF A LANDSCAPE BUFFER TO THE SOUTH WEST OF THE SITE AS INDICATED ON THE POLICIES MAP (FIGURE 5);

ARCHAEOLOGICAL AND ECOLOGICAL ASSESSMENT OF THE SITE AND REQUIRED MITIGATION;

OPEN SPACE AND LEISURE PROVISION; AND

FLOOD RISK MANAGEMENT INCLUDING SURFACE WATER MANAGEMENT AND FROM ALL OTHER SOURCES.

NECESSARY INFRASTRUCTURE IS REQUIRED TO BE PHASED ALONGSIDE THE DELIVERY OF THE DEVELOPMENT.

DEVELOPMENT PROPOSALS MUST BE ACCOMPANIED BY A MASTERPLAN.”

The accompanying text to Policy N6 (paragraphs 12.44 – 12.49) sets out detailed guidance for the SUE.

Para 12.44 of the JCS states (my bold italics) that.... “this SUE is situated to the south of Brackmills employment area adjoining the existing neighbourhoods of Hardingstone and Wootton to the south and west”. 

4.22 Paras 12.46 – 12.49 read:

“The creation of a green corridor running from north-west to south-east across the northern site boundary will help protect existing habitats to the north as well as providing for a new greenway linking existing and proposed urban areas to the wider countryside. A further green corridor should be created along the eastern boundary of the site which will provide a link to the woodland to the north and also ensure that the development creates a positive rural edge to the east. The potential for development within the SUE to impact on the skyline when viewed from the north and the east must be taken into account and addressed within the masterplan for the site. Along part of the southern and western boundaries of the site a landscaped buffer will be required to provide screening between existing residential developments and the proposed SUE.

There are no areas of strategic flood plain affecting the site. There are no designated heritage assets on the site and therefore no on-site heritage constraints. Detailed design shall take account of the Hardingstone conservation area to the north west of the site. The Northampton landscape sensitivity and green infrastructure study indicates that the majority of the site is of medium sensitivity in respect of biodiversity and development potential.

A public footpath, Landimore road (providing an access into Brackmills) and a minor road run through the site and should be incorporated into future development.

Policy N6 below details the required elements of development. A masterplan will be required to be submitted alongside any proposal to demonstrate how the land use elements positively respond to context, design issues, connectivity and sustainable planning requirements.”

4.23 Figure 5 (inset 11) of the Core Strategy shows the boundary of the Northampton South of Brackmills SUE (Policy N6) and the location of Indicative Structural Green Space along part of the southern boundary, and the western, northern and eastern boundaries of the SUE, referred to in items e) and f) of the policy.

4.24 The Inspectors Report (IR) into the JCS in relation to Policy N6 (paragraphs 139-145) contains important findings concerning the SUE. These include the following (my bold italics).

4.25 At paragraph 139 of the IR the Northampton South of Brackmills SUE is... “well related” to the existing built up area and that... “the scale is such that a mix of size and type of new homes should prove deliverable” (para 139).

4.26 At paragraph 140 that.... “a green corridor running roughly north west to south east across the site, plus peripheral green spaces would help to define but also soften the edges of the development, especially to the east where it would adjoin open countryside”.

4.27 As Mr Brashaw sets out in his evidence, the masterplan provides this. I also note that the Joint Position Statement between the JPU, HCA, and Martin Grant Homes of March 2014 had before it the application masterplan, and that the masterplan had been on the NBC web site since March 2013.
At paragraph 141 that… “The local landscape sensitivity of parts of the site can be addressed and partly mitigated through such measures, together with the backdrop of woodland to the north, which forms a strong local landscape feature, as part of a comprehensive masterplan for the whole site. The masterplan should also take into account the potential skyline views of buildings on the site from the north and east, as well as the retention, if at all possible, of existing footpaths, Landimore Road and the minor road within the site to help integrate the scheme into its surroundings. As a result, the development should not materially threaten the separate identity of the settlements of Hardingstone and Wootton” (para 141).

4.29 At paragraph 142 that… “understandable concerns of local residents regarding possible flood risk, noise, air quality, ground stability and traffic generation can all be satisfactorily addressed through appropriate technical analysis and on site measures, as well as contributions to offset impacts elsewhere. This should include through a full Transport Assessment looking at all traffic movements likely to occur on the local road network in the context of the agreed NGMS for the A45 route. Consequently, none are sufficient, individually or collectively, to indicate that the site is unsuitable in principle for a SUE.”

4.30 At paragraph 144 that… “Most of the site is presently owned by the Homes and Communities Agency (HCA) and forms part of their accelerated disposals programme to assist the delivery of new housing nationally. The remainder is owned by a national house builder that is “ready, willing and able” to proceed as soon as possible. In such circumstances, this site is clearly able to have an early start to delivery and to make a material contribution to the plan’s new housing trajectory accordingly. This conclusion is supported by the fact that extensive public consultation has been conducted locally in respect of specific proposals by the HCA and prospective developers”.

4.31 At paragraph 145 that… “Taking into account the positive outcome of the revised SA, that did not identify any material constraints in relation to the higher number of new dwellings regarding the extension of the originally identified site to the south east, the site is suitable in principle to accommodate a SUE and for about 1,300 rather than just 1,000 new homes (MMs 44/45). This would also accord with the earlier Northampton Longer Term Growth Options Study (GLD 2). Policy N6 is therefore sound, as modified”.

4.32 It will be noted that the appeal application together with illustrative masterplan was submitted to NBC in March 2013. In other words the JCS Inspector at examination had access to the HCA planning application and masterplan for the site when coming to his conclusion for the site and key design criteria set out in Policy N6.
4.33 I also note from the March 2014 Joint Position Statement (JPS) (CD45) between the JPU, HCA and Martin Grant Homes, that the statement clearly refers to the approach to the principle of the site development and key themes as being agreed in advance between the HCA an NBC. At Para 5.7 the JPS says: (my bold italics)

This earlier work enabled engagement on the outline application to build upon feedback already received from the public and to present initial development concepts, taking into account established key themes and concerns. It established as a baseline that the principle of development on the site was justifiable. This approach was agreed in advance with NBC by the HCA …

4.34 Messrs Brashaw and Tricker in their proofs detail how the detailed design guidance has been analysed and where required appropriate mitigation measures have been put in place.

Master planning of Brackmills SUE

4.35 As Policy N6 requires, the outline application is accompanied by a Masterplan.

4.36 The Appeal proposals have been developed through an extensive period of assessment and consultation, which have established the contextual issues to the Appeal site, considered them and developed a positive design response to them, as presented in the Illustrative Masterplan and DAS.

4.37 The masterplan is indicative (in keeping with an outline application) and incorporates the policy, design and infrastructure requirements for up to 1000 dwellings.

4.38 The reason for 1000 dwellings in the Appeal application is that this mirrored the policy wording and allocation set out in the emerging JCS at the time of submission. This in turn reflected the HCA’s ownership of land south of Hardingstone (i.e. the Brackmills SUE) and a design led approach to master planning the site.

4.39 Paragraph 5.4 and 5.5 of the Joint Position Statement (JPS) of the JPU , HCA and Martin Grant homes….states (my bold italics)

"With the support of a professional consultancy team the HCA has undertaken a master planning process for the site to ensure that the new development has a positive relationship with the existing neighbouring communities and creates a characterful, green and accessible new community, integrated with its neighbours and considerate of its surrounding landscape context.

The master plan has evolved as a result of an iterative process of review and assessment of the parameters for development in the context of the opportunities and constraints provided by existing settlement, movement and access patterns; the existing connections, green spaces and community facilities and the site’s location and setting within the local landform. The master plan incorporates the main access and circulation routes for the new development; the location of the proposed local centre and primary school; the Green Infrastructure Framework to incorporate informal green space, parks, allotments and
4.40 It is therefore clear from the JPS, that the JPU in preparing the JCS and modifications, considered the master planning process to be a thorough, thoughtful and collaborative approach.

4.41 In his modifications, the Inspector included an additional 300 dwellings on adjacent land to the east of the application site. The full South of Brackmills SUE allocation is illustrated at INSET 11 of the JCS. The additional land to the east is situated within the administrative area of South Northamptonshire District, and is controlled by Martin Grant Homes.

4.42 There is nothing within Policy N6 which requires any given application to be for 1300 dwelling units, or that the entirety of the SUE allocation is brought forward by way of a single planning application.

4.43 Indeed given the Brackmills SUE is split between two local planning authority areas, it is apparent that the Martin Grant Homes extension site would have to be subject to a separate application. In this regard the current application for 1000 dwellings is in accord with adopted Policy N6. It is accompanied by an indicative masterplan which illustrates how the proposal for 1000 dwellings would be comprehensively delivered.

4.44 As set out in the application, the indicative masterplan, proposed conditions and section 106 heads of terms, the appeal application would deliver the other required aspects of Policy N6, including the primary school, local centre (including health care and community facilities), integrated transport network, greenspace and landscape buffer on the HCA land.

4.45 Given the appeal application is by far the larger part of the Brackmills SUE, its delivery is not dependent on the additional 300 units.

4.46 Being a large site in public ownership, the HCA site would on its own make a very significant contribution to the NBC (Northampton Related Development Area) 5 year housing land supply. The NBC’s own April 2014 5 year housing land supply report identifies that the full Brackmills SUE would deliver 250 units), to Northampton BC’s five year housing land supply requirement.

4.47 Paras 5.9 of the March 2014 JPS states (my bold italics) that

“The land referred to in Main Modification 44 represents a limited extension to the SUE as described in the JCS Pre-Submission (February 2011). It was included in the preliminary draft list of the reasonable alternatives for the strategic site allocations within the Sustainability Appraisal Report Addendum – Scope of Works (June 2013). The extension to the SUE can be implemented within the context provided by the master plan set out in the HCA’s planning application. It is recognised that a separate planning application would be required for the extended part of the site, which would be accompanied by the requisite technical supporting documents.”
The HCA’s indicative masterplan therefore provides the context for the additional 300 units to the east. In this way the full 1300 units would form a comprehensive and sustainable urban extension sharing local services and infrastructure provision.

In other words there is nothing within the Appeal application which would prevent or prejudice the delivery of the further 300 units, nor hinder or burden its development. Indeed early delivery of the application site could bring forward more quickly the eastern extension, allowing it to “plug in” to the HCA masterplan framework and infrastructure provision.

Martin Grant Homes support the HCA’s application and the approach set out in the illustrative masterplan. I attach at Appendix C a letter from Martin Grant Homes confirming that their own plans would relate and integrate well with those of the HCA.

Mr Brashaw demonstrates in his proof, that the remainder of the allocation (i.e. the additional 300 dwellings) can be developed as part of a comprehensive masterplan without being compromised by the Appeal proposal.

**JCS Sustainability Appraisal 2013**

The West Northamptonshire Joint Planning Unit (WNJPU) commissioned Land Use Consultants (LUC) (CD42) in June 2013 to carry out an additional Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) for the West Northamptonshire Joint Core Strategy. This was requested by the Inspector to assess the implications of revised and higher housing needs.

I note that Joint Planning Unit also undertook a planning assessment of whether each SUE location should be included in the JCS or not. This involved considering whether the SUE location complies with the JCS Vision, Objectives and overarching Policy S1, taking the SA findings into account, as well as other deliverability issues such as whether the site was available and any infrastructure requirements.

In respect of Brackmills SUE, the SA (Paragraph 7.115) considered the HCA site “…*would focus growth on and join the urban area of Northampton helping to foster a successful economy and expanding diverse and sustainable communities, supported by good social and integrated transport facilities and infrastructure*”. It commented that it ….”*could deliver employment growth as part of a mixed use scheme and could support existing communities through the provision of a range of facilities including education and health. The assessment showed potential significant negative effects can be mitigated through appropriate technical assessment and sensitive design and the SHLAA concludes that the site is suitable, available and achievable*”.
4.55 In respect to the additional 300 dwellings, the SA concluded the additional housing would if developed in combination with the main site, the adjacent site... “could deliver the benefits described above and although the SA has identified potential significant negative effects in respect of archaeology and cultural heritage, biodiversity, flora and fauna and landscape and townscape, it is considered that these effects can be mitigated through appropriate technical assessment and sensitive design. The SHLAA concludes that the site is suitable, available and achievable and the necessary infrastructure can be provided to enable the development of the site within the plan period. The Stage Two Assessment has not identified any absolute or significant delivery constraints”.

4.56 In respect of the archaeology, cultural heritage, biodiversity, flora and fauna and landscape and townscape issues noted in the SA above, I note that the SA addendum is referring to the Extension site not the HCA site and that NBC in the SCG (CD43) accept there are no issues on these matters for the Appeal, save for those concerning landscape, which in turn are not matters that NBC officers considered to be an issue in their assessment and recommendation for approval of the application.

4.57 In other words, the SA found that the benefits of the additional housing alongside the main HCA site outweighed any dis-benefits, and any dis-benefits associated with the Martin Gant Homes controlled land could be mitigated through appropriate technical assessment and sensitive design.

Conclusions on adopted JCS

4.58 I therefore conclude from the IR, the JCS Addendum SA, Joint Position Statements the adopted JCS, the support from Martin Grant Homes and the evidence presented by Messrs Brashaw and Tricker in their proofs that:

- Brackmills SUE is suitable, available and achievable for a SUE of in the order of 1000 - 1300 dwellings;
- The HCA’s indicative masterplan has been a thorough, iterative and collaborative process aimed at integrating existing and new communities and respecting the environment;
- As required by Policy N6, the masterplan provides a green corridor running through the appeal site;
- As evidenced by Mr Brashaw in his evidence, the masterplan informed by a landscape visual impact assessment takes account of potential skyline views and mitigate any sensitive landscape issues;
- Local concerns have been respected and via extensive consultation, technical analysis, design and appropriate mitigation, the application proposals are well related to their surroundings;
- The proposal will make an important contribution to housing needs (including affordable housing) and helping meeting the Council’s housing trajectory;
- The Appeal site would deliver in a comprehensive manner in the order of 1000 dwellings and the required associated facilitates set out in Policy N6; and
- Development of the HCA land provides the context for the additional 300 dwellings, and would not prejudice the delivery of the adjacent land to the east.
Proof of Evidence of Graeme Tulley, May 2015,
LPA Ref: N/2013/0388

Saved policies of Local Plan - 1997

4.59 At the point of the submission and determination of the application, the development plan consisted of the saved policies of what was a very outdated Northampton Local Plan (June 1997).

4.60 The reasons for refusal cite Local Plan Policies E1, E7 and H7. The Officer’s Report also refers to Policy E6. I note that all of these policies excepting Policy E7, have now been replaced by the adopted JCS. They are therefore no longer relevant to decision making.

