LAND TO THE EAST OF HARDINGSTONE, NORTH OF NEWPORT PAGNELL ROAD, NORTHAMPTON

PROOF OF EVIDENCE OF GARY STEPHENS ON BEHALF OF NORTHAMPTON BOROUGH COUNCIL (INCLUDING SUMMARY OF PROOF OF EVIDENCE)

PLANNING INSPECTORATE REFERENCE:
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QUALIFICATIONS & EXPERIENCE

1. My name is Gary Stephens. I have been a Planning Director at Marrons Planning since 2013. I hold a BA (Hons) degree in Countryside Planning from the University of Gloucestershire, and a Master of Arts Degree in Town and Country Planning and a Postgraduate Certificate in Urban Design from the University of the West of England. I am a member of the Royal Town Planning Institute.

2. I have over 18 years’ experience of working in town planning both in local government (forward planning and development management) and the private sector. Prior to my employment by Marrons Planning, I was Development Manager at Warwick District Council overseeing teams dealing with planning applications, planning appeals and the preparation of the Council’s Local Plan. I have also previously worked for another planning consultancy identifying sites for residential purposes and securing planning permission for development.

3. During this time I have given evidence at a number of Section 78 and Local Plan Inquiries, EiPs and LDD Examinations on housing and related issues. I have also gained experience of a wide range of situations dealing with the identification and allocation of suitable sites for housing development.

4. I was instructed by Northampton Borough Council in December 2014 to represent them in defending this appeal. I have subsequently visited the appeal site and examined the relevant national planning policy, guidance and development plan policies. I have read the application, its supporting documents, and correspondence received from third parties.
5. The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.
SUMMARY

1. This Proof of Evidence addresses the Council’s case in respect of defending its refusal of planning permission for the residential development of up to 1,000 dwellings and associated works on land east of Hardingstone, north of Newport Pagnell Road, Northampton. The appeal site is approximately 45ha (excluding land within the highway) of greenfield land in agricultural use in the open countryside, adjoining the urban area of Northampton.

2. My evidence draws upon the evidence prepared by Ms Howe in respect of landscape and visual impact and Mr Birch in respect of highway matters, before considering both the benefits and adverse impacts of granting planning permission.

3. Having regard to Section 38(1) of the Planning and Compulsory Purchase Act 2004, the starting point for assessing development proposals is the Development Plan which consists of the West Northamptonshire Joint Core Strategy and saved policies in the Northampton Borough Local Plan.

4. The appeal site forms part of an allocation within the Joint Core Strategy for 1,300 dwellings and associated uses. Policies of the Joint Core Strategy and the Local Plan impose a number of requirements on the development of the allocation, and the content of any planning application to be submitted for its development, including matters related to highway impact, and landscape and visual impacts.

5. The National Planning Policy Framework (Framework) is a material consideration in the determination of this appeal, and also places a number of requirements on the development of the appeal site.
6. In assessing the appeal proposal against the policies of the Framework, the benefits of the appeal scheme include the development of 1000 new homes, which will go some way towards meeting the objectively assessed housing need for the area. In the absence of a five year supply of deliverable housing sites, and subject to the mix of housing to be provided reflecting the needs of the area, this is a significant benefit of the development, in terms of the provision of housing recognised as needed in the JCS and in the Framework. Further, up to 240 of the new homes will be affordable homes and will contribute towards meeting the identified need for the area.

7. There will be other benefits of the development in terms of matters recognised as important within national and local policy. There will be jobs created by the construction of the development. There will also be new jobs created by the local centre, public house, primary school, and community/medical centre/pharmacy. As noted in the Appellant’s Environmental Statement, these will have “minor beneficial” effects.

8. Overall, insofar as there are economic benefits from the development, they are benefits within the context of the Framework, which requires significant weight to be placed on the need to support economic growth through the planning system.

9. In relation to transport matters, the evidence of Mr Birch for the Council is that it has not been shown that the effects of the development in terms of transport will be other than severe. The Framework (paragraph 32) contemplates refusal of development on transport grounds where the residual cumulative effects of development are severe. Such development cannot be regarded as sustainable, which is the
central aim of the Framework (paragraph 14). It follows from Mr Birch’s evidence that in accordance with the Framework, permission should be refused on transport grounds.

10. The fact that the development is unacceptable on transport grounds means that it is also contrary to the development plan, notably policies C2, INF1 and INF2 of the Joint Core Strategy. It also fails to comply with policy N6, which allocates the appeal site as part of the Sustainable Urban Extension.

11. Furthermore, a specific effect of the development’s unacceptability on transport grounds is its impact on the Brackmills Industrial Estate. Having regard to the letter from Mr Drake for the Council, any worsening of the situation in terms of the time taken to access and egress the Estate as a consequence of the development will impact on the ability in the future to let existing properties, and secure developer interest in developing the remaining undeveloped sites on the Estate. Mr Birch’s evidence is that it has not been shown that additional congestion will not be experienced as a consequence of the development.

12. Accordingly, the development will have a negative effect on the ability of the Estate to develop and contribute towards the jobs growth required in Northampton during the plan period. It will thus fail to promote the provision of employment within the existing business area of Brackmills, contrary to JCS policy S8 ‘Distribution of jobs’.

13. In relation to landscape impacts, Ms Howe’s evidence for the Council shows that the appellant has failed to give proper consideration to the landscape characteristics of the appeal site when preparing its application and accompanying Masterplan and Framework Plans. This failing is significant in the context of
the requirement of Policy N6 of the JCS to prepare a Masterplan.

14. Based on Ms Howe’s own assessment, the development conflicts with Local Plan policy E7 because of its impact on the sky line between Great Houghton and Hardingstone, as seen from the valley from the north. E7 is still a development plan policy, and it cannot be said that JCS policy N6 supersedes it. Indeed, paragraph 12.46 of the JCS specifically states that the potential for development to impact on the skyline when viewed from the north and east must be taken into account and addressed within the Masterplan for the site.

15. The development also conflicts with JCS policy BN5 because of its failure to sustain and enhance the landscape features which contribute to the character of the area. Specifically, Ms Howe’s evidence refers to the eastern side of the development which is of a scale and density which will remove the open and rural setting of this area, and the strong physical and visual connection to the countryside. Additionally, the development fails to respond positively to its context in relation to the treatment of the existing public footpath that runs through the site.

16. The development also does not therefore accord with the objective of the Framework to protect and enhance valued landscapes. Further, it does not respond to local character and integrate into the natural environment as required by the Framework.

17. In conclusion, therefore, the proposed development fails to accord with the development plan and is not supported by the Framework. The appeal proposal before this inquiry is therefore unacceptable and the appeal should not be allowed.
1. **INTRODUCTION**

1.1 This Proof of Evidence addresses the Council’s case in respect of defending its refusal of planning permission for the residential development of land east of Hardingstone, north of Newport Pagnell Road, Northampton.

1.2 Outline planning permission was sought by the appellant on 28th March 2013, and was refused by the Council’s Planning Committee in May 2014 for the following reasons:

   (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 the 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; and,

   (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 Hardingstone as seen from the Nene Valley. Public Footpath KN6 runs across the site in a south-
1.3 In its meeting of 28th January 2015, NBC Planning Committee resolved to ratify the reasons for refusal in relation to their previous determination, in doing so the following word was added to the first reason for refusal (emphasised in bold/italics):

The highway mitigation measures proposed fail to **sufficiently** 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.