4.61 Saved Local Plan Policy E7 remains part of the development plan, but given its age and consistency with the NPPF (Para 215) must carry limited weight. In any event, it must be read in the context of recently adopted Policy N6 of the JCS, providing for the allocation of the appeal site for residential development. I address the status and weight to be attached to Policy E7 below.

4.62 I set out in the table below (from Appendix 5 of the adopted JCS) the Local Plan saved policies and their replacement policies contained within the JCS.

Table 2: Saved policies replaced by the JCS

<table>
<thead>
<tr>
<th>Saved Policies in the Northampton Local Plan 1997</th>
<th>Adopted JCS Title and Number</th>
<th>Replacement Policy Number and Title in the Joint Core Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1 - Landscape and open space</td>
<td>BN2 - Biodiversity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BN5 - The Historic Environment</td>
<td></td>
</tr>
<tr>
<td>E6 - Greenspace</td>
<td>BN1 - Green Infrastructure Connections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BN4 - Upper Nene valley gravel pits special protection area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BN7 - Flood risk</td>
<td></td>
</tr>
<tr>
<td>H7 - Other housing development: within primarily residential areas</td>
<td>BN8 - River Nene Strategic River corridor</td>
<td></td>
</tr>
</tbody>
</table>

Source: WN JCS Part 1 Appendix 5

4.63 Paragraph 215 of the National Planning Policy Framework (NPPF - March 2012), deals with the weight that can be accorded to relevant policies in existing plans.

4.64 In this regard the Northampton Local Plan is considerably out of date having been adopted in 1997. Its saved policies are based on an even older evidence base. The Local Plan was also adopted a long time prior to the Planning and Compulsory Purchase Act 2004, and prior to the NPPF (2012) and the need for consistency with it.

4.65 For the above reasons the weight that can be accorded to the saved policies is much diminished, I address the status and weight that can be attached to Policy E7 below.
4.66 Equally in respect of NBC’s determination, the NPPF (Para 216) establishes that weight should be given to relevant policies in emerging plans (i.e. the JCS), the degree of weight reflecting the stage of preparation (i.e. in the case of the JCS advanced, being the post examination JCS with Inspectors modifications), the extent to which there were unresolved objections (i.e. none that the JCS Inspector upheld), and the degree of consistency of the relevant policies in the emerging plan to the NPPF policies (i.e. fully in accord given the JCS has now been adopted in accordance with the NPPF).

4.67 Given the age of the Local Plan policies (1997), the aged evidence base on which they were based, and the weight to be accorded to the then emerging JCS, I consider that the presumption in favour of sustainable development set out in the NPPF (Paragraph 14) and the emerging JCS (Policy SA), should have been given significant weight and been more rigorously applied by the NBC Planning Committee in reaching its decision.

4.68 Indeed this is a view shared by NBC officers in their OR, which states…”The Northampton Local Plan was adopted in June 1997. Whilst the application site is allocated as “greenspace” under Policy E6 of the Local Plan, more recent policy changes such as the NPPF and the allocation of the site under the submitted JCS (as subsequently modified) are a relevant and material consideration.”

4.69 And at OR (Para 8.1) that…”Notwithstanding that the Joint Core Strategy has not been adopted, it is considered that the sites allocation under Policy N6 of the submitted Core Strategy is a material consideration that should carry significant weight in the consideration of this application. It is recognised that there are outstanding objections, however the submitted Core Strategy is in an advanced stage of preparation, and no materially different issues were identified by the Inspector at the examination hearings sessions into the proposed allocation that would appear to call into doubt the principle of the site’s acceptability as an allocation. Officer opinion is that the policy and development of the site as proposed is consistent with the requirements of NPPF.”

4.70 At no point in the OR do officers consider, suggest or set out that the application proposals should or indeed could in any way be refused on the grounds of the aged Local Plan policies (E1, E7, and H7). Rather the OR emphasises the weight that should be attached to the much more recent emerging JCS and Policy N6 which allocates the appeal site for a Sustainable Urban extension, and that the proposals are “consistent with the requirements of the NPPF.

4.71 However, perversely it is the aged policies of the Local Plan (E1, E7, H7) which form the basis of NBC’s reasons for refusal on landscape and highways grounds, alongside the umbrella conclusion that the proposals are “contrary to the overarching intention of the NPPF”, which is of course the exact opposite of the officers findings that the proposals are consistent with the NPPF.
4.72 It is therefore clear that Members have not only overturned the Planning Officer’s recommendation for approval, but they have chosen to do so on grounds that officers at no point in the OR considered constituted valid reasons for refusal.

4.73 Mr Tricker in his proof addresses the specific highways matters and Mr Brashaw in his proof addresses specific landscape matters. They demonstrate there are no significantly adverse impacts that would outweigh the benefits of the proposals, when assessed against the policies in the NPPF Framework taken as a whole.

4.74 Thus in keeping with the first bullet point of NPPF (paragraph 14) which deals with “decision taking”, in my opinion the application proposals are in accord with an up-to-date development plan, namely the JCS, and should have been granted planning permission “without delay”.

4.75 In respect of the NPPF, at no point in the Planning Officers report (OR) was there any suggestion let alone evidence that the application proposals were contrary to the NPPF. Indeed the OR concluded that the proposals are consistent with the requirements of the NPPF.

4.76 Thus in respect of NPPF Para 14, I submit that the proposals are accordance with an up-to-date Development Plan taken as a whole, and thus the first bullet point of approving “without delay” should apply,

4.77 At section 6 of my proof, I address the benefits of the proposals and demonstrate they deliver the NPPF policies taken as a whole, delivering much needed housing, education, community, local services, and infrastructure well-being.

4.78 It is important to recognise that at Para 1.1 of the Officers Report that officers expressed their view that the application is supported by the NPPF, especially as regards forming a “significant and vital” part of the 5 year housing land requirement and contributing towards “economic development and the creation of employment and training opportunities”.

4.79 Para 1.1 of the OR states in full:

“The National Planning Policy Framework supports sustainable housing development and economic growth. The development of the site for up to 1,000 dwellings forms a significant and vital component of the Borough Council’s 5 year housing land requirement and would contribute towards the Government’s aims of improving economic development and the creation of employment and training opportunities. The site is located in a sustainable location on the edge of Northampton, which will be adequately served by the necessary infrastructure and it is considered that the environmental and highway impacts can be adequately mitigated or reduced to an acceptable degree. The proposal supports the sustainable growth of Northampton in accordance with the National Planning Policy Framework and the submitted West Northamptonshire Joint Core Strategy (as subsequently modified) and subject to the recommended conditions and planning obligations contained
4.80 During the period that has elapsed between the Local Plan adoption in 1997 and the adoption of the JCS in December 2014, there have been a number of factual and circumstantial changes that influence the Appeal Site, the delivery of development and thus the relevance of the remaining saved Local Plan policies in planning decisions.

4.81 These include:

- The maturing of Brackmills Wood forming a natural visual screen between Brackmills Industrial Area and the Appeal Site and between the Nene Valley and town centre north of the Appeal site (Mr Brashaw addresses this in his evidence including the management obligations that are a legal requirement of a S106 Landscape Agreement as part of the permission for extension to Brackmills Industrial Estate).

- The establishing of infrastructure delivery mechanisms such as the Northampton Growth Management Strategy (NGMS) and the emerging West Northamptonshire CIL to deliver strategic infrastructure projects (Mr Tricker address this in his evidence);

- Significant need for new market and affordable housing to address the shortfall in supply (as acknowledged by NBC and which I address further at section 7 of this proof);

- Growing inability of NBC to demonstrate a 5 year housing land supply with 5% buffer as required by the NPPF at paragraph 43, and recognition that the allocation and delivery of the allocated SUE is fundamental to meeting housing land supply needs (as acknowledged by NBC and which I address further at section 7 of this proof);

- A growing developer and house builder market capable of delivering new housing developments (I attach at Appendix D of my evidence a letter from Messrs Savills which sets out that sales outlets in Northampton area are reporting good interest for new build units and given that their experience of sales rates, that the HCA site could deliver a significant contribution to the Council’s 5 year housing land supply needs.)

4.82 I consider the NBC Planning Committee gave insufficient weight to these material circumstances in coming to its decision to refuse the application.

4.83 However, with the adoption of the JCS in December 2014 the development plan position and weight to be attached to local policies has become clearer for the Inquiry.

The status and weight of Policy E7

4.84 Local Plan Policy E7 deals with Skyline Development and states:
“When considering, in the context of policy E1, the impact of proposed development upon the landscape, special importance will be attached to its effect upon the skyline of the following areas:

- between Great Houghton and Hardingstone (as seen from the Nene Valley to the north)."

4.85 The second reason for refusal given by NBC, states that “…Policy E7 of the Northampton Local Plan identifies part of the site as an important skyline between Great Houghton and Hardingstone as seen from the Nene Valley”.

4.86 As a matter of fact this reason of refusal does not accurately reflect what Policy E7 actually says. Policy E7 does not say that the skyline between Great Houghton and Hardingstone is itself “important”, but rather that “special importance” will be given to impact of proposed development upon the skyline.

4.87 Policy E7 was drafted to be to be read in the context of Policy E1. However, Policy E1 is no longer a saved policy having been replaced by the JCS. This further calls into question the status and weight to be accorded to Policy E7.

4.88 NBC’s Planning Committee expressed the view that, in the absence of sufficient information to demonstrate appropriate mitigation, the proposal “was contrary to Policies E1, E7 and H7”.

4.89 Policy E7 is listed as a saved policy in the Schedule to the Secretary of State’s letter dated 21 September 2007 (CD25), which instigated the saving of various policies forming part of NBC’s previous Local Plan.

4.90 However, Policy E7 does not feature in the adopted Joint Core Strategy (JCS) Appendix 5 list of saved policies “replaced by [the] adopted Joint Core Strategy” (CD28).

4.91 An NBC document entitled ‘Northampton Local Plan 1997 Policies Status’ (January 2015). (CDa1) indicates that Policy E7 “applies as originally”.

4.92 It is apparent that NBC considers Policy E7 to be a saved policy, but I also note that NBC Planning Officers consider that it should carry only “moderate” weight.

4.93 NBC’s Head of Planning has reported to Planning Committee twice on the matter of the weight to be attached to the local plan saved policies. The reports provide clear guidance to Planning Committee members and illuminate how concerned the Head of Planning was that greater weight should be given to the more up to date policies.
4.94 In May 2014 (CDa6) the Head of Planning reported to Committee that:

“weight to be given to the saved policies will however need to reflect the fact that they are old policies (pre NPPF), and that where policies conflict, with the NPPF or the emerging West Northamptonshire Joint Core Strategy (JCS) it is likely to be that the more up-to-date policy which carries greater weight. Therefore many of the policies contained within the JCS are likely to carry more weight than the saved policies”.

4.95 To provide further guidance on the weight to be attached to the saved policies NBC officers undertook a self-assessment check (using the Planning Advisory Service’s methodology) against consistency with the NPPF. Para 6.4 of the May 2014 report states that

“Self-Assessment highlights that many of the saved policies are prescriptive and inflexible. They are not considered as enabling policies and are therefore contrary to the requirements of the NPPF. They are also developed from old evidence bases, outdated by changes to the Government’s approach to policy making. The NPPF seeks to enable development and undertake a positive approach to decision making”.

4.96 The assessment (appendix of the May 2014 report) says that the Northampton local plan was generally prepared “in a manner that is consistent with the ethos of some of the 12 principles set out in the para 17 of the NPPF”, but concludes (my bold italics):

“First, the Local Plan is out of date. The policies were informed by an evidence base that was relevant at that time. It is not as capable of adapting to rapid change as currently identified in both the West Northamptonshire Joint Core Strategy and the Central Area Action Plan. Secondly, the volume of policies in the local plan is such that there are policies for a wide range of proposals. Some of these policies are prescriptive and leave little room for adapting to changing needs and opportunities for growth. The preparation of the Northampton Related Development Area Local Plan provides an opportunity to bring these policies up to date, with an overall strategy that is more adaptable to changing circumstances whilst managing growth.”

4.97 On 10 June 2014 Planning Committee received a follow up report from the Head of Planning (CDa7) with a recommendation to Planning Committee members to note the contents of the report and its implications for the purpose of determining planning applications. I suggest two reports on the same subject matter at consecutive Committee meetings evidenced the Planning officers concern with this matter at the time.

4.98 The June 2014 report re-iterates the May 2014 report saying E7 is “consistent with the ethos” of the NPPF, and that the E7 should carry “moderate” weight. The report defines “moderate” weight as…”, For a saved policy to carry moderate weight, it must be considered necessary as an interim measure to assist in determining planning applications alongside strategic policy, (expected to be adopted late 2014)”.

4.99 As with the May 2014 report, the June 2014 assessment of “moderate” is made in the context of the age of the policy and its evidence base and the fact that the NPPF and JCS (particularly Policy BN5) contains more up to date policy.
4.100 I accept that old policies are saved until such time as they are replaced. However, there is an expectation that LPA’s will have acted promptly to subsequently replace the saved policies as and when appropriate. Indeed the Government Office of East Midland (GOEM) “saving letter of 21 September 2007 (CD25) reminds NBC that …” Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs.”

4.101 A recurrent theme set out in the former PPS12 was the need for any new plan documents, policies, and supplementary planning guidance to cross-refer clearly to saved, ‘old’ policies. However, there is no clear cross-referencing in the JCS.

4.102 The question therefore is what weight can be placed on saved Policy E7?

4.103 First, as I have already noted Policy E7 is to be considered in the context of the Policy E1, which no longer exists. Policy E7 is to be applied when addressing the impact of proposed development. It therefore contemplates development and it is reasonable to assume that this includes residential development.

4.104 Policy E7 is an aged policy and must be construed in the light of the adopted JCS and commensurate weight given to it. JCS Policy BN5 deals with the historic environment and landscape. BN5 is framed in terms of sustaining and enhancing heritage and landscape in the context of where development takes place. The much more up to date policy does not give "special importance" to the skyline. Thus E7 is not wholly in accord with the up to date JCS Policy BN5 or the NPPF, and as such the later JCS Policy must take precedence.

4.105 Second, E7 is not consistent with NPPF (Para 113) in that it fails to draw a distinction between the hierarchy of international, national and locally designated sites. The policy is not consistent with the NPPF in that it does not define a level of protection commensurate with the status of these ‘local’ designations (as opposed to nationally or internationally important sites) and as such allow the LPA to take an appropriate degree of consideration balanced with wider considerations of sustainable development and housing growth.

4.106 Third, in keeping with NPPF para 215, only limited weight can be given to Policy E7 given its considerable age and inconsistency with the Framework. Moreover NPPF Para 216 makes clear that decision makers should give weight to published policies of what at the time of the NBC determination was an advanced JCS and which is now a full adopted development plan.

4.107 Fourth, I note the Head of Planning in her own assessment of this saved policy (made prior to the adoption of the JCS), in her reports to Planning Committee in May and June 2014 (CD a6 &a7) considers that Policy E7 should carry only “moderate” weight as an interim policy.
4.108 I therefore conclude only limited weight can be accorded to saved local plan policy E7.

4.109 In any event the key policies governing the Appeal are set out in the adopted JCS, most particularly Policy SA, S5, BN5 and N6.

4.110 Mr Brashaw in his evidence demonstrates how the Appeal application proposals accord with saved local plan Policy E7 to the extent it should be given weight, and the new JCS policies BN1, BN2, BN5, as well as the NPPF.

**Supplementary Planning Document (SPD)**

4.111 Northampton BC published a “Planning Obligations Strategy” SPD in February 2013. It sets out how planning obligations are to be secured, the types of obligations and types of agreements.

4.112 It is supplementary to the Northampton Local Plan 1997, and therefore is agreed.
5 THE NBC “ADOPTION REPORT” (JANUARY 2015)

5.1 On 19 January 2015 (only 5 weeks after the adoption of the JCS), the Full Council of NBC were presented with a report (“the Adoption Report”) (CD48) prepared by the Director of Regeneration, Enterprise and Planning.

5.2 The Adoption Report recommended that the Council notes and supports the adoption of the JCS, but also recommended that, at the same time, it should confirm an objection to Policies N5 (Northampton South SUE); and N6 (Northampton South of Brackmills SUE) of the JCS, and confirm an objection to the limited provision of the North-West Bypass in Policy T7 of the JCS.

5.3 In my experience this is a unique situation, whereby a Council has objected to key policies in its own development plan, which it has adopted as local planning authority barely five weeks previously.

5.4 The minutes records the Council's resolution (CD49) as:

1. That Council confirms an objection to the allocation of the site for 1000 dwellings in Policy N5 “Northampton South SUE” and makes this known to the decision maker in the determination of the associated planning applications.

2. That Council confirms an objection to the allocation of the site for 1300 dwellings in Policy N6 “Northampton South of Brackmills SUE” and makes this known to the decision maker in the determination of the associated planning applications.

3. That Council confirms an objection to the limited provision of the North-West bypass as set out in Policy T7 of the Joint Core Strategy and requests that Northamptonshire County Council invests in updating its strategic transportation modelling to better assess impacts of development on Northampton’s highways and also plans and provides for a significant upgrade and as well as addressing the missing links of the North-West bypass, to be completed as soon as possible.

4. That Council, subject to confirmation of the recommendations above, notes and supports the adoption of the West Northamptonshire Joint Core Strategy Local Plan Part 1 as part of the Development Plan for the purposes of determining planning applications.

5.5 The Adoption Report provides the background to the adoption of the JCS and sets out the Council’s dissatisfaction with the process by which policies N5 and N6 were included in the final JCS, noting at Para 3.1.12 that “…Ultimately overall consensus between the partner Councils was not reached”.

5.6 Notwithstanding this the Adoption Report goes on to say at Para 3.1.17 that “…The Inspector considered the Council’s representations to the proposed modifications, along with those of the County Council and all other participants (both verbal at the Hearings and written submissions) on the strategic housing and transport discussions. At the Hearings, the Inspector revisited each of the Northampton Related Development Area Sustainable Urban Extension's policies.
5.7 And at Adoption Report para 3.1.18 (my bold italics)…“The Inspector considered all duly made representations submitted at all the statutory stages and addressed them in his report issued in September 2014. Notwithstanding the Council’s objections, which were drawn out extensively at the Hearings, he identified that subject to proposed modifications (which had been appropriately considered through the Examination process) that the Joint Core Strategy was sound for the purposes of adoption”.

5.8 The Adoption Report considers (paragraph 3.1.30) that its resolution (set out above) is a material consideration for decision makers in planning decisions, but then goes onto to state at Para 3.1.31, that the resolution is… “not in any way planning policy itself”.

5.9 In addition to objecting to the two SUEs to the south of Northampton (Policy N5 and N6), but not to the other six SUEs to the north and west of Northampton within its boundaries, is also perverse in my view This is particularly so given the Adoption Report specifically objects to “the limited provision” of the North West bypass, which would impact on the SUEs to the north and west of Northampton, as opposed to the two southern SUEs it has objected to.

5.10 Moreover, whilst NBC has objected in principle to Policy N5 and N6 in the Adoption Report, it has not objected to Strategic Policy S5 of the JCS. JCS Policy S5 sets out that 8 SUEs will be provided in Northampton including 1000 dwellings at Northampton South (i.e. Policy N5) and 1300 dwellings at Brackmills (i.e. Policy N6)

5.11 The Adoption Report states (Para 3.1.9) that in regard to housing allocations there was… “Significant time constraints which limited debate and consensus building”.

5.12 This simply does not equate with recorded events over the six years it has taken to rigorously prepare and adopt the JCS through the statutory process, including the collection of the evidence base, public consultation, sustainability appraisal, and examination, as well as the democratic process for adoption of such policies.

5.13 At no point in the preparation of the JCS, through evidence gathering, consultation, formal submissions and examination has NBC been anything but supportive of inclusion of the Brackmills SUE in the JCS for 1000 dwellings.

5.14 I recognise that NBC did not support the additional 300 dwellings in the Inspector modifications and the adopted JCS, but the fact remains the NBC has consistently supported the principle of the Brackmills SUE for 1000 dwellings, i.e. the area which represents the appeal site before the Inquiry.
5.15 The Adoption report states (3.1.13) that the NBC’s Leader made representations of the JCS proposed modifications, to…. "Support the need to address an extended Plan period to 2029 and the amount of objectively assessed housing need identified for Northampton".

5.16 In this context it is important to note that the Adoption Report states that (my bold italics)…."the Council did not consider it appropriate to identify **additional sites** to accommodate these houses in SUEs around Northampton" (3.1.13), and at paragraph 3.1.15 …"to overcome this uncertainty associated with the traffic modelling, for **additional housing** in the period 2026 – 2029 the council considered it more appropriate for the forthcoming Part 2 Northampton Related Development Area Local plan to allocate necessary sites". (my bold italics)

5.17 Therefore I draw the conclusion that the Leader’s representation was concerned with additional housing in the post 2026 period, not the period up to 2026 which accounts for the delivery of the Brackmills SUE.

5.18 In summary, I find, it is perverse and in my experience a unique situation, whereby a Council has objected to key policies in its own development plan which it has adopted as local planning authority barely five weeks previously.

**Weight to be attached to the AR**

5.19 For the following reasons, I consider that the Council’s Adoption Report objection to Policy N6 should carry no or very little weight as a material consideration in decision making in the context of the very recently adopted JCS.

5.20 First, NBC supported the principle of an SUE on the Appeal Site for 1000 homes and only registered an objection to Policy N6 when the Main Modifications were proposed to increase the size of the allocation to include the adjacent land and to increase the number of dwellings to in the order of 1300 homes. As noted in the Adoption Report, the reasons for the NBC Objection were reasons that had been rehearsed before the Inspector and rejected after full consideration.

5.21 Second, the appeal application is for 1000 dwellings on the HCA land for a site whose red line boundary closely mirrors the allocation in Policy N6 as it was drawn in the pre-submission JCS. Although the application submitted by the HCA could be part of a comprehensive approach with the adjoining land (controlled by Martin Grant Homes) in respect of 300 further homes, the HCA’s application itself is fully compliant with the allocation supported by NBC in the pre-submission stage.

5.22 Third, NBC’s approach of objecting to key policies in its own JCS would fundamentally undermine the operation of joint plan making between neighbouring authorities. By agreeing to set up the
JSPC and JPU and by agreeing to the execution of the 2008 Order, NBC was clearly agreeing to be bound by the decisions of the JSPC as plan-making authority.

5.23 By virtue of paragraph 3 of the 2008 Order the JSPC became the local planning authority for the administrative areas of Northampton Borough Council, Daventry District Council and South Northamptonshire District Council. NBC became a constituent authority, with voting rights only. To make the Objection to specific aspects of the JCS, with the express intention of seeking to undermine the force of those policies when determining specific planning applications, is in effect to break the agreement to be bound by the decisions of the JSPC.

5.24 Fourth, I consider this objection if given any weight in this appeal would fundamentally undermine the plan led system. Whilst the Adoption Report seeks to argue otherwise, the Council’s resolution effectively seeks to make planning policy outside of the statutory plan-making process and in conflict with the newly adopted development plan. As such there must be concern that the objection is unsound on the basis that it seeks to frustrate the purposes of the Planning Acts. By virtue of section 29(7) PCPA 2004, the JCS is the Core Strategy for NBC as local planning authority. Consequently, NBC was noting an objection to its own Core Strategy which it had adopted little more than five weeks previously with no material change in circumstances from the date of adoption.

5.25 Fifth, the Objection to Policies N5 and N6 is fundamentally unsound when assessed against NBC’s own obligations to deliver a five year supply of housing land. As confirmed by the JPU and the HCA in its Joint Position Statements (CD40), the Appeal Site is “a suitable and available site… deliverable within the timeframe of the plan period.” Along with the site identified in Policy N5, the policies are set to deliver 2300 homes.

5.26 As the Officer Report for the appeal site is at pains to emphasize, the SUE sites (including Hardingstone/Brackmills) are essential to NBC’s ability to identify specific deliverable sites to provide five years’ worth of housing land. In this context, NBC has made the objection to these two SUE allocations without proposing any additional allocations to compensate for the loss of 2300 homes.

5.27 I also note that since NBC’s refusal of the HCA application and the Adoption Report resolution, NBC has gone on to refuse the application of Bovis Homes for Collingtree SUE (i.e. Policy N5). This leads me to conclude that NBC has little regard for the development plan process and the fundamental principle of a plan led system. If this approach were adopted by all the constituent authorities of the JSPC, the consequence for housing supply would be catastrophic.
5.28 Sixth, the Adoption Report states that the objections are “not in any way planning policy in itself”. However, the net effect of objecting to its own JCS, which it adopted little more than five weeks before the Adoption Report, is precisely that, i.e. seeking to establish a non-statutory planning policy, but one which is in conflict with the adopted development plan. I consider that the Council's resolution seeks to create planning policy outside of the statutory process and/or in a way which conflicts with the development plan.

5.29 It is important to note exactly what the NBC’s resolution to object to Policy N6 is. Although it purports not to be planning policy that is precisely the effect it seeks to have. Policy N6 allocates the Appeal Site and the Adjacent Land for development of around 1300 dwellings. The objection seeks to undermine that allocation by seeking to establish a material consideration in any planning determination that NBC does not support the allocation.

5.30 This is very clearly illustrated by the NBC Planning Committee decision at its meeting of 28 January 2015 to refuse the planning applications for the Collingtree SUE on the grounds that it is contrary to the NBC resolution set out in the Adoption report. I address the Collingtree decisions latter in this section of my evidence.

5.31 In one of a series of significant inconsistencies (which I summarise at section 9 of my evidence), at the same Planning Committee members ratified the reasons for refusal for the HCA appeal proposals. The ratifications for the HCA application make no reference to Adoption Report resolution. This is despite the Adoption Report objections to Policy N6 (Brackmills SUE) and the fact that very same night and meeting, Planning Committee members had used the Adoption Report to object to the Collingtree SUE applications.

5.32 The statement contained in the Adoption Report Objection can be seen as a statement which effectively deals with the allocation of sites for a particular type of development or use. Such a statement seeking to create new policy can only be made within a DPD and any attempt to include such a statement as non-statutory means would be unlawful. In my view the Objection is a statement of policy contained in a non-statutory document, which fundamentally conflicts with the development plan. However, even if it is not policy at all, its intention is to undermine and frustrate the statutory development plan and the plan-led system.

5.33 Seventh, the Adoption Report objections note NBC’s disagreement with particular policies in the development plan. Whilst NBC is clearly entitled to express its disagreements, by statute NBC is merely a constituent member of the plan making planning authority (i.e. the JSPC) and was simply outvoted in the statutory adoption process. Decisions taken by the JSPC are taken collectively, whether by majority vote or unanimously.
5.34 I consider this analogous to a LPA Planning Committee application decision being decided by the casting vote of the Chairman. The fact that some members voted against the recommendation, does not change the fact the LPA as a whole has made a decision. In this example, individual committee members voting record is not a planning material consideration and equally, any NBC’s “disagreements” with its statutory partners in the JSPC are not material to the application of the adopted policies. It is irrelevant in planning terms that some policies were adopted unanimously and others were adopted by majority or casting vote. The simple point is that the policies were adopted lawfully.

5.35 In my opinion, where the statutory process for adoption of development plan policies is rigorous, and the democratic process for adoption of such policies is followed, as in this case, then the fact that a constituent member of the plan making authority disagrees with an adopted policy (which they formally adopt themselves) is not a material consideration in determining a planning application or this appeal, where that policy is called into question.

5.36 Eight, on the one hand the Adoption Report says the objection and resolution is not planning policy. But then on the other hand at paras 3.1.30 of the Adoption Report that “…The weight that can be attached to it by the decision maker will be a matter for them, however the more grounded that the objection is in material planning considerations, the greater the likely weight that it will be given”.

5.37 The Adoption Report is therefore clearly mindful of making its objections material planning considerations. I have already noted that the full NBC is entitled to make its views known, however it is not the local planning authority and should not seek to influence the LPA, or in this case other decision makers, in discharging their duty.

5.38 For above reasons I consider the Adoption Report should carry no weight as material consideration. Indeed I consider that the Adoption Reports’ objections to its own recently adopted JCS policies are perverse and irrational and if given any credence would set a very dangerous precedence.

5.39 I attach at Appendix E to my evidence an opinion by James Maurici QC of Landmark Chambers dated 19 February 2015. He sets out that if the Adoption Report objections were to be considered material considerations; in his opinion the objection is merely an expression of disapproval in the context of this appeal and an acknowledgement that the Appeal scheme is in accordance with the legally adopted Development Plan.

5.40 Lastly, whilst I do not accept the Adoption Report objections to Policy N6 (or indeed N5) in the Adoption Report carry any weight in decision making, I note that NBC has not objected to Strategic Policy S5 of the JCS.
5.41 JCS Policy S5 sets out that 8 SUEs will be provided in Northampton including 1000 dwellings at Northampton South (i.e. Policy N5) and 1300 dwellings at Brackmills (i.e. Policy N6). In other words even if the Adoption Report objections were deemed to carry some weight, NBC as a local planning authority and as council still support the Brackmills SUE allocation by virtue of the fact they have not objected to the high order Spatial Strategy Policy S5 of the adopted JCS.