1.4 This proof of evidence will describe the nature, scale and location of the proposed development, and assess the proposal against the planning policies at a national and local level relevant to the determination of the appeal.

1.5 This will draw upon the evidence prepared by Ms Howe in respect of landscape and visual impact and Mr Birch in respect of highway matters. Finally, this proof of evidence will consider both the benefits and adverse impacts of granting planning permission before concluding that the appeal should be dismissed.

1.6 The next section describes the appeal proposal and its context.
2. THE APPEAL PROPOSAL AND ITS CONTEXT

Proposed Development

2.1 The appeal seeks outline planning permission for:

"The development of a Sustainable Urban Extension to include up to 1,000 dwellings (Class C3); Local Centre up to 1,320 square metres net floor space of retail, professional and financial services, restaurants/cafes (Classes A1, A2 and A3); up to 375 square metres net public house (Class A4); 2.09ha of land for a two-form entry primary school (Class D1); up to 750 square metres of community uses to include medical centre, pharmacy and community centre (Class D1). Infrastructure improvements including a pumping station, green infrastructure and highway access from Landimore Road and Newport Pagnell Road (as amended by revised plans received 14/03/14 and revised Transport Assessment – January 2014)

2.2 All matters are reserved except for means of access.

2.3 The proposed development is visually presented in Figure 2.3 (Drawing No. 3238/200) and reproduced at Appendix A of the Environmental Statement (ES) that accompanies the appeal. The drawing is labelled as an ‘Illustrative Masterplan’, although the assessment of environmental effects within the ES has been based upon this Masterplan and a number of ‘Design Parameters’ taken from the Design and Access Statement. These are as follows:

- Access and Movement Framework;
- Land Use Framework;
- Layout Framework;
- Scale Framework;
- Green Infrastructure Framework;
- Blue Infrastructure Framework; and,
- Urban Structure and Legibility Framework

2.4 The Framework Plans illustrate the distribution of the proposed uses within the site, and the scale and nature of development within specific areas.

2.5 Vehicular access is taken from new junctions on Landimore Road and Newport Pagnell Road. A network of vehicular and footway/cycleway routes within the site connects blocks of development with these access points.

2.6 The residential blocks of development allow for 2-3 storey development and abut the northern, southern and western boundaries of the site. Blocks are also identified for mixed use, including a local centre (up to 3 storeys), primary school, and a public house.

2.7 Green links and corridors run alongside vehicular and pedestrian access routes serving the blocks of development. Areas are also identified for amenity green space, allotments and a multi-use games area as part of the school. Swale ditches and infiltration/attenuation basins also form part of the green links and corridors, and amenity green spaces.

**Appeal Site**

2.8 The appeal site is approximately 45ha (excluding land within the highway) of greenfield land in agricultural use in the open countryside, and outside the urban area of Northampton. The site slopes from north to south and occupies part of a limestone ridge which is an important skyline. The east and south eastern boundaries of the site are exposed, and there is a strong visual connection between the site and the wider rural landscape. To
the north of the site is woodland with areas of grassland and scrub known as Brackmills Wood. The site is enclosed to the west and south west by a mixture of rear boundary fences and occasional trees and scrub which run along the back of properties which back onto the site.

**Site Context**

2.9 The site is approximately 3.7 kilometres to the south east of Northampton Town Centre, and is bounded by the residential areas of Hardingstone to the west and south west of the site.

2.10 Vehicular access to the proposed development is to be obtained from Newport Pagnell Road and Landimore Road which connect the surrounding residential and employment areas (including Brackmills Industrial Estate) with the A45 Trunk Road. The A45 Trunk Road is a strategic highway link of regional significance serving the town of Northampton, and linking the M1 with the A14 Trunk Road.

2.11 A more detailed description of the landscape characteristics of the appeal site and its context, and the nature of the highway network is provided within the evidence of Ms Howe and Mr Birch.

**Brackmills Industrial Estate**

2.12 As noted above, to the north of the appeal site, is the Brackmills Industrial Estate which is one of the largest business parks within the Northampton area and a significant contributor to the economic success of the wider region. The potential impact of the proposed development on the Estate is explained in the letter dated 15th May 2015 from Mr Anthony Drake, appended to this proof of evidence as Appendix One.
2.13 The Estate covers 305 hectares of business premises such as industrial, warehousing and office space, and contains around 150 companies. There are currently in excess of 11,000 people employed on the Estate and the neighbouring Northampton Business Park.

2.14 The Estate is not fully developed, and additional land remains available. The West Northamptonshire Employment Land Study from 2010 identified undeveloped land within the Estate, and this Study was updated in 2012.

2.15 The following sites were identified as undeveloped and remain available for employment uses:

- Ref: N2 from 2012 Study – Caswell Road (1.6ha)
- Ref: N7 from 2012 Study – Reynoldstone Road (0.12ha)
- Ref: N10 from 2012 Study – Gowerton Road (12.8ha)
- Ref: N13 from 2012 Study – The Lakes (3.08ha)
- Ref: N14 from 2012 Study – Bedford Road (10.23ha)
- Ref: New from 2012 Study – Caswell Road (1.11ha)

2.16 In total, there is 28.94ha of land available for new employment development in and around the Brackmills Industrial Estate.

2.17 The next section describes the relevant national planning policies.
3. NATIONAL PLANNING POLICY FRAMEWORK

3.1 This section describes the policies of the National Planning Policy Framework (Framework), as a material consideration in the determination of this appeal, that are most relevant to the matters at issue in this appeal.

**Sustainable Development**

3.2 Pages 2 and 3 of the Framework state that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These should not be considered in isolation, because they are mutually dependent.

3.3 At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 14). For decision-taking this means (unless material considerations indicate otherwise)

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

3.4 Paragraph 17 of the Framework provides a set of core land-use
planning principles that should underpin both plan-making and decision-taking. These include the following principles that planning should:

- Be genuinely plan-led, empowering local people to shape their surroundings;
- Not simply be about scrutiny, but be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, … and infrastructure … that the country needs;
- Always seek to secure high quality design …;
- Take account of the different roles and character of different areas, … recognising the intrinsic character and beauty of the countryside;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
3.5 The policies of the Framework taken as a whole constitute the Government’s view of what sustainable development means in practice for the planning system, and include building a strong, competitive economy (page 6), promoting sustainable transport (page 9), delivering a wider choice of high quality homes (page 12) requiring good design (page 14), and conserving and enhancing the natural environment (page 30).

**Building a strong, competitive economy**

3.6 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19).

3.7 Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period (paragraph 21).

**Promoting sustainable transport**

3.8 Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives (paragraph 29).

3.9 All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or
refused on transport grounds where the residual cumulative impacts of development are severe (paragraph 32).

**Delivering a wider choice of high quality homes**

3.10 Local Planning Authorities should boost significantly the supply of housing in the following ways:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
• set out their own approach to housing density to reflect local circumstances (paragraph 47).

3.11 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (paragraph 49).

Requiring good design

3.12 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people (paragraph 56).

3.13 Planning decisions should aim to ensure that developments:

• will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

• establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

• optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

• respond to local character and history, and reflect the identity of local surroundings and materials, while not
preventing or discouraging appropriate innovation;

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

- are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58).

3.14 Securing high quality and inclusive design goes beyond aesthetic considerations. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).

3.15 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

**Conserving and Enhancing the Natural Environment**

3.16 The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or
being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 109).

**Relationship between the Framework and the Development Plan**

3.17 The Framework reiterates Section 38(1) of the Planning and Compulsory Purchase Act 2004 that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is one such material consideration (paragraph 196).

3.18 The next section describes the relevant policies of the development plan and other local planning policy guidance.
4. **THE DEVELOPMENT PLAN AND OTHER LOCAL PLANNING POLICY GUIDANCE**

4.1 Having regard to Section 38(1) of the Planning and Compulsory Purchase Act 2004, the starting point for assessing development proposals is the Development Plan which consists of the West Northamptonshire Joint Core Strategy and saved policies in the Northampton Borough Local Plan. This section describes the policies of the Development Plan that are most relevant to the matters at issue in this appeal.

**West Northamptonshire Joint Core Strategy Local Plan Part One (JCS)**

4.2 The JCS was adopted on 15\textsuperscript{th} December 2014 by the West Northamptonshire Joint Strategic Planning Committee. This decision was therefore taken after the planning application the subject of this appeal was refused by the Council.

**West Northamptonshire Joint Strategic Planning Committee (JSPC)**

4.3 The JSPC was established by Statutory Instrument 2008/1572 and came into being in July 2008. It was constituted as the local planning authority for the purposes of Part 2 (local development) of the 2004 Act for the administrative areas of Northampton Borough Council, Daventry District Council and South Northamptonshire District Council in respect of the preparation, submission and revision of the joint local development scheme and certain local development documents specified (including the JCS).
4.4 The JSPC comprises Members from Northampton Borough Council (4), South Northamptonshire District Council (3), Daventry District Council (3), and Northamptonshire County Council (2). The JSPC is supported by the West Northamptonshire Joint Planning Unit (JPU) which comprises officers funded by each of the local authorities, and who work collectively for the JSPC.

The Northampton Related Development Area

4.5 Since the Northamptonshire County Structure Plan Alteration No 1 was approved in 1992, it has been recognised that Northampton Borough is unable to physically accommodate its own housing needs. This means there is a clear need for Northampton Borough Council and its neighbouring authorities to work together to ensure Northampton’s housing needs can be planned and provided in a sustainable way. The NRDA comprises the administrative area of Northampton Borough, plus neighbouring land within the administrative areas of Daventry and South Northamptonshire which is either committed or allocated for development related to the growth of Northampton.

The Process of Preparation and Adoption of the JCS

4.6 At its meeting on 31 January 2011, the JSPC approved the publication of the Pre-Submission version of the West Northamptonshire Joint Core Strategy for the statutory six weeks representations period in accordance with the then Regulations 27 and 28. The content of the Pre-Submission Joint Core Strategy was informed by the Joint Core Strategy Issues

4.7 The Pre-Submission Version of the JCS made provision for 50,150 additional dwellings for the period 2001-2026. 33,680 of those additional dwellings would be provided for within the Northampton Related Development Area (NRDA).

4.8 Within the Pre-Submission version of the JCS, provision was made for the appeal site to be developed for 1,000 dwellings and associated uses (Policy N6 Northampton South of Brackmills).

4.9 At its meeting on 25 July 2011, the JSPC formally received the quantitative analysis of and the summary of the main issues raised by the representations received to the Pre-Submission Joint Core Strategy. In its representations, the Borough Council supported the principle of the allocation of the appeal site for 1,000 dwellings.

4.10 At its meeting on 16 July 2012, the JSPC approved the Proposed Changes to the Pre-Submission version of the West Northamptonshire Joint Core Strategy for the statutory six week representations period. The Proposed Changes to the Pre-Submission Joint Core Strategy were prepared in the light of the representations to the Pre-Submission Joint Core Strategy; changes to national planning policy, particularly in terms of the National Planning Policy Framework (NPPF); and the evidence base.

4.11 The JCS and its supporting documents were approved for submission to the Secretary of State for Examination by the JSPC at its meeting on 20 December 2012. The supporting documents included all the representations received to the Joint
Core Strategy and these representations were forwarded to the Inspector for his consideration.

4.12 An independent Planning Inspector, Mr Nigel Payne, was appointed by the Secretary of State to undertake the Examination. Examination Hearings were held in April and May 2013. Following these Hearing sessions, the Inspector requested further work be undertaken by the JPU on the Objectively Assessed Housing Needs and the Sustainability Appraisal/ Habitats Regulations Assessment. He also requested consideration be given to extending the Plan period from 2026 to 2029 or 2031.

4.13 On the 16th December 2013, the JSPC approved the Proposed Main Modifications to the Pre-Submission version of the JCS as amended by Proposed Changes (as submitted) for the statutory six week representations period.

4.14 The Main Modifications made provision for about 42,620 additional dwellings for the period 2011-2029, of which about 28,470 additional dwellings would be provided within the NRDA. To accommodate the increase in the number of dwellings to be provided for the remainder of the period to 2029, a number of the proposed allocations were increased in size as well as the inclusion of an additional proposed allocation. Policy N6 Northampton South of Brackmills was increased in size to include further land to the east, and in scale from 1,000 dwellings to in the region of 1,300 dwellings.

4.15 In its representations, the Borough Council objected to the main modifications as follows:

"When considering the following comments Northampton Borough Council would like to make it clear that it is aware of the need for and is committed to have a sound Joint Core
Strategy in place as soon as is possible. It is seeking for this to be achieved as a result of the current Examination of the Plan that has been submitted with proposed modifications. Whilst identifying what it considers as shortcomings of the proposed modifications to the plan, it seeks to positively identify solutions that provide a good balance between what it considers is the necessary clarity appropriate to a strategic plan such as the Joint Core Strategy, whilst providing the opportunity for sufficient future flexibility to be devolved to a lower level plan to deliver the strategic policies. The comments below relate to MM4, MM5, MM6, MM7, MM8 and MM9.

The Objectively Assessed Housing Need (OAHN) to 2029 undertaken by CCHPR for the NRDA (Northampton Related Development Area) against the uncertain background provided by the most up to date official population and household statistics is considered as sound an approach that can be expected with the information that is currently available.

The Council understands the Inspector’s desire consistent with the NPPF to provide certainty that housing needs will be met long term and will be positively planned for. Whilst the Council was supportive of the plan as submitted to 2026 with its allocations, it has concerns with the proposed modifications in particular in relation to the identification of additional allocations to SUEs within the NRDA over and above those that were proposed for 2026. The Council considers that as the evidence base for the Plan principally addressed the end period of 2026 it is not sufficiently robust in relation to 2029 or 2031, in particular in relation to the transportation elements.

Whilst it appears that in the period to 2029 the proposed modifications to the JCS can, subject to appropriate interventions on the highways network as advised by NCC, accommodate development to 2029, there is no clarity about how this would fit in with the need to continue after 2029 to meet OAHNs. It is unclear given the significant growth likely after 2029 whether the additional allocations as pursued are supportive of, or could indeed undermine future delivery. For example it is apparent that many allocations mean that highways capacity is effectively reached in a number of areas across the town which will bring the need for significant pieces of infrastructure post 2029 to support development. It would be better to understand what these potential “showstoppers?” are now and consider if and how allocations for delivery prior to 2029 might assist in bringing forward/unblocking infrastructure in a more timely manner to assist delivery post 2029 than
arriving at a potential abrupt stop to housing output because all easier options have been delivered.