5.42 There is no discussion, explanation or evidence on why the implications of N6 regarding impact on setting of the existing settlements are of concern or significant in relation to Policy N6.

The Collingtree applications

5.43 It is now a matter of record that NBC has relied on the Adoption Report objections to refuse two applications for the Northampton South SUE (Collingtree) by Bovis Homes.

5.44 NBC officers prepared their report dated 28 January 2014, recommending approval in principle. This was produced subsequently to and thus in the knowledge of the outcome of the NBC Adoption Report and resolution. I note at paragraph 5.3, the Officer’s Report explains that the JCS has been adopted and so… “Forms part of the development plan and is consistent with s38 (6) of the Planning and Compulsory Purchase Act 2004 and therefore carries full weight when considering planning applications”. In other words the Planning officers record no ‘concerns’ with Policy N5 in any way.

5.45 However, turning to NBC’s decision to refuse both the applications, the first reason for both applications is given as…”The proposed development is contrary to the resolution of Northampton Borough Council on 19th January 2015 to confirm an objection to the identification of the site for the development of 1,000 dwellings in Policy N5 (Northampton South SUE) of the West Northamptonshire Joint Core Strategy”.

5.46 It is therefore a matter of fact that NBC is now using the Adoption Report to override adopted JCS planning policy and substitute its own NBC version of the JCS policy. Although, it is of note that in seeking to revise the reasons for refusal in relation to the appeal, NBC did not seek to introduce any reason for refusal along the lines of that given as the first reason for refusal in respect of Collingtree.

5.47 I consider that decision irrational and perverse. For all the reasons set out above it flies in the face of our plan led system. It calls into question the purpose and integrity of joint core strategy working across boundaries, makes a mockery of the development plan process by NBC seeking to introduce new policy or material considerations by the back door, and creates a large void in the overall spatial strategy of the JCS by effectively seeking to “delete” two SUEs (which were the subject of a long rigorous and democratic process) and not proposing any means or mechanism to
replace the shortfall (2300 dwelling over the plan period) to meet objectively assessed housing needs and the 5 year housing land supply.

Conclusions

5.48 I conclude the following.

5.49 Section 38(6) of the PCPA 2004 states…”If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

5.50 The JCS adopted in December 2014 is the up to date development plan for the area. NBC in its Adoption Report recognises and indeed supports the fact that the JCS is up to date, relevant and the adopted development plan for the appeal site.

5.51 The adopted JCS must therefore carry full weight in determining the planning application before this appeal.

5.52 The adopted JCS at Policy SA sets out a presumption in favour of sustainable development and Policy N6 contain site specific policy which supports and promotes a SUE for the appeal site. By definition the SUE allocation is sustainable development in accord with the NPPF.

5.53 The planning application and accompanying masterplan is specifically designed to address Policy N6 requirements. It responds positively to all policy requirements, including land use mix, transport, greenspace, landscape and infrastructure requirements.

5.54 The masterplan sets out a comprehensive approach to delivering 1000 dwellings as well as all other N6 Policy requirements. It would also facilitate and would help bring forward the adjacent site for 300 dwellings.

5.55 Saved Local Plan policies E1, H7 that were relied upon by NBC Planning Committee to refuse the planning application, have been replaced by adopted JCS policies, and are therefore no longer material considerations

5.56 Saved Local Plan Policy E7 remains part of the development plan, but given its age and consistency with the NPPF (Para 215) must carry limited weight. In any event, it must be read in the context of recently adopted Policy N6 of the JCS, providing for the allocation of the appeal site for residential development.

5.57 The Council’s resolution (The NBC Adoption Report) of January 2015 objecting to Policy N6 of its own adopted JCS barely five weeks after it has adopted and supported the adoption of the JCS is
pervasive and irrational. As such it should carry no weight as a material consideration in decision making in this appeal.

5.58 Even if decision takers were minded to consider the NBC Adoption Report’s relevance, then I submit it carries no weight as the NBC Adoption Report is simply an expression of disagreement by a disaffected member of the statutory plan making body (i.e. the JSPC), with NBC having no locus or power to effect change to the adopted JCS.

5.59 Giving the NBC Adoption Report any credence as a material planning consideration would call into doubt the whole concept of a plan led system
6 THE BENEFITS OF PROPOSED DEVELOPMENT

6.1 In this section I first look at the benefits of the proposal against the well-being requirement set out in the NPPF. I then summarise the proposals benefits setting out how they deliver and comply with the requirements of JCS policy N6, and how the proposals benefits have also been assessed through the JCS process via Sustainability Appraisals.

Sustainable Development

6.2 Paragraph 14 of the NPPF provides for a presumption in favour of sustainable development. This requires approving development proposals that accord with the development plan (in this case the WN JCS part 1) “without delay” Paragraphs 6 and 7 of the NPPF identifies three functions of sustainability i.e. an economic role, an environmental role and a social role.

Economic benefits

6.3 The NPPF defines the economic role as… “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”

6.4 In this context the proposed development will make a significant contribution to local housing and economic growth requirements. Up to 1,000 new homes, including a range of housing types and tenures will make a significant contribution to meeting housing targets and attracting jobs and investment to Northampton and the wider Sub Region.

Homes and the local economy

6.5 As I set out in the following section, the proposal will be a significant contributor to the Council’s 5 year housing land supply. NBC’s own 5 year housing land supply assessment report of April 2014 (CD72) profiles this as 50 completions in 2016/17, 100 in 20117/18 and 100 in 2018/19, i.e. 250 within a five year period for the fill Brackmills SUE.

6.6 The site is in single ownership and given that owner is the HCA, the national regeneration and housing agency, greater certainty of delivery within the Plan period can be attached to the proposals.

6.7 In the context of a large publicly owned site, this meets NPPF para 52 guidance that… “The supply of new homes can sometimes be best achieved through planning for larger scale development”

6.8 The site is identified under the HCA’s Accelerated Land Disposals Programme 2011 and the latest 2014/15 version of the Programme (CD129). This means the Agency has committed budgets to
deliver the development by preparing the masterplan and outline planning application in order to help “de-risk” the project for developers.

6.9 The HCA is able to use its own well established Delivery Partner Panel (DPP2), a framework panel of “prequalified” housing developers, in order to speed the procurement of a developer and thus the construction of homes, associated facilities and infrastructure.

6.10 Savills Property Consultants are retained by the HCA to advise on the viability and marketing of Brackmills SUE and the HCA’s other land interests around Northampton. Prior to the May 2014 refusal of the planning application, the HCA had received expressions of interest and had selected a shortlist of developers, although this tender process was put on hold due to the refusal of planning permission.

6.11 I attached at Appendix D of my evidence a letter from Savills dated 18 May 2015.

6.12 Savills confirm that the East Midlands and Northampton housing market is seeing growth, that sales outlets in the area are reporting good interest for new build units, that it is likely that the HCA’s Delivery Partner Panel 2 (DPP2) would be used to procure a developer as this “prequalified” framework speeds delivery, that subject to planning the construction of homes could start at the end of 2016 or beginning of 2017, and that based on their experience of sales rates in the order of 250 units could be delivered over the 2017 – 2020 period.

6.13 I comment further on this and the implications for the 5 year housing land supply at section 7 of my evidence.

6.14 The delivery of 1000 homes in close proximity to major employment locations, not least the Brackmills Business and Industrial Park, will provide a supply of well skilled local labour in a sustainable way, which can access Brackmills (by foot, cycle, local bus or car), without having to use the A45 or the strategic road network.

6.15 Availability of housing is a key issue if the sub region is to continue to grow its labour force in response to West Northamptonshire’s economic growth agenda, as indicated in the adopted JCS and West Northamptonshire Employment Land Study (JPU, 2010 and 2012 update – CD104 & CD106).

6.16 In addition, potential investors are also particularly likely to be attracted to the sub region if high quality homes are available for employees. The proposed development is therefore expected to have a beneficial impact on the economy and employment prospects.
6.17 As the Appeal proposals are for a SUE, the associated school, community and local centre facilities are vital in creating a sustainable development and a pleasant place to live and work. These uses will themselves create employment opportunities as well as vital community and commercial service functions.

**Employment creation**

6.18 Using the HCA additionality Guide (2014) (CDa2) and Social Economic chapter of the EIA (CD6), I estimate that a minimum of 209 FTE jobs will be created on site. This will comprise construction employment as well as operational/ongoing employment through the local centre, school and community facilities.

6.19 The estimate of construction jobs are based on delivering 1,000 new homes and are calculated based on the average output of each construction job in the town. This assumes that the houses that are delivered will be similar in cost to the average new build property in the town in 2014 (£180,000).

6.20 Assuming that one third of the property price is based on the construction costs (the other two thirds to land costs and profit), we can assume that the total construction phase will cost £60 million (£180,000*1000)/3. Assuming this cost will be spread over a ten year delivery period the per annum construction cost will be £6 million.

6.21 Experian data from 2013 shows that the construction industry in Northampton has added £124 million to the local economy supporting 2,700 jobs. This assumes that each job is worth £45,925 per annum to the local economy.

6.22 By looking at the construction costs and the average per annum output per employee we can calculate the likely level of employment that the development will support. In this case we can see that the total number of jobs will be 1300 jobs over the period with a minimum of 130 permanent jobs on site at any given year.

6.23 We can assume that the majority of these jobs will go to local residents, the HCA Additionality Guidance assumes that between 6% and 14% (10% average) will go to people living outside of the area. We do not assume there will be any displacement or substitution of jobs.

6.24 The HCA guidance suggests that the economic multiplier effect for the majority of interventions will be about 1.1 at the local level and 1.5 at the regional level. We can therefore assume that the additionality of the 130 direct construction jobs will almost be in balance and a local level but will be around 65 jobs higher in the region.
6.25 The construction phase will also include local training opportunities which will help to ease youth unemployment figures which is currently (Oct 2013-Sep 2014) at 9% of all 16-24 year olds compared to 5% in the wider population.

6.26 In addition the cost of the retail and social infrastructure would also add further construction phase employment to the development.

**Local Centre jobs**

6.27 The permanent jobs created at the development will be largely driven by education, retail and community uses. The proposal includes some 1,695 sqm net floor space of retail, professional and financial services restaurants/cafes (Classes A1, A2 and A3) including a 375 sqm net public house (Class A4).

6.28 Using the HCA Employment Density Guide (2010) (CDa3) we can calculate a broad level of employment from the retail and leisure uses. The HCA guide outlines a tight range of retail and restaurant densities (excluding retail warehouses). Taking the average of these - 17.5 sqm Net Internal Area per employee, we can estimate that there will be 96 retail, professional and financial services restaurants/cafes jobs created through this development.

6.29 We would assume again that there would be limited leakage from these jobs (10%), although there would also be some displacement (25%) and no substitution. The economic multiplier effect for retailing is assumed to be 1.21 at a local level.

6.30 Bringing these factors together therefore we can calculate an overall net employment gain in these sectors at 79 local jobs with a further 37 jobs in the wider area.

**Social Infrastructure jobs**

6.31 Employment at the social infrastructure uses are driven more by the local population. This would include 2.09 HA of land for a two-form entry primary school (Class D1) and up to 750 sqm of community uses to include medical centre, pharmacy and community centre (Class D1).

6.32 While these cannot so readily quantified they would include teaching and support staff in the school, medical and support staff at the health centre, further retail jobs at the pharmacy and social and support jobs at the community centre.
**New Homes Bonus**

6.33 The Bonus is awarded by the Department of Communities and Local Government to ‘ensure that those local authorities which promote and welcome growth can share in the economic benefits, and build the communities in which people want to live and work.’

6.34 The New Homes Bonus is paid each year for 6 years. It’s based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes.

6.35 Northampton Borough Council has been awarded new homes bonus funding of £3,835,835 for 2015/16. In previous years, the NBC has used the new homes bonus funding to contribute to various initiatives to support economic growth in Northampton, including free parking and the business incentive scheme, which has helped 36 businesses expand, created 120 jobs and reduced the number of vacant or empty units in the town.

6.36 The DCLG website contains a New Homes Bonus Calculator. On the basis of the appeal proposal for 1,000 dwellings, and using the percentage average split for council tax bands for Northampton, plus up to a 240 affordable units (i.e. 24% affordable housing as set out in the draft S106 heads of terms and the Officer’s report of May 2014) which attract a premium, the following payments to NBC and NCC are estimated.

<table>
<thead>
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<th>Payments for Year 1</th>
<th>NBC</th>
<th>NCC</th>
<th>Total</th>
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<tr>
<td></td>
<td>£1,064,122</td>
<td>£266,030</td>
<td>£1,330,152</td>
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<table>
<thead>
<tr>
<th>Total Payments over 6 years</th>
<th>NBC</th>
<th>NCC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£6,384,724</td>
<td>£1,596,182</td>
<td>£7,980,906</td>
</tr>
</tbody>
</table>

*Source: DCLG web site calculator*

6.37 It can be seen that very substantial sums up to £7.98M could attracted from the Appeal site proposals.

6.38 Local councils can decide how to spend the New Homes Bonus. However, DCLG expect local councils to consult communities about how they will spend the money, especially communities where housing stock has increased. There is therefore potentially a large sum that could be used for the benefits of existing communities in Hardingstone and Wootton.
Social benefits

6.39 The NPPF defines the social role as… “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

6.40 In the context of its social role - the proposed development will provide significant new housing, social and community benefits. These include a new two from entry primary school, children’s play areas, and access to new and improved open space, new green infrastructure, and public transport improvements.

6.41 The appeal proposal is for 1000 new dwellings. At the time of NBC considering the application at committee in May 2014, the proposal was for 240 affordable housing dwellings to be provided on site, comprising of 24% of total units. I recognise this is less than the 35% target set out at Policy H3 of the JCS, but the Policy and target is subject to viability considerations on individual sites.

6.42 At the time of writing of my evidence, the Council’s viability consultants (CBRE) and the HCA viability consultants (Savills) are undertaking an updated viability assessment. It is proposed that there will be a joint viability statement before the Inquiry.

6.43 Land will be provided for a 2 form entry primary school. This new primary school will increase the availability of school places in the area, benefitting both the residents of the proposed development, and those of neighbouring residential areas.

6.44 A local service centre is a key part of creating a sustainable development. The application provides for up to 1,320 sqm of A1, A2 and A3 facilities as well as 375 sqm of A4 use for a public house. This is in accord with the Policy N6 which was amended by the Inspector to include…”a local centre to include local retail facilities of an appropriate scale (including a small convenience store).

6.45 The Application shows the indicative locations of these facilities immediately to the west of Landimore Road. These are in easy walking distance of the new homes as well as for many existing residents. It is and always has been the appellant’s intention to establish the precise siting, design and configuration of individual retail units and community facilities through the preparation of reserved matters applications.