On this basis, and to provide the opportunity for better “buy in” from all partners where there are clearly some issues currently, it is requested that the proposed modifications relating to the additional SUE allocations to meet needs to 2029, rather than those to 2026 are not pursued. In its place the Council would support the Inspector recommending objectively needs set for the period to 2029 are set out in the Plan, but that the sites to accommodate the additional housing numbers are not specifically allocated in the Plan. The Council along with partners represented by the JSPC would then work to identify within the Northampton Related Development Area Local Plan the remaining allocations in the period to 2029, or if necessary 2031 if this gave the Inspector extra comfort about meeting longer term needs. These allocations would occur within an area of search identified through a revised NRDA redline boundary consistent with all reasonable alternatives identified within the SEA /SA that accompanies the JCS, or alternatively areas indicated appropriate by the Inspector. This is considered to be in conformity with NPPF Paragraph 47 which states “…local planning authorities should…identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15’

4.16 Resumed Hearings were then held in March 2014 to consider the further work undertaken in respect of re-assessing the objectively assessed housing need and revised sustainability appraisal, as well as the Proposed Main Modifications to the Joint Core Strategy. The Inspector’s Report was published on 7 October 2014, which concluded the Plan was sound subject to the main modifications.

4.17 The Inspector commented that the robustness of the transport modelling and consequent mitigation measures would be more properly assessed as part of the determination of any planning application as follows:

The 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.’ (Paragraph 142 of the Inspector’s Report).

4.18 On December 15th 2014, the JSPC resolved to adopt the JCS. South Northamptonshire and Daventry supported the adoption, with Northampton Borough and the County Council opposing adoption. The decision to adopt the JCS was carried by the Chair’s casting vote (Daventry).

Borough Council Position on the JCS

4.19 The Borough Council has subsequently resolved on the 19th January 2015 to support the adoption of the JCS as part of the Development Plan for the purposes of determining planning applications. However, the Council resolved to object to the allocation of the site for 1,300 dwellings in Policy N6 ‘Northampton South Brackmills SUE’ (the appeal site comprises part of the Policy N6 allocation).

4.20 Furthermore, it resolved to object to the limited provision of the North-West bypass as set out in Policy T7 of the JCS (NB: this is not a policy but a reference to an item on the infrastructure schedule on page 234) and request that the 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.
JCS, Its Vision and Strategic Objectives

4.21 The Foreword to the JCS explains that this document forms Part 1 of the suite of Local Plans for West Northamptonshire. It provides a long term vision for the area with an overall framework in which more detailed plans will be drawn up and decisions made. It contains a broad planning strategy aimed at meeting that vision, and contains core strategic policies.

4.22 The JCS Vision for Northampton, as the principal urban area, is of a beacon of high quality urban design with an outstanding public realm (page 19).

4.23 A number of spatial objectives have been identified to ensure the vision is achieved (page 20). These include Objective 2 – Infrastructure and Development which states:

‘To protect and enhance existing local services and to ensure social, physical and green infrastructure is adequately provided to meet the needs of people and business in a timely and sustainable manner in response to regeneration and new development in West Northamptonshire.’

4.24 As highlighted in the JCS, this objective is particularly important in the context of an area where provision of infrastructure has historically failed to keep pace and fully support a growing population. Elements of the existing infrastructure in the area are already at or close to capacity (paragraph 4.45 on page 16).

4.25 The importance of the strategic transport network to the growth of the local economy is reflected in Objective 8 – Economic Advantage which states:
‘To strengthen and diversify West Northamptonshire’s economy by taking advantage of our internationally well-placed location, strategic transport network and proximity to London and Birmingham.’

4.26 The realisation of Northampton becoming a beacon for high quality urban design is reflected in Objective 15 – High Quality Design which states:

‘To achieve high quality design in both rural and urban areas that takes account of local character and heritage and provides a safe, healthy and attractive place for residents, visitors and businesses.’

Housing Policies

4.27 In order to fully meet the objectively assessed housing needs of the area, the JCS makes provision for about 42,620 net additional dwellings for the period 2011 to 2029 (Policy S3 on page 35). As set out above, the dwellings are distributed between the authorities, with provision made for about 28,470 dwellings within the Northampton Related Development Area (NRDA) (Policy S4 on page 36).

4.28 In addition to new dwellings within the sizable existing urban area, eight sustainable urban extensions (SUEs) are allocated within the NRDA, which in total are proposed to provide 16,850 dwellings (Policy S5 on page 37). Northampton South of Brackmills which includes the appeal site is one of the eight allocations. Four other allocations are made in the other authority areas, which in total are proposed to provide a further 6,430 dwellings.
4.29 For each of the twelve SUEs, a specific policy is included in the JCS which defines the boundary of the SUE with reference to the Policies Map and lists various required elements of development. Of specific relevance to this appeal, Policy N6 – Northampton South of Brackmills SUE (page 157) requires development to make provision for:

a) IN THE REGION OF 1,300 DWELLINGS;
b) A PRIMARY SCHOOL;
c) A LOCAL CENTRE TO INCLUDE LOCAL RETAIL FACILITIES OF AN APPROPRIATE SCALE (INCLUDING A SMALL CONVENIENCE STORE), HEALTH CARE SERVICES AND COMMUNITY FACILITIES;
d) 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;
e) STRUCTURAL GREENSPACE AND WILDLIFE CORRIDORS AS INDICATED ON THE POLICIES MAP (FIGURE 5);
f) THE CREATION OF A LANDSCAPE BUFFER TO THE SOUTH WEST OF THE SITE AS INDICATED ON THE POLICIES MAP (FIGURE 5);
g) ARCHAEOLOGICAL AND ECOLOGICAL ASSESSMENT OF THE SITE AND REQUIRED MITIGATION;
h) OPEN SPACE AND LEISURE PROVISION; AND
i) 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.

4.30 Achievement of the housing provision is dependent upon necessary supporting infrastructure coming forward in a timely manner (paragraph 5.40 on page 38).

4.31 Furthermore, the relationship between the delivery of the specific provisions of Policy S5 and the requirements of other policies within the JCS is explained at paragraph 5.44 on page 40:

‘The implementation of policies in the JCS is designed to achieve a range of outputs and outcomes. How an individual policy is delivered depends on the specific elements of the Plan objectives that it seeks to address. Some policies are designed to be implemented through specific actions such as house building (referred to as “outputs”) while others aim to support improved “outcomes” such as safeguarding social and environmental assets through development management decisions. Delivering the combination of both is important to support the full range of social, environmental and economic objectives in the JCS.’

Sustainable Development and Design

4.32 The JCS acknowledges the scale of development planned across the area will place pressure on the environment (paragraph 5.96 on page 54). A number of policies are therefore included which place environmental safeguards on new development.

4.33 Policy S10 sets out a number of sustainable development principles, including the requirement that development will protect, conserve and enhance the natural and built...
environment and heritage assets and their settings (criteria i of Policy S10 on page 56).

4.34 West Northamptonshire’s landscape is a key asset of the area. Paragraph 10.2 on page 111 states that:

‘These landscapes, both man-made and natural, are what makes the area distinctive and there is a pressing need to preserve and enhance many of the features, such as the biodiversity, ancient woodlands, heritage assets, townscapes and rural settings.’

4.35 Policy BN5 addresses ‘Landscape’, in addition to the ‘Historic Environment’. This policy replaces Policy E1 of the adopted Local Plan which is cited in the second reason of refusal. Policy E1 resists development which by reason of its siting, design and layout is likely to be detrimental to the character and structure of the landscape and is set out in full in paragraph 4.57 below.

4.36 Policy BN5 states that ‘... landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to West Northamptonshire’s local distinctiveness and sense of place.’ Furthermore, it specifically requires that:

‘IN ORDER TO SECURE AND ENHANCE THE SIGNIFICANCE OF THE AREA'S HERITAGE ASSETS AND THEIR SETTINGS AND LANDSCAPES, DEVELOPMENT IN AREAS OF LANDSCAPE SENSITIVITY AND/ OR KNOWN HISTORIC OR HERITAGE SIGNIFICANCE WILL BE REQUIRED TO:

1. SUSTAIN AND ENHANCE THE HERITAGE AND LANDSCAPE
FEATURES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA INCLUDING:

a) CONSERVATION AREAS;
b) SIGNIFICANT HISTORIC LANDSCAPES INCLUDING HISTORIC PARKLAND, BATTLEFIELDS AND RIDGE AND FURROW;
c) THE SKYLINE AND LANDSCAPE SETTINGS OF TOWNS AND VILLAGES;
d) SITES OF KNOWN OR POTENTIAL HERITAGE OR HISTORIC SIGNIFICANCE;
e) LOCALLY AND NATIONALLY IMPORTANT BUILDINGS, STRUCTURES AND MONUMENTS

3. BE SYMPATHETIC TO LOCALLY DISTINCTIVE LANDSCAPE FEATURES, DESIGN STYLES AND MATERIALS IN ORDER TO CONTRIBUTE TO A SENSE OF PLACE’

4.37 Green Infrastructure is also an essential element in helping to manage the environmental impact of continued economic growth (paragraph 10.12). Policy BN1 (page 114) requires measures to enhance existing and provide new green infrastructure provision. Amongst other things, these will reflect local character through the planting of native and other climate appropriate species and consideration of natural and cultural heritage features (criteria d).

4.38 Of specific relevance to the appeal site, as noted above, Policy N6 (page 157) imposes a number of specific requirements on the development of the land south of Brackmills. These include structural greenspace and wildlife corridors, and the creation of a landscape buffer to the south west of site as indicated in the JCS. Indicative areas for these are shown on the Policies Map (Inset 11 of Figure 5 of the JCS).
4.39 Policy N6 also requires development proposals to be accompanied by a masterplan. The supporting text in paragraph 12.49 states that this is required to ‘demonstrate how the land use elements positively respond to context, design issues, connectivity and sustainable planning requirements.’

Infrastructure

4.40 As noted above, Policy N6 in relation to the development of the appeal site also specifically requires that ‘necessary infrastructure is required to be phased alongside the delivery of the development’.

4.41 The approach of the JCS to infrastructure delivery more generally is set out in Section 11 (page 134) and Policy INF1 which states:

‘NEW DEVELOPMENT WILL BE SUPPORTED BY, AND PROVIDE GOOD ACCESS TO, INFRASTRUCTURE, INCLUDING PHYSICAL, GREEN AND SOCIAL ELEMENTS. IT WILL INTEGRATE WITH AND COMPLEMENT ADJOINING COMMUNITIES.

WHERE DEVELOPMENT GENERATES A NEED FOR NEW INFRASTRUCTURE DEVELOPERS WILL NEED TO DEMONSTRATE THAT PROVISION WILL BE MADE TO MEET THE NECESSARY REQUIREMENTS ARISING FROM THAT DEVELOPMENT WITHIN AN APPROPRIATE TIMESCALE.

IN ASSESSING CAPACITY, DEVELOPERS WILL PROVIDE EVIDENCE AS TO WHETHER EXISTING INFRASTRUCTURE CAN BE USED MORE EFFICIENTLY, OR WHETHER THE IMPACT OF DEVELOPMENT CAN BE REDUCED THROUGH PROMOTING BEHAVIOURAL CHANGE.’
4.42 The importance of ensuring development proposals address their impact is set out at paragraph 11.12 which states:

‘When determining planning applications the Local Planning Authorities will need to be assured that existing infrastructure provision can support proposals that come forward. If this is not the case then the necessary additional infrastructure should be provided in a timely and sustainable manner.’

4.43 In seeking contributions to infrastructure, Policy INF2 requires that:

‘NEW DEVELOPMENT WILL ONLY BE PERMITTED IF THE NECESSARY ON AND OFF-SITE INFRASTRUCTURE THAT IS REQUIRED TO SUPPORT IT, AND MITIGATE ITS IMPACT, IS EITHER ALREADY IN PLACE, OR THERE IS A RELIABLE MECHANISM IN PLACE TO ENSURE THAT IT WILL BE DELIVERED.’

Connections and Highway Infrastructure

4.44 Transport links and connections between places are vital, and the JCS recognises its strategic connections and junctions are particularly critical to the economic success of the area. Policy C1 of page 66 specifically requires that ‘any transport capacity improvements should support economic growth...’

4.45 However, congestion around the junctions on the strategic road network is compromising its ability to function efficiently (paragraph 6.19 on page 68) and the transport network is recognised as being at, or close to, capacity (paragraph 11.1 on page 134).
4.46 Paragraph 6.20 provides further detail as to the improvements required to enhance capacity to address congestion, and with specific reference to the A45 trunk road which serves traffic from the appeal site it states:

'The Northampton Growth Management Scheme (NGMS) for the M1/ A45 sets out necessary mitigation measures on the A45 between the M1 Junction 15 and Great Billing Junction required to support the growth of Northampton. The Partner Councils have agreed a Memorandum of Understanding (MoU) with the Highways Agency on the delivery of NGMS. The MoU provides a mechanism for using S106 planning obligations (prior to the introduction of CIL and then CIL funding) to secure contributions to enable delivery of the NGMS. The NGMS also considers the staging of developer contributions to support the viability of developments. The specific developer funded measures on the A45 and A43 are set out in the Infrastructure Schedule in Appendix 4 of this Plan.’

4.47 Policy C3 on page 70 therefore requires traffic management measures and related junction modifications on the A45 in conjunction with development coming forward in the corridor, including the M1/A45 Northampton Growth Management Scheme.

4.48 New development will therefore be required to mitigate its effects on the highway network (paragraph 6.16 on page 67). The detail of the mitigation to be required is to be assessed as part of the determination of planning applications. Policy C2 on page 67 specifically states:

‘DEVELOPMENT WILL BE REQUIRED TO MITIGATE ITS EFFECTS ON THE HIGHWAY NETWORK AND BE SUPPORTED BY A
TRANSPORT ASSESSMENT AND TRAVEL PLAN PREPARED IN ACCORDANCE WITH CURRENT BEST PRACTICE GUIDELINES AS ISSUED BY THE DEPARTMENT FOR TRANSPORT OR THE RELEVANT LOCAL AUTHORITY.’

Economic Advantage

4.49 As noted above, strategic transport connections are vital to the area’s economic success, and a central theme of the JCS vision for West Northamptonshire is to secure economic stability and prosperity (paragraph 8.1 on page 86). In particular, Northampton will be the major regional and cultural economic driver for the wider area with a diverse and competitive economic base and a well housed population (paragraph 12.10 on page 145).

4.50 Policy S8 on page 46 therefore concentrates the majority of new job growth within the Principal Urban Area of Northampton, to be achieved through (amongst other areas) development within existing business areas, including Brackmills Industrial Estate to the north of the appeal site.