6.46 As set out in Policy N6 a “small convenience store” will be included to meet the needs of the development with a likely mix of other service units and café/restaurant uses. It is expected that the convenience store will act as a “top up” food store meeting the daily needs of residents rather than being a main food shop store.
6.47 As noted above these commercial A class uses are expected to provide 79 local FTE jobs, which will provide flexible employment opportunities for local residents.

6.48 In addition a medical centre, pharmacy and community centre will fulfill a community role at the heart of the proposed development. The new Local Centre will also provide a flexible space for community facilities such as a community building. These public and private services will benefit both the residents of the proposed development, and the residents of existing neighbourhoods in Northampton.

6.49 The proposed development will also contribute via planning obligations to support social infrastructure improvements.

6.50 The new dwellings will be within walking distance of a good range of commercial and community services and facilities and can be considered to be highly accessible.

6.51 The proposed development is also located within walking distance of a variety of existing public open space. This includes: significant areas of formal open space; several play areas; formal sport provision; and a leisure centre. The proposed development is therefore highly accessible to open space, leisure and recreation.

6.52 In addition the proposed development will include a network of new informal and formal green space amounting to approximately 9.98 HA and will support the provision of a cycle and footpath network, linking Hardingstone and Wootton. The proposed open space will include formal Parks and Gardens, Natural and Semi Natural Open Space, Amenity Open Space, Play for Young Children.

Environmental Benefits

6.53 The NPPF defines the environment role as “contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.

6.54 In the context of its environmental role – the proposed development has been sensitively planned to ensure that environmental impacts are minimised and mitigated.

6.55 This is achieved through a range of measures including the provision of 9.98 HA of the Appeal site within a network of green spaces on site and an off-site contribution towards improved sports and leisure facilities. Mr Brashaw in his evidence provides further details.
6.56 Full information setting out the mitigation for environmental impacts is set out in the Environmental Statement (ES).

6.57 The majority of the Appeal site is currently arable land with limited public accessibility. The proposal will provide public access to the proposed open space, thus creating a major new amenity area for all.

6.58 In regard to biodiversity enhancements, the site is of low ecological value as agreed in the principal Statement of Common Ground. Creation of new habitats and green infrastructure will enhance biodiversity value as explained in Mr Brashaw's evidence.

6.59 Sustainable transport requirements are addressed through the incorporation of walking and cycling routes linking into existing networks and the expansion of public transport connections into the Appeal site and improving accessibility to wider communities and Brackmills employment area.

6.60 A Draft Travel Plan is included with the Transport Assessment encouraging a shift away from private car usage and setting out further sustainable transport measures.

Consistency with Policy N6

6.61 Policy N6 of the JCS is a site specific policy for “Northampton South of Brackmills SUE”. I set out below the Policy requirements and how the Appeal proposal complies. Where appropriate I refer to the Draft S106 Agreement (CIL-compliant) which will be available for the Inspector.

IN THE REGION OF 1,300 DWELLINGS

6.62 The application proposals are for 1000 dwellings. This was the quantum of dwellings in the JCS policy at the time of application. The policy caries no requirement for applications to be for 1300 units and there is nothing within the application proposals that would prejudice or prevent the additional 300 dwellings from coming forward in a comprehensive manner.

6.63 The JPU in the Joint Position Statement between themselves, the HCA and Martin Gant Homes noted that …The extension to the SUE can be implemented within the context provided by the master plan set out in the HCA’s planning application”. Martin Grant Homes is also supportive of the HCA application.

A PRIMARY SCHOOL

6.64 A two form entry primary school is provided for, incorporating a multi-use games area and formal sports pitch, and is shown on the indicative masterplan immediately west of Landimore Road with associated green space. Some 2.09 ha of the HCA land will be given to Northamptonshire County Council together with a financial contribution in the order of £5M.
6.65 In addition there will be a financial contribution towards secondary school provision within the S106 agreement.

**A LOCAL CENTRE TO INCLUDE LOCAL RETAIL FACILITIES OF AN APPROPRIATE SCALE (INCLUDING A SMALL CONVENIENCE STORE), HEALTH CARE SERVICES AND COMMUNITY FACILITIES**

6.66 The local centre is provided at the junction of Landimore and Newport Pagnell Road, immediately south of the Primary School. It will provide both commercial and community uses. The application provides for 1,320 sqm net of A1, A2, A3 use classes.

6.67 The application is in outline, so details of the makeup of the A classes is still to be fixed. However, these will include a small “top up” convenience store, local service facilities and cafe/restaurant. In addition a small public house (A4) facility is included. Up to 750 sqm of community uses are included, comprising medical centre, pharmacy and community centre.

**AN INTEGRATED TRANSPORT NETWORK FOCUSED ON SUSTAINABLE TRANSPORT MODES INCLUDING PUBLIC TRANSPORT, WALKING AND CYCLING WITH STRONG LINKS TO ADJOINING NEIGHBOURHOODS, EMPLOYMENT AREAS AND THE TOWN CENTRE**

6.68 The application and draft Heads of terms for the S106 include public transport enhancements and infrastructure – upgrading Stagecoach service 15 at The Warren; improved service of Landimore Road; maintenance of bus shelters; devising and implementing of Travel Plans.

6.69 Mr Tricker in his evidence gives further details.

**STRUCTURAL GREENSPACE AND WILDLIFE CORRIDORS AS INDICATED ON THE POLICIES MAP (FIGURE 5)**

6.70 Responding to good design principles, local guidance, the report of the Inspector at the Core Strategy Examination and Policies BN1 as well as N6 of the Core Strategy, the Masterplan has been structured around swathes of open space including a Green Infrastructure spine, which runs along the existing PRoW KN6.

6.71 A green corridor will run around the interface with the northern, eastern and part of the southern boundaries of the site. This will be a multifunctional green corridor that provides habitat improvements and ecological connectivity.

6.72 Other proposals include green streets, proposed green links and corridor semi natural space incorporating SUD’s, mixed mature woodland planting (along Landimore Road) and open space provision of 9.98 HA.

6.73 Mr Brashaw in his evidence gives further details.
THE CREATION OF A LANDSCAPE BUFFER TO THE SOUTH WEST OF THE SITE AS INDICATED ON THE POLICIES MAP (FIGURE 5)

6.74 The Illustrative Masterplan shows proposed gardens adjoining existing gardens on most of the site boundary with properties on Newport Pagnell Road (south) and part of The Warren (west), and allotments and amenity green space along the remainder of the boundaries.

6.75 These areas are subject to detailed design but, they would provide a positive and appropriate treatment in the context of the urban extension to Northampton.

6.76 The proposed treatment of these western and south western boundaries where Indicative Structural Green Space is illustrated on Figure 5 Inset 11 of the adopted Core Strategy provides an appropriate response to Policy N6 and the context of the site, arrived at and agreed through consultation.

6.77 Mr Brashaw in his evidence provides further details.

ARCHAEOLOGICAL AND ECOLOGICAL ASSESSMENT OF THE SITE AND REQUIRED MITIGATION

6.78 Archaeological and ecological matters are assessed and reported in the Environmental Statement (ES), together with proposed mitigation measures.

6.79 Northampton County Council Archaeology made no objection to the application, noting that the Environmental Statement (ES) identifies that a number of intrusive and non-intrusive studies have been undertaken which provide sufficient information to assess the archaeological potential of the development area.

6.80 Natural England made no objection to the application, stating that they were generally supportive of the green infrastructure approach taken.

6.81 The Principal Statement of Common Ground confirms that there are no heritage or ecological communications that constitute a reason for refusal.

OPEN SPACE AND LEISURE PROVISION

6.82 The proposed public open space, routes and Green Infrastructure will safeguard and provide an attractive setting for footpath PRoW KN6 retaining the link between Hardingstone and the Newport Pagnell Road, and provide access to additional new routes and spaces that are currently on land not accessible to the public, increasing the amenity value of the land.

6.83 This will also allow people in existing communities in Hardingstone and Wootton to have new access links to existing Green Infrastructure areas and routes such as Brackmills Country Park.
6.84 Mt Brashaw provides further details in his evidence.

**FLOOD RISK MANAGEMENT INCLUDING SURFACE WATER MANAGEMENT AND FROM ALL OTHER SOURCES**

6.85 A Flood Risk Assessment was submitted with the application and the scheme proposes the use of Sustainable Urban Drainage Systems (SUDS). Foul sewage would be discharged to the public sewer.

6.86 Subject to conditions, the Environment Agency and Anglian Water made no objection to the proposed development. NBC officers were also (subject to conditions) satisfied that the impact on flood risk and drainage is acceptable.

**NECESSARY INFRASTRUCTURE IS REQUIRED TO BE PHASED ALONGSIDE THE DELIVERY OF THE DEVELOPMENT**

6.87 Mr Tricker in his evidence addresses the proposed transportation and highways infrastructure provision and its phasing. I note that both the Highways Authority and Northamptonshire CC made no objection to the application.

6.88 Other social, community and commercial infrastructure is set out in the application, framework plans, illustrative masterplan and DAS.

**DEVELOPMENT PROPOSALS MUST BE ACCOMPANIED BY A MASTERPLAN**

6.89 The Appeal proposals are accompanied by a masterplan. The masterplan is indicative and for illustrative purposes, which is consistent with an outline application.

6.90 Framework plans accompany the masterplan. The framework plans comprise Proposed Layout Framework; Green Infrastructure Framework: Land Use Framework; Access and Movement Framework; Blue Infrastructure Framework; Scale Framework (parameters for building heights); and Urban Structure and Legibility Framework.

**Sustainability Appraisal**

6.91 The environmental, economic and social impact of Policy N6 has been fully considered through the JCS process via sustainability appraisal (SA).

6.92 The JPU in addressing the inspector’s questions on the pre submission draft (Issue 13 - Policy N6 - April 2013) (CD36) states that the SA (when at the time considering 1000 dwellings at Brackmills),......” **Policy N6 would have significant positive effects in respect of the SA objectives relating to education and training, health and well-being, material assets and population. Positive effects were also identified in respect of a further six of the SA objectives. In fact the proposed SUE will have a positive effect on most of the SA objectives”**(my italics)
6.93 In respect of the SA Addendum Report of December 2013, the SA in commenting on the Brackmills SUE (Paragraph 7.115) considered the HCA site (as opposed to the extension site) …"would focus growth on and join the urban area of Northampton helping to foster a successful economy and expanding diverse and sustainable communities, supported by good social and integrated transport facilities and infrastructure". It commented that it …."could deliver employment growth as part of a mixed use scheme and could support existing communities through the provision of a range of facilities including education and health. The assessment showed potential significant negative effects can be mitigated through appropriate technical assessment and sensitive design and the SHLAA concludes that the site is suitable, available and achievable".

Conclusion

6.94 In summary the HCA proposals for land east of Hardingstone which comprises much the greater part of the adopted JCS policy N6 for south of Brackmills SUE proposals :

- are consistent with the NPPF principles of sustainable development making a substantial contribution to all three strands (economic, social and environmental);
- were found by the JCS SA reports have a positive effect on most of the SA objectives;
- will deliver much needed new housing (in the order of 250 dwelling within a 5 year period and in the order of 1000 dwellings in total) to assist the Council meet its 5 year housing land supply requirements;
- deliver on site affordable housing (currently 24%, but the level is subject to an updated viability assessment which will be before the inquiry) as part of a mixed use sustainable urban extension;
- deliver a new commercial and community local centre for the new SUE and surrounding communities, including local "top up" convenience food store, café/restaurants, local service units, public house, medical centre, pharmacy, community facility;
- deliver a new primary school and associated play areas;
- create flexible job opportunities for locals;
- deliver a substantial New Homes Bonus for NBC/NCC to assist the local community;
- create a pool of skilled labour immediately south of Brackmills Business park and industrial estate which would assist the estate with the recruitment and retention of its staff;
- deliver major new green and blue infrastructure, including public open space and new pedestrian footpaths

6.95 The appeal proposals accord with and meet the requirements of Policy N6 of the adopted JCS.

6.96 Mr Brashaw and Mr Tricker give more details on the environmental and transportation benefits in their evidence.
7 **HOUSING NEEDS AND 5 YEAR SUPPLY**

7.1 It has long been recognised that due to the tightly drawn boundary around Northampton, Northampton’s housing needs cannot be accommodated solely within the Borough boundary.

7.2 As such the JCS addressed housing needs through identifying the boundary of the Northampton Related Development Area (NRDA). The NRDA includes areas within Daventry District and South Northamptonshire, in which housing will be developed to help meet Northampton’s needs.

7.3 The Inspector endorsed the JCS approach in identifying the NRDA as a single area for 5-year land supply assessment (IR Para 199). However, the Inspector’s Report also makes clear that each of the three West Northamptonshire local authorities should be responsible for maintaining its own 5 year housing land supply as required by the NPPF (Paragraph 47).

7.4 The Inspector’s Report on the JCS (“the JCR IR”) endorsed a main modification that extended the end of plan period from 2026 to 2029 and increased the total number of new houses to 42,620 over 2011 – 2029, (2,367 per year), from 50,150 over 2001 – 2026 (about 2,000 per year) in the submitted plan.

7.5 SUEs are the key way set out in the JCS by which these challenging housing targets will be met. The JCS allocates in total 12 SUEs, of which 8 are within the NBC boundary, including the Appeal site.

7.6 The JCS makes provision for 42,620 net additional dwellings in West Northamptonshire JCS area including 28,470 net additional dwellings in the NRDA over the plan period (2011-2029) (JCS Policy S4 and table 3).

7.7 JCS Policy S4 states …“Northampton’s needs, both housing and employment will be met primarily within Northampton’s existing urban area and at the sustainable urban extensions within the Northampton Related Development Area. Additional housing development to meet Northampton’s needs will be supported only if it meets the vision, objectives and policies of this plan.”

7.8 The Inspector’s Report (October 2014) describes the SUEs as… “critical to overall delivery” of housing in West Northamptonshire (Para 43).

7.9 It is not hard to see why the IR reached its conclusion. The deliverable supply in the NRDA relies on the SUE allocations which, according to the delivery schedule included in the NBC’s Five-Year Assessment (April 2014) for the NRDA area¹, collectively comprise 3,596 dwellings to be delivered in the NRDA over the 5 year period 2014-19. The SUEs collectively make up 42% of the NRDA 5

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¹ NRDA Five-Year Housing Land Supply Assessment (April 2014)
Year Supply of deliverable sites. However, thus far the SUEs have not delivered any additional homes with only two of them (Upton Park and Northampton North) having been given permission.

7.10 NBC’s assessment report (April 2014) (CD72) for the NRDA based on JCS figures sets out a 5 year requirement of 8,769 dwellings over the 2014-19 period. This accounts for an additional 5% minimum buffer as required at NPPF Para 47.

7.11 The following table is taken directly from the NBC April 2014 report where it is entitled “Figure 3: Summary of Northampton Related Development Area Five-Year Supply of Deliverable Housing against the West Northamptonshire Joint Core Strategy as submitted with modifications

<table>
<thead>
<tr>
<th></th>
<th>Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>NPPF 5 Year Housing Requirement (JCS + 5%) 8818</td>
</tr>
<tr>
<td>C</td>
<td>Housing Requirement 2011-2014 JCS 1724</td>
</tr>
<tr>
<td>D</td>
<td>Net additional dwellings completed 2011-2014 1773</td>
</tr>
<tr>
<td>E</td>
<td>Surplus provision compared to 2011-2014 target 49</td>
</tr>
<tr>
<td>F</td>
<td>NPPF 5 Year Supply Target Taking Account of Surplus Provision (B-E) 8769</td>
</tr>
<tr>
<td>F</td>
<td>Supply of deliverable sites (Figure 4) 8546</td>
</tr>
<tr>
<td>G</td>
<td>% of 5 year housing supply available: 8146 / 8769 * 100 97.49%</td>
</tr>
<tr>
<td>H</td>
<td>Years of deliverable housing land supply for 2014 - 2019: 92.9 / 100 *5 4.87</td>
</tr>
</tbody>
</table>

Source: NBC Northampton Related Development Area - Five-Year Housing Land Supply Assessment - April 2014

7.12 The NBC’s assessment identifies a deliverable supply of 8,546 dwellings over this period, which includes windfalls as well as completions at the SUEs. These include 250 dwellings at the Land South of Brackmills SUE (JCS Policy N6) and a contribution of 375 dwellings from the Collingtree SUE (JCS Policy N5)

7.13 The NBC report identifies at Figure 3 (see above) that this represents a deliverable housing land supply for only 4.87 years for the NRDA area. This is agreed in the Principle SOCG.
7.14 At Para 4.2 the NBC April 2014 report states (my bold italics)…"The assessment demonstrates that the Council cannot show deliverable sites with the capacity to meet 5 year housing requirements consistent with paragraph 47 of the NPPF".

7.15 This point is reiterated in NBC’s Head of Planning report to the NBC Planning Committee (30 September 2014) (CD73). In this report she underlines that the JCS housing trajectory is reliant upon the SUE allocations and that these will start delivering within the five year period (para 5.3).

7.16 At Para 5.4 she notes (my italics)…”The assessment identifies that a 5 year supply for the NRDA cannot be shown. It identifies the capacity to deliver 4.87 years of housing needs. In numbers terms this equates to a 223 dwellings shortfall. If a 20% persistent under-delivery buffer was to be assumed, the gap would be much larger. In either case, the supply falls foul of the NPPF, with its associated implications.”

7.17 At Para 5.5 she notes that…”More recent decisions by Planning Committee including the refusals for sites such as the Northampton South of Brackmills SUE (JCS Policy N6) and land at Harcourt Way potentially put at jeopardy the assumptions contained within the 5 year supply analysis. This could be in the delivery of the SUE for which permission has been refused and also its impact on confidence of developers to bring forward other SUEs” …and…”Consistently refusing applications that have the potential to be counted towards windfall totals could also undermine the delivery assumptions for this source of capacity”.

7.18 At Para 7.1 the Head of Planning informs members of the consequences of not meeting objectively assessed housing needs, stating:

7.19 “The reality is that local planning authorities who do not confront the issue of pro-actively seeking to meet their objectively assessed housing needs through positive planning, either in plan making or taking decisions to support timely delivery to meet the 5 year supply have the potential to lose the initiative in the future planning of their communities”.

7.20 In terms of delivery at para 7.3 the Head of Planning notes –

7.21 “The extent to which this effectively becomes a significant issue for local planning authorities who do not pro-actively address meeting the 5 year needs largely depends on the appetite of developer/landowners to promote sites…and …Northampton has now more than reached the tipping point in terms of market recovery”.
7.22 And at Para 7.6

“In moving forward clearly items for Planning Committee will address the individual merits of an application, including the weight that should be given to relevant material considerations. Notwithstanding this report outlines as a background the weight that Planning Committee should give to the presumption in favour of development, which is particularly emphasised in the NPPF for housing where as in the case of Northampton currently, a 5 year housing supply cannot be evidenced by the local planning authority.”

7.23 NBC has made is assessment for the NRDA (April 2014 report) on the basis of the minimum 5-years plus 5% buffer. In contrast both DDC and SNDC have been assessed as requiring 5-years plus the additional 20% given persistent failure to achieve annual targets.

7.24 Whilst NBC has used only a 5% buffer, my review of the West Northamptonshire Joint AMR 2012/13 (CD148), indicates that there has been a failure to meet the housing delivery target in seven of the last 13 years. This includes a net surplus of 49 units in 2013/14, but a net deficit of 2,180 units over the last 5 year period.

Table 4: NRDA (NIA) Past Delivery

<table>
<thead>
<tr>
<th>Year</th>
<th>01/0</th>
<th>02/0</th>
<th>03/0</th>
<th>04/0</th>
<th>05/0</th>
<th>06/0</th>
<th>07/0</th>
<th>08/0</th>
<th>09/</th>
<th>10/</th>
<th>11/</th>
<th>12/</th>
<th>13/</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Delivery</td>
<td>1,084</td>
<td>1,208</td>
<td>1,009</td>
<td>1,623</td>
<td>1,626</td>
<td>1,824</td>
<td>1,020</td>
<td>707</td>
<td>348</td>
<td>323</td>
<td>423</td>
<td>516</td>
<td>834</td>
</tr>
<tr>
<td>Target</td>
<td>1300</td>
<td>1300</td>
<td>1300</td>
<td>1300</td>
<td>1450</td>
<td>1450</td>
<td>1450</td>
<td>423</td>
<td>516</td>
<td>785</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance</td>
<td>-216</td>
<td>-308</td>
<td>-599</td>
<td>-276</td>
<td>50</td>
<td>424</td>
<td>-6</td>
<td>-749</td>
<td>-1,851</td>
<td>-2978</td>
<td>-2978</td>
<td>-2929</td>
<td></td>
</tr>
<tr>
<td>Cumulative</td>
<td>-216</td>
<td>-308</td>
<td>-599</td>
<td>-276</td>
<td>50</td>
<td>424</td>
<td>-6</td>
<td>-749</td>
<td>-1,851</td>
<td>-2978</td>
<td>-2978</td>
<td>-2929</td>
<td></td>
</tr>
</tbody>
</table>

Source: West Northamptonshire Joint AMR 2013/14

7.25 The National Planning Practice Guidance advises that in considering the delivery record, a long-term view should be taken. Housing provision prior to 2012 has been monitored for Northampton. Therefore when considered in the context of previously accepted housing requirements, I consider that the NRDA 5-year supply figure should actually be for 5-years plus 20% given the persistent past failure to deliver.

7.26 There are a number of case studies which support the view that a 20% buffer would be more appropriate. The most notable of these is the High Court decision in Cotswold DC v SSCLG [2013] EWHC 3719 (Admin) [CD 116].

7.27 Cotswold DC challenged the Secretary of State’s decision to grant two separate planning appeals for residential development in their district on the basis that the Council did not have a five year supply of deliverable housing sites as required by the Framework.
7.28 In rejecting the Council's challenges the Judge ruled on the meaning of “persistent under delivery”. In the Judge’s view, “persistent under delivery of housing is, “a reference to a state of affairs, under delivery of housing, which has continued over time.” The judge went on to find that the period of time over which an assessment of delivery should be carried out was a matter of a judgement for the decision-maker.

7.29 He accepted the Secretary of State’s use of a five year period for an assessment of performance (which had been adopted on the basis that it mirrored the five year requirement for housing land supply).

7.30 Applying this 5 year period in the case of the NRDA there has been consistent and considerable under delivery against target, i.e. 2,180 dwellings under delivery against a target of 4,624 units. This is the equivalent of only 53% of the target.

Table 5: NRDA (NIA) Past Delivery

<table>
<thead>
<tr>
<th></th>
<th>13 year</th>
<th>5 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivered</td>
<td>12,545</td>
<td>2,444</td>
</tr>
<tr>
<td>Target</td>
<td>15,474</td>
<td>4,624</td>
</tr>
<tr>
<td>Under Delivery</td>
<td>2,929</td>
<td>2,180</td>
</tr>
<tr>
<td>% of Targets</td>
<td>81.1%</td>
<td>52.9%</td>
</tr>
<tr>
<td>Years Target Met</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>% of Years</td>
<td>46%</td>
<td>60%</td>
</tr>
</tbody>
</table>

Source: GL Hearn from WNJPU AMR 2013/14

7.31 Looking over the longer term would increase the percentage of housing delivered against target, although this would still only equate to 81%.

7.32 Another measure would be the percentage of years in which the target has been met. Over the longer term in only 7 of the last 13 years has delivery surpassed the target (46%). This improves slightly over the last five years when it has been surpassed 3 times (60%).

7.33 Finally we can also examine cumulative housing delivery against the cumulative target (see Table 2) in the NRDA. As illustrated NBC has not been ahead of target since 2006/07.

7.34 I therefore submit that the 20% buffer should be applied in the NRDA.

7.35 Using the 20% buffer would increase the 5 year requirement to 10,029 (again allowing for the 49 unit over delivery for the period 2011-2014).

7.36 Again using NBC’s own figures from their April 2014 report as the base, I set out below the impact of using the 20% buffer, the impact of excluding the Brackmills SUEs, and then the impact of
excluding Brackmills and Collingtree SUE which has also been refused planning permission by NBC (and of which is also now subject to an appeal).

7.37 The SUE at Brackmills provides for 1300 dwellings and that at Collingtree 1000 dwellings. In NBC’s (April 2014 (CD72)) report they would deliver together 625 homes over the 2014 – 2019 period.

7.38 On the basis that NBC has refused both the Brackmills and Collingtree SUEs, but have proposed no replacements, then NRDA has only a 4.52 year supply (90%) against the stated housing requirement plus a 5% buffer. At the 20% buffer level the figures are 79% of the housing requirements, i.e. 3.95 years supply.

7.39 In the case of excluding the SUE figures, this is not simply a case of refusing a particular planning application. Given NBC’s Adoption Report report has objected in principle to JCS policy N5 and N6, I can only draw the conclusion that in NBC’s mind these two SUEs should not be taken as allocations to be credited against the 5 year supply.

Table 6: NRDA 5 year supply 2014-19: 5% and 20% buffer and excluding SUEs

<table>
<thead>
<tr>
<th></th>
<th>5%</th>
<th>20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>JCS Housing Supply Requirement</td>
<td>8,393</td>
<td>8,398</td>
</tr>
<tr>
<td>+Buffer</td>
<td>420</td>
<td>1,680</td>
</tr>
<tr>
<td>-Over supply (2011-2014)</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td><strong>Revised Housing Need</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supply of deliverable sites</td>
<td>8546</td>
<td>8546</td>
</tr>
<tr>
<td>Supply of deliverable sites ex Brackmills</td>
<td>8296</td>
<td>8296</td>
</tr>
<tr>
<td>Supply of deliverable sites ex Brackmills and Collingtree</td>
<td>7921</td>
<td>7921</td>
</tr>
<tr>
<td><strong>Under Supply</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under Supply Excluding Brackmills SUE</td>
<td>473</td>
<td>1,733</td>
</tr>
<tr>
<td>Under Supply Excluding Brackmills and Collingtree</td>
<td>848</td>
<td>2,108</td>
</tr>
<tr>
<td>% of 5 year housing supply available:</td>
<td>97.5%</td>
<td>85.2%</td>
</tr>
<tr>
<td>% of 5 year housing supply available ex Brackmills:</td>
<td>94.6%</td>
<td>82.7%</td>
</tr>
<tr>
<td>% of 5 year housing supply available ex Brackmills and Collingtree:</td>
<td>90.3%</td>
<td>79.0%</td>
</tr>
<tr>
<td>Years of deliverable housing land 2014 - 2019:</td>
<td>4.87</td>
<td>4.26</td>
</tr>
<tr>
<td>Years of deliverable housing land 2014 – 2019 ex Brackmills:</td>
<td>4.73</td>
<td>4.14</td>
</tr>
<tr>
<td>Years of deliverable housing land 2014 – 2019 ex Brackmills and Collingtree:</td>
<td>4.52</td>
<td>3.95</td>
</tr>
</tbody>
</table>

Source: GL Hearn and NBC
Deliverability of the appeal proposals at HCA Brackmills

7.40 Under DCLG instruction the HCA has advanced the Brackmills SUE as part of the ALD programme. This provides funding and resources to prepare a masterplan, obtain outline planning permission and ready the site for disposal and the procurement of development partner.

7.41 NBC’s decision to refuse the HCA’s application and the HCA’s response to that decision has been carefully considered by the HCA, its planning consultants, master planning team, commercial advisors, and legal counsel. The decision to appeal the NBC decision has been taken at full HCA Board level.

7.42 The HCA’s decision to appeal reflects the HCA’s statutory role to accelerate the disposal of public sector land, by seeking to “de-risk” planning and/or resolve particular site issues in order to make sites attractive to private sector development partners. Subject to obtaining planning permission, the HCA remains fully committed to taking the site forward.

7.43 Figure 4 of NBC’s April 2014 five year supply report sets out the 5 year trajectory for 2014-2019. In this Brackmills contributes 50 units in 2016/2017, 100 units in 2017/18, and 100 units in 2018/2019.

7.44 Savills Property Consultants are retained by the HCA to advise on the viability and marketing of Brackmills SUE and the HCA’s other land interests around Northampton. Prior to the May 2014 refusal of the planning application, the HCA had received expressions of interest and had selected a shortlist of developers, although this tender process was put on hold due to the refusal of planning permission.


7.46 Savills confirm that the East Midlands and Northampton housing market is seeing growth, that sales outlets in the area are reporting good interest for new build units, that it is likely that the HCA’s Delivery Partner Panel 2 (DPP2) would be used to procure a developer as this “prequalified” framework speeds delivery, and that subject to planning the construction of homes could start at the end of 2016 or beginning of 2017, and that based on their experience of sales rates in the order of 250 units could be delivered over the 2017 – 2020 period.

7.47 Savills note that the site is divided into two broadly equal parcels, bisected by Landimore Road which was constructed in the 1990s and will serve as the primary access point. Given this existing road access, Savills consider that it would be relatively easy to enable a number of house builders to commence development at different locations of the site, but that “as a prudent measure” and,
taking account of the local housing market, Savills would expect to see 2 house builders on the site at any one time.