Northampton Local Plan

4.51 The Local Plan was adopted in 1997. In 2007, the Secretary of State wrote to the Council directing that certain policies would be ‘saved’ to ensure continuity in the plan-led system and a stable planning framework locally.

4.52 ‘Saved’ policies E1 (Landscape and open space), E7 (Skyline development) and H7 (Other housing development) of the Local Plan were referenced in the second reason for refusal of the appeal proposal.
The adoption of the JCS in December 2014 resulted in a number of the ‘saved’ policies being replaced by policies of the JCS. Appendix 5 of the JCS lists the saved local plan policies replaced. These include policy E1 which stated that:

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH BY REASON OF ITS SITING, DESIGN AND LAYOUT IS LIKELY TO BE DETRIMENTAL TO THE CHARACTER AND STRUCTURE OF THE LANDSCAPE

This policy is now replaced with policies BN2: Biodiversity and BN5: The Historic Environment and Landscape (referred to above).

Policy H7 which set requirements in relation to the design and layout of new residential developments is now replaced with Policy H1: Housing Density and Mix and Type of Dwellings. These policies therefore no longer form part of the development plan.

The JCS specifically does not replace Policy E7, and therefore this remains part of the development plan.

Policy E7 (page 7) requires that when considering the impact of development upon the landscape, special importance will be attached to its effect upon the skyline of a number of areas listed within the policy. Of relevance to this appeal, these areas include the land between Houghton and Hardingstone (as seen from the Nene Valley to the north).

The supporting text to this policy (paragraph 2.21 on page 7) states that:
'It is important that the skylines around the town are safeguarded to ensure that these important elements of the landscape are retained. For any development to be considered appropriate, it should be low rise and should seek to maintain and enhance existing landscape features.'

4.59 The particular importance of this skyline is noted in paragraph 12.46 of the JCS (with reference to Policy N6 – Northampton South of Brackmills SUE) which states:

'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.'

4.60 In accordance with paragraph 215 of the NPPF, due weight should be given to Policy E7 according to its degree of consistency with the Framework.

4.61 Paragraph 17 (fifth bullet point) of the NPPF identifies as a core land-use planning principle that planning should 'recognise the intrinsic character and beauty of the countryside'. Paragraph 109 (first bullet point) of the NPPF also states that 'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes'. Furthermore, paragraph 114 (second bullet point) of the NPPF requires local planning authorities to 'protect and enhance its distinctive landscapes'.

4.62 The approach of Policy E7 to recognise the character and beauty of the skyline landscape, and protect and enhance this landscape, is entirely consistent with the policy approach of the NPPF. Full weight should therefore be afforded to this policy.
Planning Obligations Strategy Supplementary Planning Document

4.63 The Planning Obligations Supplementary Planning Document (SPD) was published by the Borough Council in February 2013, and expands upon policies within the then emerging JCS, and Local Plan. The SPD provides details of how planning obligations will be secured.

4.64 The SPD highlights the importance attached by the Council to mitigating the impacts of new development through the timely delivery of infrastructure.

4.65 With specific reference to transport, Policy PO3: A45/M1 (j15) Northampton Growth Management Scheme (page 23) states:

‘To ensure that vehicular access and egress onto the Strategic Road Network (SRN) is managed effectively and that the safety of traffic on the A45 is maintained, over the Plan period up to 2026, proposed development that constitutes more than 30 (two way) trips on the SRN in any peak hour will be required to enter into an obligation to make a financial payment to the appropriate improvement scheme.’

4.66 This SPD is to be reviewed during 2015 to take into account the preparation of the Community Infrastructure Levy for West Northamptonshire.

Northamptonshire County Council’s Planning Obligations Framework and Guidance Document

4.67 The Planning Obligations Framework and Guidance document was published in January 2015 and outlines Northamptonshire
County Council’s approach to developer contributions via planning obligations, through Section 106 agreements.

**Community Infrastructure Levy – Draft Charging Schedule**

4.68 The Borough Council submitted its Community Infrastructure Levy (Draft Charging Schedule) to the Secretary of State in January 2015. The Examination was held on May 13th, and the Inspector’s report is expected in due course. Officers will report the findings to the Council’s Cabinet in Autumn 2015.

**Emerging Development Plan Policies – Northampton Related Development Area Allocations and Development Management Local Development Document**

4.69 The Foreword to the JCS explains that it provides a strategic framework to guide the preparation of Part 2 Local Plans which will provide more detailed planning policies and site allocations for each of the partner Borough and District Councils.

4.70 The Local Development Scheme for West Northamptonshire (June 2012) identifies that an Allocations and Development Management Policies document will be prepared for the Northampton Related Development Area (NRDA), as defined in the West Northamptonshire Joint Core Strategy, on a joint working basis lead by the West Northamptonshire Joint Planning Unit. Although the document is not specifically referred to in the 2012 Local Development Scheme as a ‘Part 2 Local Plan’, it is this document which formed the concept which was carried forward into the later drafts of the JCS and described as a Part 2 Local Plan.

4.71 The timetable for its preparation as set out within the Local Development Scheme has not been met, and is therefore to
reviewed by the authorities in the Summer 2015 as part of the preparation of a new Local Development Scheme. The Borough Council have however commenced its preparation with the gathering of evidence.

4.72 In relation to the content of the Allocations and Development Management Policies document, the Local Development Scheme advises that it will include site-specific allocations and accompanying policies. Allocations will be included covering all land uses, together with policies that will help in the determination of Planning Applications on specific sites and in the delivery of regeneration, growth and conservation objectives. It will also include the identification, phasing and implementation of local infrastructure for sites. This Local Development Document will not allocate land for Sustainable Urban Extensions; this is done through the West Northamptonshire Joint Core Strategy. The Local Development Document will also set out specific policies against which Planning Applications for the development, management and use of land and buildings will be considered.

4.73 The next section assesses the supply of deliverable housing sites.
5. **SUPPLY OF DELIVERABLE HOUSING SITES**

5.1 As noted in Section 3 above, the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.2 It is common ground with the appellant that the Council cannot demonstrate a five year supply of deliverable housing sites.

5.3 The latest Five Year Housing Land Supply Assessment for the area was published in April 2014 and has informed decisions on planning applications determined after 1st April 2014.

5.4 The 2014 assessment of supply covers the Northampton Related Development Area (NRDA), as opposed to the administrative boundary of Northampton Borough. It will be noted from the JCS that the Borough is unable to physically accommodate its own housing needs within its boundary, and is reliant upon housing being delivered on land within the wider NRDA boundary, including land within Daventry and South Northamptonshire Councils (paragraph 5.27 of the JCS).

5.5 In assessing therefore the delivery of new homes and whether sufficient land is available to meet the housing needs of Northampton, it is appropriate to assess supply within the wider NRDA. This view was endorsed by the JCS Inspector in his Report at paragraph 199 which stated:

> ‘Nevertheless, in order that flexibility is enhanced, it is considered desirable and acceptable in principle that the NRDA is taken as one joint area for the assessment of new housing delivery. That being so, it is also appropriate in this particular local context that housing land supply should be measured...’
against the housing trajectory, rather than just the simple annualised target.’

5.6 The 2014 assessment demonstrates there is 4.87 years supply within the NRDA. This is based on the up-to-date housing requirement within the adopted JCS, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land in accordance with paragraph 49 of the Framework.