7.48 Taking the currently agreed 24% affordable housing provision and an average sales rate of 4 private dwellings per outlet per month, with an average of two outlets in operation at any one time over the life of the development, Savills estimate the following number of homes could be constructed each year:

- 4 private dwellings x 2 outlets x 12 months = 96 homes
- 24% affordable per annum (using above figures) = 30 homes
- Total average construction anticipated per annum = 126 homes

7.49 Utilising the projections in the viability work undertaken by Savills (and which is now being updated with NBC’s viability consultants), subject to planning and taking account of infrastructure works required prior to the construction of homes, Savills consider that the construction of homes could start at the end of 2016 or beginning of 2017. On this basis of the above assumptions, Savills consider that the trajectory set out in the NBC 5 year housing land supply report of April 2014 for Brackmills SUE is considered to be reasonable:

- 2017/18 - 50 dwellings
- 2018/19 – 100 dwellings
- 2019/20 – 100 dwellings

7.50 The net timing effect of NBC’s refusal and this Appeal, is that approximately one year will have been added to the overall programme.

7.51 Thus subject to planning permission being granted, the HCA part of the allocated Brackmills SUE would still make the same major and deliverable contribution to NBC’s 5 year housing land supply as it rolls forward.

Conclusions

7.52 I draw the following conclusions.

7.53 NBC has identified that on the basis of their April 2014 Five Year figures and using the minimum 5% buffer, that the LPA does not have 5 year housing land supply – the figure agreed in the SOCG being 4.87 years.

7.54 The Council’s Head of Planning has made clear to her members (30 September 2014 Report) that the 5 year supply relies heavily on the allocated SUEs coming forward, but that NBC’s member’s decision to refuse the Brackmills SUE places the 5 year supply in “further jeopardy”.
7.55 It not only reduces the supply of land and dwellings previously assumed within the 5 year supply (in Brackmills case 250 units over 2014 – 2019), but also undermines market confidence for developers to bring forward other SUEs.

7.56 Since the NBC Head of Planning reported in 30 September 2014, NBC has also refused the Collingtree SUE which was to provide 375 units over 2014 -2019 (1000 units in total).

7.57 Given NBC’s has not only refused the Brackmills and Collingtree SUE applications, but in its January 2015 JCS Adoption Report has objected to the entire principle of them, it is clear to me that the Council is falling far short of a 5 year supply with a 5% buffer, having only 4.52 years housing land supply.

7.58 Moreover, assessing the NBC delivery performance over the last 13 years and the most recent five year period, I submit there is a strong case for NBC having to adopt a 20% buffer in accordance with the NPPF. Adopting this 20% buffer across the NRDA would create a 5 year supply (without the two SUEs) of 3.9 years.

7.59 A number of appeals and High Court decisions such as the “Tewksbury” and “Stratford” cases have underlined the importance of demonstrating a five year supply in housing land supply and the weight that decision makers should attach to it. [CD 114 & CD 115]

7.60 Therefore on which ever basis is chosen and as the Head of Planning Report (September 2014) states (Para 5.4)...”the supply falls foul of the NPPF, with its associated implications”. (my italics)

7.61 I assume by “associated implications” the Head of Planning is refereeing to applicant’s making planning appeals against the Council with the prospects of substantial costs being awarded against NBC should the Council’s reasons for refusal fly in the face of the NPPF and the adopted JCS policies, which I submit NBC’s refusal of the appeal application does.

**Affordable Housing Need**

7.62 Affordable housing need is identified in Table 4 of the JCS. It identifies an affordable housing requirement for the period 2011 to 2029 for West Northamptonshire of 10,700 units of which 7,600 will be in NRDA.

7.63 At the time of NBC determination of the application, the proposal was to deliver 240 affordable homes on site (i.e. 24%). This would make a major and most important contribution towards meeting the needs for affordable housing in Northampton.
7.64 The affordable housing contribution is less than the JCS (Policy H2) objective for securing 35% affordable housing on schemes of 15 units or more, however as Policy H2 states this target is subject to local conditions and site viability.

7.65 At the time of writing my evidence the Council’s viability consultants (CBRE) and the HCA viability consultants (Savills) are undertaking an updated viability assessment. It is proposed that there will be a joint viability statement before the Inquiry.
8 OTHER REPRESENTATIONS

8.1 Representations to the proposed development were received from 3rd parties as set out in the Officer’s Report to Committee (May 2014).

8.2 Detailed highway impact and landscape impact and mitigation issues are addressed by Messrs Tricker and Brashaw respectively in their proofs.

8.3 Many of the other representation points would be controlled by planning condition and addressed at detailed design stage.

Brackmills Industrial Estate

8.4 Brackmills Industrial Estate Ltd did not make any formal representation to the JCS.

8.5 By letter of 20 January 2015 (CD128), Brackmills Industrial Estate Ltd has maintained an objection to any proposed development which would have a negative impact on the highway network within the estate, the roads to and from the estate and in particularly the A45.

8.6 Brackmills Industrial Estate Ltd also wishes to ensure there is no negative impact on the sustainable growth of the business park.

8.7 Brackmills Industrial Estate Ltd has also raised concerns that the location of the local centre facilities proposed at Brackmills SUE at the junction of Landimore and Newport Pagnell Roads would draw more HGV’s through the estate and local roads to take use the facilities.

8.8 I recognise the Brackmills Industrial Estate and Business Park is a major employer in the area.

8.9 This is primarily a traffic impact and mitigation matter and is addressed by Mr Tricker in his proof of evidence, in relation to NBC’s first reason for refusal.

8.10 However, I note from a business survey carried out by Brackmills Industrial Estate Ltd (November 2013) which is appended to their January 2015 letter, that whilst the road network and access is amongst the “largest challenges” for the estate occupiers, staff recruitment and retention features prominently.

8.11 In this regard the availability of a pool of skilled labour at Brackmills SUE should prove beneficial to the industrial estate, especially as they would be able to easily access the business/industrial estates on foot, cycle, local bus (public transport improvements are part of the proposed as part of the S106 package) or by car without using the strategic road network.
8.12 In terms of the HGV traffic being attracted to the proposed local centre and causing congestion, there is a ban of vehicles of 7.5 tonnes on Landimore Road as and this would therefore appear to be an issue of enforcement.

8.13 The adopted JCS considered the relative requirements for housing and employment growth and this has led to the designation of the Northampton South of Brackmills SUE indicating that housing growth is a priority in this location. Mr Tricker demonstrates that an appropriate package of transport measures can be delivered.

**Urbanisation and Impact upon the Hardingstone and Conservation Area**

8.14 Various representations raised concerns about the proposed development’s impact upon the setting of Hardingstone and the Hardingstone Conservation Area.

8.15 I note that the Appeal site is not within the Hardingstone Conservation Area, which lies to the north west and physically separate from the application site.

8.16 As has been agreed in the Principal Statement of Common Ground (CD18) there are no issues relating to heritage that would constitute a reason for refusal (para 8.6 of PSoCG).

8.17 I also note that in describing the location of the Brackmills SUE, Para 12.44 of the JCS states: “this SUE is situated to the south of Brackmills employment area adjoining the existing neighbourhoods of Hardingstone and Wootton to the south and west”.

8.18 Hardingstone (as set out in the Core Strategy) is therefore a neighbourhood of Northampton and is therefore properly described as being part of the greater Northampton urban area neighbourhood, and not a village or freestanding settlement.

8.19 The ES (paras 6.3.10 to 6.3.22) concludes that there would be only slight adverse impact upon the Conservation Area and Listed Buildings during the construction phase with the residual effect on these features post development would be ‘neutral’. Views of the site from the Conservation Area would be limited and obscured by tree planting and sensitive layout design.

8.20 The supporting text to Policy N6 of the JCS (Para 12.47) confirms that there are “no identified heritage constraints…impacting on the site.”

8.21 The key green buffer (known as Brackmills Wood and also Brackmills Country Park) between Brackmills Industrial estate and Hardingstone stretches to the east of Hardingstone up to and around the south of the industrial estate. This area has been extensively planted with a mix of deciduous and evergreen woodland across the north facing slope of this land. This area of land will not be developed and is outside the planning application area.
8.22 There is an additional requirement via JCS Policy N6 to maintain a greenspace corridor along the northern boundary of the Appeal site and landscape buffers along the western and southern perimeters of the Appeal site. These measures will preserve the setting of Hardingstone without preventing necessary pedestrian and cycle linkages necessary to achieve good standards of urban design and to ensure that existing and new communities are complimentary.

8.23 The local authority Conservation Officer’s view set out in the Officer Report (May 2014) (Para 6.8) concurs with the objectively assessment findings from the ES stating…. “The natural lie of the land and the location of Brackmills Wood provide a natural buffer zone between the development site and the Conservation Area and as such there are no significant negative impacts on the setting of Hardingstone Conservation Area or the setting of any listed buildings within the locality”.

Retail Considerations

8.24 The Principle Statement of Common Ground records there are no matters of disagreement between HCA and the NBC regarding retail.

8.25 Representations were made to the planning application by Alyn Nicolls on behalf of Waitrose Limited objecting to the retail element of the local centre designation on the basis that no sequential test or impact assessment had been made. There was no objection to the local centre designation per se.

8.26 Waitrose had separately challenged emerging JCS policies S2, S9, S10, N2 and N6. These policies have now been found ‘sound’ in the adopted JCS. (CD28 & 29).

8.27 Mr Nicolls on behalf of Waitrose is maintaining an objection to the proposals through the appeal (CD128).

8.28 I note Waitrose objection is solely focused on the retail aspects of the proposals and that it is not against retail use per se as part of a local centre, rather the issue being the scale of retail provided. Waitrose has no objection to the housing components of the proposals.

8.29 The objection is that the local centre aspect of the appeal proposal does not accord with policies S2, S9, N6 and N10 of the adopted JCS, which Waitrose had previously objected to.

8.30 I submit that the proposals are in accord with JCS policies for the following reasons:

8.31 Policy S2: Retail Hierarchy. A local centre is designated within each of the designated SUEs at Policy S2. The Application proposals are therefore responding positively to the adopted JCS policy requirement. The proposals are of a scale consistent with the SUE and would not have an adverse
impact on the long term future vitality and viability of the Northampton centre or put at risk future investment in Northampton town centre in anyway.

8.32 Policy S9: Distribution of retail development. Policy S9 states that proposals for new retail development which cannot be accommodated within the town centres will be subject to a sequential approach where first preference is given to well-connected edge of town centre sites, and then sites within district/ local centres (where of an appropriate scale). Only if sequentially preferable sites are not suitable and available should out of centre sites be considered.

8.33 In regard to the sequential test, the purpose of the local centre is to serve local needs primarily of the new residents and the local catchment area. Thus by definition a site in Northampton town centre would not be “suitable” as it would not fulful the purpose for it set out in JCS Policy N6. As para 5.20 of the JCS also advises there is also…” a need to ensure that local convenience shopping, services and facilities are met within the wider urban areas to deliver sustainable patterns of development, reduce the need to travel by car, shorten distances travelled and so respond positively to climate change”.

8.34 Policy S9, also states that proposals for retail development outside the primary shopping area of Northampton or outside other identified centres will be subject to impact assessment for floorspace over 1,000 sqm gross in order to demonstrate that they do not have a significant adverse impact on the vitality and viability of the primary shopping area centres within the catchment area of the proposal.

8.35 In this regard the proposal for a local centre at Brackmills SUE is within a centre identified in the adopted JCS at Policy S2 and thus does not require an impact assessment.

8.36 However, even if one were required, which it is not, and then I consider the Brackmills SUE local centre proposal would have little or no adverse impact on other centres.

8.37 Policy N6: deals with the Brackmills SUE and states (inter alia) that “the development will make provision for…a local centre to include local retail facilities of an appropriate scale (including a small convenience store), health care services and community facilities”

8.38 In terms of the proposed retail provision, the application supplies a breakdown of proposed floorspace by use class as follows:

- 1,320 sqm net (A1-A3) (amounting to approximately 1,886 sqm GIA assuming a net-to-gross factor of 70%)
- 375 sqm (A4)
8.39 This breakdown is at a level of detail that is appropriate to an outline application. It is and always has been the appellant’s intention to establish the precise siting, design and configuration of individual retail units and community facilities through the preparation of the master plan that would ultimately be controlled through the reserved matters process.

8.40 At paragraph 143 of the Inspectors Report, the Inspector endorsed revised wording for Policy N6 in relation to retail stating that it is “suitable and appropriate” and inherently more flexible than prescribing a specific upper limit on floorspace.

8.41 This is in keeping with changing consumer shopping patterns. Mintel’s latest UK Rankings Report (2014) notes two key trends in the convenience retail sector (page 149):

1. Consumers are no longer using superstores as much as they used to – overall superstore sales are in decline.

2. Consumers are using convenience stores (small format) much more – because the natural complementary format for a hard discounter or online shopping is a top-up shop, especially one with a strong fresh food offer as at Tesco Express, Sainsbury’s Local or similar formats.

8.42 Indeed para 5.20 of the adopted JCS states….“whilst town centres must be the focus for new retail, office, leisure and cultural development there is also a need to ensure that local convenience shopping, services and facilities are met within the wider urban areas to deliver sustainable patterns of development, reduce the need to travel by car, shorten distances travelled and so respond positively to climate change”.

8.43 The purpose of the Brackmills SUE proposals in keeping with adopted JCS policy N6 is to create a sustainable urban extension. This includes not generating unnecessary additional car trips on the network when a local store could meet many local residents’ needs.

8.44 In this regard I contend it will be far more sustainable to see local residents shopping at the local store on foot/cycle or where necessary by car but within the new settlement’s roads, as opposed to having to drive further distances to out of centre locations.

8.45 Indeed para 5.20 of the adopted JCS states….“whilst town centres must be the focus for new retail, office, leisure and cultural development there is also a need to ensure that local convenience shopping, services and facilities are met within the wider urban areas to deliver sustainable patterns of development, reduce the need to travel by car, shorten distances travelled and so respond positively to climate change”.

8.46 Policy N10: deals with convenience shopping needs outside Northampton town centre. Policy N10 states that… “provision will be made for local convenience shopping of an appropriate scale at the new local centres within the sustainable urban extensions having regard to the existing network of
provision in the surrounding area and the impact of the development on centres within the hierarchy identified in policy S2”.

8.47 The objection of Alyn Nicholls & Associates suggests that Policy N10 requires an impact assessment to be carried out by the applicant. This is a misreading of the policy. If Alyn Nicholls & Associates reading of it were correct it would contradict Policy S9 of the JCS as well as the NPPF, both of which recognise that there is no requirement for in-centre retail proposals to undertake an impact assessment. By virtue of Policy N6 the local centre at Brackmills SUE is “in centre”.

8.48 Policy N10 does not state that retail development proposals in these new Local Centres will be expected to demonstrate compliance with the impact test, and if this had been the intention it would have been explicitly worded as such. There is no requirement for an applicant to demonstrate appropriateness of scale for retail floorspace.