5.7 The policies for the supply of housing within the JCS cannot therefore be considered up-to-date.

Additional Buffer

5.8 Paragraph:035 (Reference ID: 3-035-20140306) of the Planning Practice Guidance (PPG) makes clear that 'the approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.’

5.9 The appellant’s Statement of Case argues that a 20% buffer should be applied to the housing requirement for persistent failure to deliver the previous housing requirement for Northampton Borough taken from the now revoked East Midlands Regional Plan (RSS).

5.10 The RSS was formally revoked in April 2013. It set out challenging targets for West Northamptonshire, and the NRDA, based on the previous ambitious growth levels within the Milton Keynes and South Midlands Sub-Regional Strategy (see Policy MKSM SRS Northampton 2 attached at Appendix Two).
growth levels incorporated high levels of in-migration to the region from the South East and other regions, and have since been replaced by the objectively assessed need as set out within the JCS.

5.11 Having regard to the West Northamptonshire Authorities’ Monitoring Report 2012/2013 (see extract at Appendix Three), the RSS targets based on an annual average rate were not achieved in the NRDA for the period 2001/02 to 2003/04. For the following three years, the annual average was exceeded (2004/05 to 2006/07). However, the recession in the economy resulted in completion rates falling below the annual average for the period 2007/08 to 2010/11.

5.12 The appropriateness of assessing performance against an annual average has been considered previously by the Secretary of State in his determination of an appeal by Rainier Properties Limited at land surrounding Sketchley House, Watling Street, Burbage, Leicestershire (planning reference: APP/L2420/A/13/2208318). A copy of his decision notice can be found at Core Document 149.

5.13 The Secretary of State agreed with the Inspector’s assessment of whether, in that case, the failure to deliver housing was ‘persistent’ (paragraph 11). The Inspector at paragraph 11.11 had commented in his report on the appropriateness of assessing performance against an annual average as follows:

‘I do not accept that there has been a ‘persistent under-delivery’ of housing within the Borough. As explained in the Groby judgement, the word ‘persistent’ implies a failure to deliver the required amount of housing that has occurred for a long time. The view that such failure has been persistent here
appears to be derived from the observation that the delivery of dwellings has matched (or exceeded) the annual average requirement just once in the last 7 or 8 years since the Core Strategy was adopted. But that is not a sensible comparison. There is no requirement (of any kind) that the delivery of dwellings should always match the annual average provision. Indeed, such an expectation would be unrealistic. Uniform distributions of dwelling delivery do not even occur at a national scale, let alone within the confines of a modest Borough. The provision of housing comes in ‘lumps’ and it follows ‘cycles’. So, variations about the annual average requirement should be expected and periods of plenty, followed by periods of ‘famine’, should be accommodated in meeting what is actually required, namely the number of dwellings to be provided over the Plan period.’

5.14 This decision recognises that when assessing whether there has been a persistent under delivery of housing, account must be taken of the reality that the provision of housing comes in ‘cycles’.

5.15 In assessing performance for the time periods as set out in RSS Policy MKSM SRS Northampton 2 (2001/2006 and 2006/2011), the total number of additional dwellings exceeded the housing requirement for the period 2001 to 2006, but failed to achieve the housing requirement for the period 2006 to 2011. As explained above, the fall in completion rates from 2007/08 coincided with the recession in the economy.

5.16 Since 2011, the housing requirement for the NRDA has been updated to reflect the objectively assessed housing need for the period 2011 to 2029 within the JCS. The JCS sought to establish an achievable and reasonable level of housing
provision, recognising the previous ambitious growth targets within the RSS had not been achieved since the economic downturn, as referred to in paragraph 5.11 above. (paragraphs 5.22 and 5.23 of the JCS).

5.17 The objectively assessed housing need and housing trajectory for the plan period was endorsed by the JCS Inspector at paragraph 42 of this report:

'Overall, and taking into account all the available evidence, statements and submissions, I conclude that, as modified, the plan is based on an objective assessment of housing need in the area to 2029, taking account of reasonable population and household projections, having regard to all relevant local factors, including current market conditions in the area. The modified new housing total, extended plan period and revised housing trajectory represent a reasonable and realistic, deliverable and justified, basis for meeting local needs over the plan period. This incorporates provision for the needs of the existing local population, including in respect of affordable housing.'

5.18 The 2014 assessment shows that the housing requirement as set out in the housing trajectory has been exceeded in the three years 2011/2 to 2013/14. The figures for 2014/15 have yet to be published by the Council.

5.19 Paragraph 35 of the PPG notes that:

'The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.'
5.20 Taking account of the longer term view and the housing market cycle, there have been periods where requirements have been exceeded (2001 to 2006 and 2011 to 2014), and a period where it has not been achieved (2006 to 2011). There has not therefore been persistent under delivery of housing, and I therefore do not consider it would be appropriate to apply an additional 20% buffer to the housing requirement.

5.21 The appellant’s Statement of Case also argues that the adjoining authorities of Daventry and South Northamptonshire have been assessed as requiring an additional 20% buffer to their housing requirements. As these assessments relate to housing delivery and supply within different areas with different housing requirements, it is not considered this is relevant to whether the NRDA should have an additional buffer of 20%.

**Land South of Brackmills**

5.22 The five year land supply for the NRDA includes the delivery of 250 dwellings from the JCS allocation, Policy N6 – Land South of Brackmills, which represents 3% of the total supply, or 1.7 months. Dwellings were projected to be delivered from 2016/17 onwards.

5.23 The failure of the Land South of Brackmills Allocation to deliver the number of dwellings required during the Plan period to 2029 would threaten the ability of the objectively assessed housing need to be met within the NRDA during the plan period. However, as noted by the JCS Inspector (paragraph 200 of his Report), permissions on un-allocated sites may have to be part of the response to non-delivery of some strategic sites elsewhere in the area. Moreover, the preparation of the Part 2
Local Plan will provide an opportunity for the Councils to make additional non-strategic housing allocations within the NRDA.

5.24 The next section considers the Council’s case for and against the scheme taking account of the evidence provided by Mr Birch and Ms Howe, together with the comments of Mr Drake.
6. The Planning Balance

6.1 I now consider the case for and against the scheme, in the light of the evidence given on behalf of the Council.

Benefits

6.2 I begin by considering the benefits of the development. The development of 1000 new homes will go some way towards meeting the objectively assessed need for the area. In the absence of a five year supply of deliverable housing sites, and subject to the mix of housing to be provided reflecting the needs of the area, this is a significant benefit of the development, in terms of the provision of housing recognised as needed in the JCS and in the Framework. It is, however, relevant to point out that on the Council’s calculation, the supply of housing, at 4.87 years, falls short of the required five years by only a relatively small amount.

6.3 Further, up to 240 of the new homes will be affordable homes and will contribute towards meeting the identified need for the area. Notwithstanding that the number of affordable homes as a proportion of the total dwellings is below the number required by the JCS due to the assessment of viability, this is a significant benefit of the development.

6.4 There will be other benefits of the development in terms of matters recognised as important within national and local policy.

6.5 There will be jobs created by the construction of the development, which will be a benefit. As noted in the Appellant’s Environmental Statement, this is a “minor beneficial” effect, albeit that this conclusion was based on an
assessment of the construction of 1200 dwellings (paragraph 9.5.2).

6.6 There will also be new jobs created by the local centre, public house, primary school, and community/medical centre/pharmacy. The precise number of jobs is not defined. As noted within the Appellant’s Environmental Statement, this will also have a “minor beneficial” effect (paragraph 9.5.9).