8.49 Notwithstanding all of the above, the Retail Study update (CDa11) underpinning the JCS identifies significant convenience floorspace capacity in the Northampton Borough Council Area – 7,800 sqm net over the plan period. It refers at section 5.3 to the identified aggregate overtrading of convenience goods floorspace “that is currently taking place”. In light of this identified capacity and in the context of the healthy performance of existing food stores, we consider it highly unlikely that a small convenience store at the new Local Centre could be considered to incur a potentially significant adverse impact on existing centres in the retail hierarchy.
9  **NBC INCONSISTENCIES**

9.1 In this section I set out a number of inconsistences in the decision making and stance of NBC in coming to its decision to refuse the Appeal planning permission as well as subsequent resolutions and decisions.

9.2 NBC has consistently supported the allocation of Brackmills SUE in the JCS for 1000 dwellings. This was important to the HCA promoting the site through the development plan and applicant process. Notwithstanding extensive additional transport and sustainability work having been carried out by the JPU, and the JCS Inspector finding the Brackmills SUE extension to be sound, NBC objected to the increase of an additional 300 dwellings on land to the east of the HCA land.

9.3 However, NBC has through its Adoption Report (January 2015) effectively thrown the baby out with the bathwater, by objecting not only to the 300 dwellings extension, but objecting in principle to the original Brackmills SUE allocation for 1000 dwellings which NBC has supported since the outset of the JCS process.

9.4 NBC’s in principle objection to Policy N5 and N6 is set out in the JCS Adoption Report of the full NBC council. However, the Adoption Report does not mention let alone object to Policy S5 of the JCS.

9.5 Policy S5 identifies that eight SUEs are allocated in Northampton. These include 1000 dwellings at Northampton South (i.e. Policy N5) and 1300 dwellings at Brackmills (i.e. Policy N6).

9.6 By not objecting to Policy S5 and supporting the adoption of the JCS, but then objecting to Policy N5 and N6 of its own development plan, NBC appear to be in the nonsensical position where at one and the same time its policy is to support the SUE allocations (Policy S5) but then object to two of them (Policy N5 and N6).

9.7 This position looks to makes a mockery of the development allocations process. NBC’s position is to take the extraordinary decision to object to two SUEs within its own development plan that has been found “sound” by an independent Inspector and adopted by NBC (as a constituent authority of the JSPC) just over one month previously.

9.8 Given NBC has taken this extraordinary decision, I find it incredulous that NBC had not fully reviewed the consequences of its action and considered the other linked policies in the JCS, not least Policy S5 which is one of the most fundamental policies of the entire JCS, given it underpins the spatial strategy for 2011-2029.
9.9 I submit that the Adoption Report objection to policies N5 and N6 is a knee jerk reaction with little or no underlying planning rationale. The net outcome of the objection would be to not only “lose” 2 SUEs that were planned to provide 2300 dwellings over the plan period, but also at one fell swoop to remove all strategic housing allocations on the south side of Northampton town centre, ending up with a highly unbalanced spatial strategy, leaving 6 SUEs to the west and north.

9.10 The Adoption Report also objects to Brackmills and Collingtree SUEs (located to the south of Northampton town centre), on the basis of the “limited provision” of the North West by pass. This is perverse, as the North West bypass infrastructure is far more material to the 6 other SUEs to the north and west of the town centre. NBC has not objected to any of these and indeed has approved the Upton Park SUE.

9.11 Outline permission for Upton Park SUE was granted by NBC on 31 March 2015 (CD107), i.e. following the NBC’s Adoption Report. I note the Decision Notice states that…”The principle for development of the site has been established by allocation in the Northampton Local Plan and subsequently strengthened by allocation of the site in the West Northamptonshire Joint Core Strategy. The development of the site for up to 1000 dwellings forms a key component of the Borough Council’s housing land requirement. In addition, the National Planning Policy Framework advocates sustainable development and supporting sustainable growth. The site is located within a sustainable location, which will be adequately served by the necessary infrastructure. It is considered that the environmental effects of the development can be reduced or adequately mitigated. It is furthermore considered that the proposal supports the sustainable growth of Northampton in accordance with the National Planning Policy Framework, the Northampton Local Plan and the West Northamptonshire Joint Core Strategy.

9.12 I note the decision notice makes no mention of the Adoption Report.

9.13 I submit that to maintain the integrity of the development plan process, the JCS must be read in its entirety (i.e. including Policies S5, N5 and N6) and that it carries full weight as the very recently adopted development plan policy.

9.14 The NBC Adoption Report says its objections to Policy N5 and N6 are material considerations for decision makers, and goes onto say it (i.e. the Adoption Report) is not trying to make planning policy. However, the net effect of NBC’s objections is precisely that, to try and make planning policy, albeit of a non-statutory nature.

9.15 Guidance on the non-statutory planning policy is set out in the NPPF and National Planning Guidance notes. It is clear that supplementary guidance may be produced, but it does not form part of the development plan nor can it introduce new policy.
Thus I conclude the Adoption Report objection cannot be part of the development plan (i.e. JCS), nor can it do what it is seeking to do by the backdoor, i.e. introduce new policy by deleting the two SUEs from the recently adopted development plan.

In respect to the two applications for the Northampton South SUE (Collingtree) by Bovis Homes, NBC officers prepared their report dated 28 January 2014, recommending approval in principle. This follows NBC Adoption Report.

I note at paragraph 5.3, the OR explains that the JCS has been adopted and so (my bold italics) ... “Forms part of the development plan and is consistent with s38 (6) of the Planning and Compulsory Purchase Act 2004 and therefore carries full weight when considering planning applications”. In other words the Head of Planning records no 'concern' with Policy N5 in any way.

However, turning to NBC’s decision to refuse both the Collingtree applications, the first reason for refusing both applications is given as…”The proposed development is contrary to the resolution of Northampton Borough Council on 19th January 2015 to confirm an objection to the identification of the site for the development of 1,000 dwellings in Policy N5 (Northampton South SUE) of the West Northamptonshire Joint Core Strategy”.

It is therefore a matter of fact that NBC is using the Adoption Report in an attempt to override adopted JCS planning policy and substitute its own NBC policy.

At the same Planning Committee that refused the Collingtree applications, members also ratified the reasons for refusal for the HCA Brackmills appeal proposals. The ratification for the HCA application makes no reference to Adoption Report resolution whatsoever. This is despite the Adoption Report objections to Policy N6 (Brackmills SUE) and the fact that very same night and meeting Planning Committee members had used the Adoption report resolution to object to the Collingtree SUE applications.

The importance of Brackmills and Collingtree SUEs to the overall JCS spatial strategy and meeting objectively assessed housing needs (OAHN) is clear. They would deliver 2300 dwellings over the Plan period. As set out in NBC’s April 2014 Northampton Related Development Area Five-Year Housing Land Supply Assessment (April 2014 – March 2019) at Figure 4, the two SUEs would deliver 625 units within in the 5 Year Housing Land Supply.

However, there is no mention within the Adoption Report as to how NBC will replace or even seek to replace the two SUE allocations and “make good” the gap NBC is deliberately creating in meeting the OAHN and five year housing land supply targets.
9.24 Borough Council members are at odds with their own Head of Planning officer’s recommendation on the Appeal application. Members are of course clearly entitled to arrive at different conclusions from their professional officers. However, this should be based on an appraisal of the issues laid before them.

9.25 At no point in the Officer Report did officers suggest that there were grounds for refusal based on the relevant aged saved local plan policies (which barring Policy E7 have now been superseded by the JCS policies), or that the application proposals were in any way contrary to the NPPF or what was then the emerging JCS. Indeed the Head of Planning’s appraisal for the members was quite the reverse, namely that the application proposals were consistent with the NPPF and what was then an advanced JCS.

9.26 This inconsistency is perverse, as the decision does not reflect the decision makers’ duty to determine in accordance with the development plan (s38 of the PCPA 2004) and material considerations only as far as they are relevant. In this case the development plan position supporting the Appeal applications is clear but has been ignored by NBC.

9.27 In its reasons for refusal, NBC relies on “insufficient information” arguments and that the application is “contrary to the overarching intentions of the NPPF”. The LPA case officers did request additional information post submission and this was duly presented. If further additional information was required (and bearing in mind the proposals are for EIA development with the LPA having Regulation 22 powers) it was not then requested.

9.28 As such the applicant could only draw the conclusion that the LPA had all the information it required. It is therefore particularly disappointing to see reasons of refusal couched in terms of the applicant not providing sufficient information.

9.29 NBC has objected to the Appeal application on transport grounds citing them as failing to demonstrate the highways residual impact would not be severe. Nevertheless I note from the Council CiL Draft Regulation 123 Schedule, that it contains only four items and first on the list is a contribution to the Northampton Growth Management Strategy (NGMS).

9.30 Thus on the one hand NBC is at odds with Highways Authority/England and the County Council, by saying it is unconvinced by the NGMS ability to deliver necessary improvements and using this as highways grounds for refusal, but on the other hand is seeking to levy contributions to it.
10 SUMMARY AND CONCLUSIONS

10.1 The Appeal site has been held as land for development by Government agencies since Northampton was designated a “new town” in 1968. The HCA owns the site and has promoted it through the development plan process, consulting extensively with the local authority, other stakeholders and the public.

10.2 A thorough and collaborative design led master planning exercise has been undertaken by the HCA and its consultant team in consultation with the planning authorities, other stakeholders, statutory bodies and the public. This masterplanning approach led to the submission of an outline planning application in March 2013. The proposals respond positively to their setting.

10.3 Despite NBC’s Head of Planning recommendation to grant planning permission, Northampton Borough Council refused the outline application on two grounds concerning highways and landscape matters, citing “insufficient information” before the Planning Committee and that the proposal is “contrary to the overarching intentions of the NPPF”.

10.4 The Appeal site is now allocated at Policy N6 as part of the Northampton South of Brackmills SUE in the recently adopted (December 2014) West Northamptonshire Joint Core Strategy Part 1.

10.5 The Appeal site is much the greater part of the Northampton South of Brackmills SUE, comprising 1000 out of the 1300 dwellings allocated. There is nothing in the application proposals that would prevent or prejudice the additional 300 dwellings from coming forward in a separate application.

10.6 NBC has supported the allocation for 1000 dwellings since the beginning of the JCS process in 2008. NBC only objected to the Inspector’s proposed modifications in February 2014 to extend the allocation eastward to accommodate an additional 300 dwellings. It did not at that time object to the original 1000 dwellings allocated on the HCA land.

10.7 NBC Head of Planning recommended that planning permission be granted and her report to Planning Committee members strongly supported the proposal. The Officer’s report states that the proposals are consistent with the NPPF and consistent with what at the time of determination was a well advanced West Northamptonshire Joint Core Strategy Part 1.

10.8 There was no evidence, appraisal or indeed suggestion within the Officer’s Report that would justify refusal on landscape and highways grounds, or indeed any other ground.

10.9 There were no objections from the Highways Agency or County Council to the proposals on highways grounds.
10.10 Eight Sustainable Urban Extensions (SUEs) are allocated in the JCS in Northampton, including the Northampton South of Brackmills SUE which contains the Appeal site. The SUEs comprise some 42% of the deliverable 5 year housing land supply identified by NBC. They are therefore pivotal to NBC meeting it's objectively assessed housing needs as set out in the adopted JCS.

10.11 NBC acknowledges in the Principle Statement of Common Ground that it does not have a five year housing land supply with a 5% buffer in place, in the Northampton Related Development Area (NRDA). The Council's assessment assumes that all Sustainable Urban Extensions (SUEs), including the Appeal site within the south of Brackmills SUE, make a significant contribution to the five year supply.

10.12 However, given the Council's refusal of permission for not only the Appeal site at Brackmills SUE (projected to contribute 250 dwellings to the five year supply), but also the Collingtree SUE (projected to contribute 375 dwellings, but also now subject to Appeal), and which are collectively allocated for 2300 dwellings in the JCS, the real 5 year housing land supply picture is much worse.

10.13 In January 2015 the full Council of NBC resolved to adopt the JCS (the Adoption Report), but to object in principle to the inclusion of Brackmills SUE (and indeed the Collingtree SUE) within the JCS.

10.14 This extraordinary decision to object to key policies (in the case of this Appeal Policy N6) of one's own recently adopted JCS looks to make a mockery of the development plan process. In this context, NBC is a constituent member of the JSPC and bound by its decision to adopt the JCS in its entirety, i.e. including Policy N6 allocating the south of Brackmills SUE for 1300 dwellings.

10.15 NBC’s Adoption Report is de facto seeking to create new planning policy by deleting two SUEs from the JCS. The JCS has taken some 6 years to adopt using a most thorough and up to date evidence base, sustainability appraisals, public consultation and Examination in Public. This was part of a democratic process, to which NBC willing signed up to in 2008.

10.16 There is a strong argument (based on the Council’s own figures and the West Northants JPU monitoring work) to say on past performance NBC should adopt a 20% buffer in its land supply. On this basis and deducting the two “objected to” SUEs from the deliverable supply, NBC has a land supply of 3.95 years in the NRDA. Nowhere does NBC propose deliverable replacement provision.

10.17 The impact of deleting SUEs from the housing land supply is likely to be catastrophic to meeting needs and targets. Quite apart from the loss of deliverable housing land supply, NBC’s actions threaten to seriously weaken market confidence to bring forward other applications.
10.18 The JCS development plan is up to date and must carry full weight. As set out at Paragraph 14 of the NPPF, planning permission should have been granted “without delay”.

10.19 The benefits of the scheme are demonstrable and compelling, making substantial contributions to the economic, social and environmental well-being of the area. In the view of the NBC’s officers, the ES assessment, and my evidence, the benefits of the proposal far outweigh any potential disbenefits. The requirements of Policy N6 and the NPPF are met by the appeal proposals.

10.20 Mr Tricker in his evidence demonstrates that there is no “nil detriment” to highways (a higher test than called for by the NPPF).

10.21 Mr Brashaw in his evidence demonstrates that any impact on the skyline and landscape is limited and capable of being addressed through design and mitigation.

10.22 In my evidence I address the planning policy issues surrounding the Appeal proposals.

10.23 I agree with the Head of Planning’s view in her Officer’s Report that the application proposals are consistent with the NPPF and the policies of what at the time of determination was the advanced West Northamptonshire Joint Core Strategy Part 1. The JCS is now adopted and in my opinion should be accorded full weight in determining the proposals before the Inquiry.

10.24 Consequently, there is no reason within the scope of my evidence why planning permission should be refused and I respectively submit that planning permission be granted.

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1 Parsons Brinckerhoff Land South of Brackmills SUE Transport Assessment (March 2013)