6.7 It is also the case that the provision of new housing can support economic growth through attracting in-migration and increasing the labour force available within the local economy. However, there is no indication within the JCS that a key driver for the provision of new housing in West Northamptonshire is a need to address a shortage in the availability of labour within the local economy. Furthermore, as noted within the Appellant’s Environmental Statement (paragraph 9.4.30), "housing provision is only one of a number of variables which influence the sub region’s local economy.” The impact of the appeal proposal and the provision of 1000 new homes on the future growth of the local economies is therefore uncertain.

6.8 Overall, insofar as there are economic benefits from the development, they are benefits within the context of the Framework, which requires significant weight to be placed on the needs to support economic growth throughout the planning system (paragraph 19).

6.9 I turn secondly to transport matters.
Transport

6.10 The evidence of Mr Birch for the Council is that it has not been shown that the effects of the development in terms of transport will be other than severe. The Framework (paragraph 32) contemplates refusal of development on transport grounds where the residual cumulative effects of development are severe. Such development cannot be regarded as sustainable, which is the central aim of the Framework (paragraph 14). The burden must, surely, be on an applicant to show that its proposals can be satisfactorily accommodated on the highway network, without severe effects. It follows from Mr Birch’s evidence that in accordance with the Framework, permission should be refused on transport grounds.

6.11 The fact that the development is unacceptable on transport grounds means that it is also contrary to the development plan.

6.12 It will fail the requirements of Policy C2 ‘New Developments’ of the JCS. That policy requires that development, including Sustainable Urban Extensions, should mitigate its transport effects. Mr Birch’s evidence establishes that the appeal scheme has not been shown to mitigate its effects. The development also therefore fails the requirements of the highways infrastructure policies in the JCS-INF1 ‘Approach to Infrastructure Delivery’ and INF2 ‘Contributions to infrastructure requirements’.

6.13 Indeed, the development is not supported by policy N6, which allocates the appeal site. That is because that policy clearly states that necessary infrastructure is required to be phased alongside the delivery of the development. Where – as here - it
has not been shown that the necessary infrastructure could be phased alongside the delivery of the development, to permit the development cannot be in accordance with policy N6.

6.14 The failure to demonstrate that the transport effects of the development can be appropriately accommodated on the highway network means that the development does not accord with the development plan, and plainly should be refused.

6.15 Thirdly, I wish to refer to a specific effect of the development’s unacceptability on transport grounds. I refer to the impact on the Brackmills Industrial Estate.

**Brackmills Industrial Estate**

6.16 Having regard to the letter from Mr Drake for the Council appended to this proof of evidence (Appendix One), the existing level of traffic congestion at the start and end of the working day on the access and egress points on the Brackmills Interchange, and the surrounding road network is a disincentive to employers wishing to locate their businesses on the Brackmills Industrial Estate. Mr Drake advises that any worsening of the situation in terms of the time taken to access and egress the Estate in the morning and evening rush hours as a consequence of the development will make the Estate less attractive to existing and potential occupiers. This will impact on the ability in the future to let existing properties, and secure developer interest in developing the remaining undeveloped sites on the Estate, nearly 30 ha of land, which is one of the key locations for providing the planned increase in jobs in the area.
6.17 Mr Birch’s evidence shows that it has not been demonstrated that users of the A 45 Trunk Road and associated junctions will not experience additional congestion as a consequence of the development.

6.18 Accordingly, the development will have a negative effect on the ability of the Estate to develop and contribute towards the jobs growth required in Northampton during the plan period. It will thus fail to promote the provision of employment within the existing business area of Brackmills, contrary to JCS policy S8 ‘Distribution of jobs’.

6.19 This adverse economic effect of the proposals would need to be balanced against the benefits of the development even if the development were otherwise acceptable on transport grounds, which it is plainly not.

**Landscape**

6.21 Fourthly, I deal with the landscape impacts. Ms Howe’s evidence shows that the appellant has failed to give proper consideration to the landscape characteristics of the appeal site when preparing its application and accompanying Masterplan and Framework Plans. This failing is significant in the context of the requirement of Policy N6 of the JCS and its supporting text to prepare a Masterplan which demonstrates how the land use elements respond positively to context, design issues, connectivity, and sustainable planning requirements.

6.22 Ms Howe's evidence establishes that, when the landscape characteristics of the appeal site are properly considered, the appeal scheme is shown to introduce an inappropriate scale,
level, density and type of development onto the appeal site, particularly the eastern half, resulting in an inappropriate and harmful urbanising effect.

6.23 The effect of Ms Howe’s evidence is that the development fails to accord with important policies of the development plan.

6.24 To begin with, the development conflicts with the Local Plan policy E7 because of its impact on the sky line between Great Houghton and Hardingstone, as seen from the valley from the north. E7 is still a development plan policy, and it cannot be said that JCS policy N6 supersedes it. Indeed, paragraph 12.46 of the JCS specifically states that the potential for development to impact on the skyline when viewed from the north and east must be taken into account and addressed within the Masterplan for the site. Therefore, a development which would have an unacceptable impact on the skyline cannot accord with the JCS.

6.25 Next, the development conflicts with JCS policy BN5 because of its failure to sustain and enhance the landscape features which contribute to the character of the area. Specifically, Ms Howe’s evidence refers to the eastern side of the development which is of a scale and density which will remove the open and rural setting of this area, and the strong physical and visual connection to the countryside. The Masterplan and Framework Plans fail to demonstrate how they respond positively to the character and sensitivity of this part of the appeal site. Additionally, the development fails to respond positively to its context in relation to the treatment of the existing public footpath that runs through the site.
6.26 Because of the adverse landscape effects identified by Ms Howe, the proposed development also fails to satisfy the requirements of paragraphs 7, 109 and Section 7 of the Framework.

Conclusion

6.27 I now seek to draw the Council’s case together overall. The Council’s objections are in relation to two separate matters, transport and landscape, and the implications of each should be considered separately.

6.28 As I have said above, if Mr Birch’s evidence is accepted, the development fails to accord with the development plan. Additionally, the Framework clearly contemplates refusal of permission in such circumstances. So far as paragraph 14 of the Framework is concerned, the development is not sustainable, and the advice to approve without delay proposals that accord with the development plan does not apply, because the appeal scheme does not accord with the development plan.

6.29 In saying that, I am conscious that if the scheme does not proceed, the benefit of the provision of housing to which I refer above, and which is contemplated in the JCS, will not come forward. However, it cannot be right, and the development plan does not contemplate it, that a major housing development should receive permission without clear demonstration of its acceptability in transport terms.

6.30 In relation to landscape matters, for the reasons given above, the proposals are contrary to the development plan. It is of course the case that the recently adopted JCS contemplates “in
the region of” 1300 dwellings. However, any scheme has to demonstrate its acceptability in landscape terms, and Ms Howe’s evidence shows that this scheme is not acceptable. That does not preclude another scheme being devised that would have acceptable impacts.

6.31 In the event that the Land South of Brackmills SUE does not come forward, or that a scheme on the site does receive planning permission but provides for less housing than that contemplated in policy N6, the Council will, of course, need to consider how to provide for its objectively assessed housing needs. How it does so will depend on the extent of any shortfall.

6.32 What is clear, in my view, is for the reasons set out in the reasons for refusal, the appeal scheme before this inquiry is unacceptable and therefore the appeal should not be allowed.